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## ANOMIE, POWERLESSNESS, AND POLICE INTERROGATION\*

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According to the recent Report of the National Advisory Commission on Civil Disorder, one of the basic causes of riots and civil disorder is the Negro's "frustrations of powerlessness . . . reflected in alienation and hostility toward the institutions of law and government and the white society which controls them. . ."<sup>1</sup>

It was these elements of alienation and hostility toward our legal institutions and their relationship to powerlessness that we recently had occasion to examine in a study of the impact of the Supreme Court's decision in *Miranda v. Arizona*,<sup>2</sup> on predominantly Negro defendants in the District of Columbia. The study was conducted by staff members<sup>3</sup> of the Georgetown Institute of Criminal Law and Procedure.<sup>4</sup>

\* The research for this article was conducted in a project of the Institute of Criminal Law and Procedure, Georgetown University Law Center, under a grant from the Ford Foundation. The authors are greatly indebted to Samuel Dash, Director of the Institute, who provided helpful guidance and direction to the research throughout the course of the project and who contributed many useful suggestions during the writing of this article. The authors are also grateful to Dr. Leonard H. Goodman, Senior Research Associate, Bureau of Social Science Research, Incorporated, and Dr. John Vincent, Research Sociologist, Institute of Criminal Law and Procedure, who offered helpful criticism of the research methodology employed.

Most tabular material has been omitted from this publication. Tables and other details may be obtained by writing to the authors at Georgetown University Law Center, Washington, D.C.

<sup>1</sup> NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, REPORT 11, 205 (1968).

<sup>2</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

<sup>3</sup> In addition to the authors, who served respectively as Research Director, Director, and Assistant Field Director of the research study, the following people—most of whom were law and graduate students at the various universities in the District of Columbia—

In *Miranda*, one of the Court's basic premises had been that, once a defendant subjected to custodial interrogation was warned of his legal rights to silence and counsel,<sup>5</sup> he would act in

worked long and hard to make this research study possible: Field Director—Brian Paddock; Assistant Field Director—John W. Hempelmann; Interviewers and Research Staff—Inez Atwell, Wilbur M. Atwell, Sheldon Berman, Bruce L. Bozeman, Vernida J. Davis, Andrew F. Dempsey, Paul E. Fitzhenry, Sherry E. Gendelman, Naomi F. Harwick, Otto J. Koenig, Paula Manning, George J. Martin, John Mills and John Nader; Research Assistant—Joel Blumenfeld; Coding Supervisor—Rita Mattox; Computer Assistants—Lawrence Berman and Tom Hogan; Secretarial Assistants—Sandra Calloway, Carol Ann Hayter, Jacqueline Holt, Janet Johnstone, Charlotte Sandy and Virginia Sponsler.

<sup>4</sup> Under a grant from the Ford Foundation, the Institute of Criminal Law and Procedure was established in October 1965 at the Georgetown University Law Center. The staff of the Institute is composed of attorneys and research associates from other disciplines, including sociology, psychiatry, psychology, social work, forensic science, history, and political science. The primary aim of the Institute is to engage in systematic studies of the criminal law process from police investigation practices to appellate and post conviction procedures. Each step in the process is being explored in order to determine its historical origin and purpose; the present relevance of that purpose; the function it has actually performed and is at present performing; its relationship to the other steps in the process; and the specific roles played in the process by the individual participants—the police, the magistrate, the defense attorney, the prosecutor, the judge.

<sup>5</sup> The Court in *Miranda* had required the police to warn a person who was to undergo custodial interrogation (1) that he had the right to remain silent, *Miranda v. Arizona*, 384 U.S. 436, 468 (1966); (2) that anything he said "can and will" be used against him in court, *id.* at 469; (3) that he had not only the right to consult with counsel prior to questioning, but also the right to have counsel present at interrogation, *id.* at 471; and (4) that, if he could not afford an attorney, one would be appointed for him prior to any questioning if the defendant so desired, *id.* at 479.

accordance with his self-interest by remaining silent and by requesting a lawyer in the police station.<sup>6</sup>

In testing this premise, we had found in a parallel study<sup>7</sup> (1) that approximately 40 per cent of the defendants studied who were arrested in the post-*Miranda* period stated that they had given statements to the police and (2) that only 7 per cent of the 15,430 persons arrested for felonies and serious misdemeanors in the District of Columbia during fiscal 1967 had requested counsel.<sup>8</sup>

In our attempt to seek an explanation for these results, we explored, among other things, the defendants' understanding of the *Miranda* warnings. We discovered that, not only had some of the defendants misunderstood the warnings, but that even those who had had a cognitive understanding of the warnings nevertheless had failed to appreciate the significance of the warnings and had lacked the ability of applying them in the context of the specific arrest situation.<sup>9</sup>

#### STUDYING ANOMIE AND POWERLESSNESS

In seeking further explanations of the results of our previous studies, we undertook the present one. Our initial focus was on contrasting the attitudes and behavior patterns of defendants with and without "anomie." Anomie is a concept coined by the French sociologist, Emile Durkheim, in his pioneer work on suicide.<sup>10</sup> It may be defined as the inability or refusal by an individual to accept the premises and values of his society, and may be characterized as an aimless, normless or ambivalent way of life often leading to various social pathologies.

In addition to distinguishing between the anomic and nonanomic defendants, we also attempted to differentiate each group's attitudes to the legal system and its personnel, as well as its sense of power or powerlessness within the community. We hypothesized that the distinction based on anomie, negative attitudes to the legal system, and powerlessness, would also characterize a difference in response by the two defendant

groups to the *Miranda* warnings of rights given by the police.

#### SOURCE OF DATA AND RESEARCH METHODOLOGY

In order to study the direct impact of the *Miranda* decision on the defendant, the Institute staff conducted interviews with 260 defendants who had been subjected to arrest procedures in the District of Columbia during 1965, 1966 and the first half of 1967. Of these 260 defendants, 175 (67 per cent) had been arrested prior to the *Miranda* decision in June 1966 (the "pre-*Miranda* defendants"), and 85 (33 per cent) had been arrested after *Miranda* (the "post-*Miranda* defendants").

The defendants were interviewed at various stages of the criminal process, from arrest through release or incarceration, and in places ranging from private homes to the various penal institutions in the Washington area.

The interviews with the defendants were part of a larger study which included interviews with a sample of over 625 non-offenders and 130 former offenders representing one-tenth of one per cent of the general population in the District of Columbia.<sup>11</sup>

#### *The Defendant Interview Schedule:*

For purposes of the study, the Institute staff devised an interview schedule designed to gather a wide variety of data concerning (1) the defendant's reaction to actual and hypothetical arrest situations, (2) his attitudes toward the adversary system, the assistance of counsel and police investigative practices, (3) his perception of constitutional and other legal rights coincident to arrest and initial presentment, (4) his awareness of judicial decisions defining those rights, and (5) his knowledge and understanding of the criminal law process itself.

In addition to the sections on anomie and powerlessness which are subsequently discussed in detail, the most comprehensive part of the interview schedule related to the arrest situation. As an indication of its specificity, the battery ran up to as many as eighty-eight questions, depending upon the unique circumstances in which the respondent found himself. Along with the precoded responses, verbatim statements were elicited and recorded. Included in the questions were specifics

<sup>11</sup> The results of this longer study will be reported upon in subsequent articles.

<sup>6</sup> See *id.* at 468-69, 472-73.

<sup>7</sup> See Medalie, Zeitz & Alexander, *Custodial Police Interrogation in Our Nation's Capital: The Attempt To Implement Miranda*, 66 MICH. L. REV. 1347 (1968).

<sup>8</sup> *Id.* at 1351-52 & nn.20-23. For more detailed findings see Tables E-1, E-2, E-3(1), E-3(2), Appendix E, in *id.* at 1414-16.

<sup>9</sup> *Id.* at 1375-76; see Tables 10 & 11, in *id.* at 1377.

<sup>10</sup> DURKHEIM, *SUICIDE* (Spaulding & Simpson transl. 1951).

relating to arrest and interrogation, the police communication of legal rights, the defendant's responses, and the role of defense counsel.<sup>12</sup>

#### *The Defendant Sample:*

We found no way by which we could select defendants on any logical, randomized basis. Our only recourse was to turn to attorneys from such agencies as the Legal Aid Agency of the District of Columbia (the Public Defender Agency)<sup>13</sup> and the Georgetown University Law Center's Legal Intern Program,<sup>14</sup> as well as to various private attorneys who were representing criminal defendants, and to request permission to interview their clients.

Unfortunately, not all attorneys carrying criminal cases could be contacted by our staff. Of the 150-200 attorneys contacted, 100 permitted us to interview more than 400 defendants. Only two attorneys refused to cooperate at all. Those who did cooperate by offering us interviews with their clients, however, did not make available all of their clients for a given period or even a sample selected on a random basis. Moreover, not all defendants made available for interviews could be contacted or would cooperate. Thus, of the more than 400 defendants made available, only 281 could be interviewed. Of these 281, 21 were omitted from the sample by reason of incompleteness, incoherence or excessive time-lag between arrest and interview. The remaining 260 therefore constituted the interview sample.

Obviously, the method of selecting the sample left much to be desired. Attorney selection bias was bound to be operative. One major mitigating factor, however, greatly softened the effect of this bias. Although our sample could not be selected scientifically on a randomized basis, we nevertheless hypothesized that it would be demographi-

cally representative of the types of defendants in the District of Columbia.

The profile of the defendant that ultimately emerged from our interview sample confirmed our hypothesis. The typical defendant in our sample is a young, single, Negro, male recidivist of low socio-economic status characterized by low income, low educational attainment, high unemployment, poor job status, borderline overcrowded living accommodations and a dearth of voluntary affiliations.<sup>15</sup> As such, our profile is virtually congruent with the profile of the convicted adult felon set out in the Report of the President's Commission on Crime in the District of Columbia.<sup>16</sup>

#### ANOMIE AND ITS RELATIONSHIP TO THE DEFENDANT'S ATTITUDE TOWARD THE LEGAL SYSTEM AND TO HIS SENSE OF POWERLESSNESS

#### *The Anomic and Nonanomic Defendant:*

One of the enterprising efforts at critically diagnosing anomie and isolating anomic tendencies was Srole's Anomia Scale devised in the middle fifties.<sup>17</sup> Srole contended that persons with anomic tendencies are more likely to have pessimistic and cynical views of the world around them than persons without or with few anomic tendencies. He postulated five components or "conditions of social dysfunction" in his study of anomie. These components of anomie were (1) feelings that community leaders are detached and indifferent; (2) feelings that the social order is unpredictable; (3) feelings of retrogression from life goals; (4) feelings of loss of internalized social norms and values; and (5) feelings that personal relations were neither predictive nor supportive.<sup>18</sup>

For scoring purposes, Srole ascertained that

<sup>15</sup> A complete profile, together with a table of the profile characteristics of our defendant interview samples, is set forth in Appendix D, of Medalie, Zeitz & Alexander, *supra* note 7, at 1406-13.

<sup>16</sup> PRESIDENT'S COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA, REPORT 117-20, 133-40 (1966); *see id.* at 467, 795. The profile was developed for the D. C. Crime Commission in a study by the Stanford Research Institute of the presentence reports of 932 felons convicted in 1964 and 1965 in the District. The report of the Stanford Research Institute is contained in the *Appendix* to the Crime Commission's Report at 511-644. For a summary of the Crime Commission's Profile, *see* Medalie, *The Offender Rehabilitation Project: A New Role for Defense Counsel at Pretrial and Sentencing*, 56 GEO. L. J. 2, 3 (1967).

<sup>17</sup> *See* Srole, *Social Integration and Certain Corollaries: An Exploratory Study*, 21 AMER. SOC. REV. 709 (1956).

<sup>18</sup> *Id.* at 710-11.

<sup>12</sup> This portion of the interview schedule is set forth in Appendix C of Medalie, Zeitz & Alexander, *supra* note 7, at 1404-06.

<sup>13</sup> The Legal Aid Agency was established by Congress in 1960 to serve as the public defender agency in the District of Columbia. It provides attorneys to represent indigents in the various courts and proceedings in the District. D.C. CODE ANN. §§2-2201-10 (1967); *see* PRESIDENT'S COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA, REPORT 343 (1966).

<sup>14</sup> Begun in 1960, the Legal Internship Program provides a number of fellowships at the Georgetown University Graduate School of Law. In addition to following a graduate program of study and research, the Legal Interns represent indigent defendants in actual cases. *See* Pye, *Legal Internships: Georgetown's Experiment in Legal Education*, 49 A.B.A.J. 554 (1963).

those with anomic tendencies would respond pessimistically or cynically to at least 80 per cent of the statements in his scale.

The scale we used in our study is a modification of Srole's scale, created by Nahemow and Bennett.<sup>19</sup> Our scale offered six generalized statements to the respondent to which he was to agree or disagree:

1. Most public officials are very much interested in the problem of the average man.
2. These days a person doesn't really know whom he can count on.
3. No matter how hard you try, you rarely get what you want.
4. Most people don't care what happens to the next fellow.
5. In spite of what some people say, the lot of the average man is getting worse not better.
6. To make money, there are no right and wrong ways, only easy and hard ways.

Anomic responses to these statements specifically indicated a mistrust of fellow humans (statements 2 and 4); a cynical appraisal of one's life chances (statements 3 and 5); a caustic view of public officials (statement 1); and an amoral approach to life (statement 6).<sup>20</sup>

We rated the respondents who made negative, cynical or pessimistic responses to five or six of our statements as "anomic" and the respondents who made cynical or pessimistic responses to four or less statements as "nonanomic."

On the basis of our modified Srole scale, we determined that, of the 260 defendants in our interview sample, 212 (81 per cent) were classified as nonanomic and 48 (19 per cent) as anomic. The consistency of these results with Srole's is striking:

<sup>19</sup> L. Nahemow & R. Bennett, A New Scale for Anomie (1962) (mimeographed paper on file at the New York Psychiatric Institute).

<sup>20</sup> Initially we had offered ten generalized statements to the respondents. Despite our rigid efforts in pretesting, we discovered after we gathered our data in the field that four of the statements failed to scale well. These four statements were:

1. For a healthy person, there are many things more important than money.
2. You can always find something which makes life worth living.
3. It is always a good idea to plan ahead for your future.
4. Considering everything that is going on these days, there is a very bright future for the younger generation.

In a conversation with Mr. Zeitz, Dr. Nahemow related difficulty with the same four items after successful pretesting.

in Srole's sample, 18 per cent were classified as anomic.<sup>21</sup>

At the same time, of course, there are obvious differences between Srole's sample and ours. In contrast to our sample, which is composed of male, Negro defendants of low socio-economic status in the District of Columbia, Srole's was made up of white, native-born transit riders in Springfield, Massachusetts. Although Srole's group was probably more heterogeneous in socio-economic status than ours, it also probably reflected to some degree a comparable socio-economic makeup since Srole's group was composed of transit riders rather than automobile users. Anomie was also slightly more difficult to attain in our study because the sample had to respond anomically to at least five of six statements, whereas in Srole's study the sample only had to respond anomically to four of five statements.

When the 260 defendants were divided into 175 pre-*Miranda* defendants and 85 post-*Miranda* defendants, 25 per cent of the post-*Miranda* group turned out to be anomic, whereas only 15 per cent of the pre-*Miranda* group was so classified. This distinction according to anomie was significantly sharp. Perhaps the recency of police apprehension of the post-*Miranda* defendants and the freshness of their cases may have had something to do with their high rate of anomie. This possibility may be inferentially drawn from the fact that as many as 83 (97 per cent) of the post-*Miranda* defendants were interviewed within six months of their arrest, whereas only 60 (34 per cent) of the pre-*Miranda* defendants were interviewed within that six-month period. Moreover, the pre-*Miranda* cases were obviously more likely to be completed or in the process of completion than the post-*Miranda* cases, so that more post-*Miranda* defendants were still caught in the system with disposition still in doubt.<sup>22</sup>

#### *Negative Attitudes Toward the Legal System and its Personnel:*

In order to develop some specific attitude characteristics of anomie, we attempted to com-

<sup>21</sup> Srole, *supra* note 17, at 714.

<sup>22</sup> By no means should it be presumed from this explanation that anomie is a transitory state. In the crisis situation, however, such as during arrest or during involvement in the criminal process, anomic responses particularly manifest themselves. See text at 320-22, *infra*.

pare the anomic and nonanomic pre- and post-*Miranda* defendants with respect to their negative attitudes toward the legal system and its personnel. To do this comparison, we presented to the defendants four negative statements about law, lawyers, and the police, to which the defendants were either to agree or disagree. These statements were:

1. Lawyers are windbags; they do nothing but talk.
2. Rich men win their cases in court and poor men lose.
3. When a policeman makes up his mind that you are guilty, nothing can make him change it.
4. Lawyers can't help much because they don't understand people's problems.

Another measure, which shifted its emphasis to an assessment of personnel in the legal system, was also administered to the defendants. The defendants were given six adjectives and asked whether any of them described the average lawyer, policeman or judge. We coded three of the adjectives—mean, greedy and selfish—as indicating a negative attitude; two of the adjectives—honest and helpful—as indicating a positive attitude; and the remaining adjective—smart—as neutral. We thereafter asked the defendants to supplement the list with their own choice of adjectives which would best describe the average lawyer, policeman and judge, and coded them in like manner.

An analysis of the anomic and nonanomic defendants' attitudes toward the legal system reveals that, while statistical significance, as measured by chi-square test, is not always present, nevertheless, the anomic defendants consistently characterized the legal system and its personnel far more unfavorably than did the nonanomic defendants. Of particular note was the anomic defendants' hostility manifested toward the police. Furthermore, the pre-*Miranda* anomic and nonanomic defendants are more sharply divided in their attitudes, than were the post-*Miranda* anomic and nonanomic defendants.

Nonanomics from both the pre- and post-*Miranda* groups were found to maintain similar attitudes, whereas post-*Miranda* anomics felt less negative than pre-*Miranda* anomics. One explanation for this result may be that since, as we have already noted, the post-*Miranda* defendants were far more likely to be caught in the legal system with their dispositions still in doubt, they nevertheless were in need of aid from the legal institu-

tions and their personnel. At the same time, however, it must be reemphasized that, even though post-*Miranda* anomic defendants were less hostile to the system than pre-*Miranda* anomic defendants, the anomics from both groups were always more hostile to the system than the nonanomics.

#### *Sense of Powerlessness:*

In our study, we were not content to confine our analysis solely to Srole's conceptualization of anomie. Seeman, in his study of alienation, specifically rejected Srole's formulation; instead, he postulated five other related but separable components of alienation: powerlessness, meaninglessness, normlessness, isolation, and self-estrangement.<sup>23</sup> Of these components, powerlessness has been the one most successfully explored in studies based on Seeman's analysis.<sup>24</sup>

In an attempt to synthesize the Srole and Seeman approaches, we decided to analyze the relationship between anomie and the defendant's sense of powerlessness within the community. This approach has been taken in other studies. Bullough demonstrated that middleclass Negroes living in ghetto areas were more likely to be anomic and feel powerless than middleclass Negroes living in predominantly white suburbs.<sup>25</sup> Weinstein and Geisel showed that a relationship between non-anomie and a sense of power governed the willingness of Negroes to participate in civil rights demonstrations in Nashville.<sup>26</sup>

For purposes of analysis, we determined that two dimensions of powerlessness should be considered.

The first is the sense of personal powerlessness or power; that is, whether an individual has a sense of being manipulated in a world not of his own choosing or whether instead he has a sense of control over his own destiny. In itself, the sense of personal powerlessness or power is a dimension of considerable importance to an individual's making of decisions during crises; in itself, however, it may be only of theoretical, rather than of practical value.

<sup>23</sup> Seeman, *On the Meaning of Alienation*, 24 AM. SOC. REV. 783 (1959).

<sup>24</sup> See, e.g., Neal & Seeman, *Organizations and Powerlessness*, 29 AM. SOC. REV. 216 (1964); Neal & Rettig, *Dimensions of Alienation among Manual and Nonmanual Workers*, 28 AM. SOC. REV. 599 (1963).

<sup>25</sup> Bullough, *Alienation in the Ghetto*, 27 AM. J. SOC. 469 (1967).

<sup>26</sup> Weinstein & Geisel, *Family Decision Making over Desegregation*, 25 SOCIOLOGY 21 (1962).

TABLE I  
THE CRISIS SITUATIONS AND THEIR PROPOSED SOLUTIONS

Crisis Situations	Personal Power	Personal Powerlessness	Informal Institutionalized Aid	Formal Institutionalized Aid
1. When somebody takes advantage of me	a. I punch him in the nose. b. I wait until I can get even.	c. I swallow my anger and leave the scene. d. I look around for help.	—	—
2. If I want something real bad, the best thing to do is to	a. Work very hard to get it.	b. Forget about it because it's too hard to get.	c. Get advice from friends on how to get it.	d. Go to an expert.
3. When I'm in trouble, I'd like to	a. Think things out until I know what to do.	b. Run away from it all.	c. Talk it over with a friend or relative.	d. Get some advice from an expert.
4. The best way to protect my rights is	a. Fight back.	b. Pray to change men's hearts.	c. Call my minister.	d. Hire a lawyer.
5. If I am accused of something, the best thing to do is	a. Try to convince them that it is not true.	b. Pay no attention. c. Hide til it's all over.	—	d. Get a lawyer.

In the simple primitive societies, for example, each man came close to autonomy of decision and action. Even in such societies, however, there were areas in which a man was compelled to seek aid and cooperation from his fellow men through societally sanctioned institutions. In complex, industrialized societies, an individual's autonomy is vastly more limited. As a result, the range and depth of the societally sanctioned institutions for aid and cooperation are highly magnified. At the same time, in such complex industrialized societies, there is a differential between the various groups in the society as to the availability of ameliorative institutions, and even as to the awareness of such institutions.<sup>27</sup> Thus, we envisioned the second dimension of powerlessness as the inability to utilize, or the unawareness of, societally sanctioned means or institutions for obtaining aid.

In our attempt to measure the defendant's sense of power and powerlessness, we devised five crisis situations of varying degrees of vagueness and ambiguity to which the defendant was presented with two sets of forced alternatives, some of which

were equally vague and ambiguous but others of which were more concrete and specific. The defendant could opt for a solution utilizing a personal sense of power or of powerlessness, or for a solution utilizing or rejecting either formal or informal institutionalized aid.

Not all crises offered four perfectly balanced choices; instead, there were deliberate over- and under-weightings. In one crisis situation for example, three of the choices related to personal power and only one to institutionalized aid, and in another, all the choices related to personal power.

Although we recognized that the use of a scaling technique, such as that which we used in analyzing anomie, would have led to more precision in our analysis of power, we ran into too many inherent difficulties in attempting to scale two simultaneous dimensions of powerlessness. We decided, therefore, to analyze each crisis separately.

*Crisis 1: "When somebody takes advantage of me"——*

This crisis was the only one in which no institutionalized aid was available as a proposed solution; however, solution *d* ("To look for help") perhaps comes close to having certain institutionalized overtones.

<sup>27</sup> In Newark, for example, 30% of an adult, male, Negro sample did not know of the existence of the New Jersey Division on Civil Rights, and a similar percentage had never heard of CORE. Zeitz, *Negro Attitudes Toward Law*, 19 *RUTGERS L. REV.* 288, 297-98 (1965).

Anomic respondents were more likely to indicate their powerlessness by opting to "leave the scene", (65 per cent v. 59 per cent) and were not at all likely to "look for help". Far more striking, however, were the omissions: 30 of the nonanomics could not or would not decide between poor alternatives, as opposed to only 3 anomics who felt this way. Under these circumstances, our analysis points more to consistent direction than to significance of results.

*Crisis 2:* "If I want something real bad, the best thing to do is" —

In this crisis there was a balance of choices, but one personal power alternative was couched in terms of an American social ideal, namely "work very hard to get it". As would be anticipated, this alternative was far and away the most frequent response in both groups, but more so for the nonanomic defendants (85 per cent) than for the anomic defendants (75 per cent). Additionally, a small but significant percentage of anomic defendants perceived the situation as hopeless and were willing to "forget about it because it's too hard to get". Responses to offers of institutional aid were inconsequential.

*Crisis 3:* "When I'm in trouble, I'd like to" —

In this crisis, there was a perfect balance of choices representing institutionalized aid and choices representing personal power and powerlessness. Perhaps because this crisis was the most ambiguous of the five, it was the anomic rather than the nonanomic defendant, who was far more likely to seek formal, albeit ambiguous, institutionalized aid in the form of an expert (63 per cent v. 50 per cent). Nonanomics, on the other hand, were somewhat more likely than anomics to seek informal aid (19 per cent v. 13 per cent) or to rely upon themselves in a constructive fashion (28 per cent v. 24 per cent). Significantly, personal powerlessness was not selected by a single anomic defendant and was of negligible frequency for the nonanomic defendants.

*Crisis 4:* "The best way to protect my rights is" —

In this ambiguous crisis, the alternatives were once again balanced, with the additional nuance that the word "rights" had legal overtones, with presumably a high value placed upon the formal, unambiguous, institutionalized aid of an attorney.

As anticipated, both anomic and nonanomic defendants sought the aid of an attorney as the predominant solution, but the nonanomic defendants sought a lawyer with greater frequency (69 per cent v. 54 per cent). The anomics, on the other hand, were far more likely to solve the problem personally by indicating personal power of "fight[ing] back," (26 per cent v. 17 per cent), or for that matter by also indicating powerlessness in the form of "pray[ing] to change men's hearts".

*Crisis 5:* "If I am accused of something, the best thing to do is" —

In contrast to the other crises, this crisis was relatively unambiguous. The proposed solutions were unbalanced, but with the unambiguous formal institutionalized aid in the form of a lawyer offered again as an alternative.

In this crisis, agreement between anomics and nonanomics was approached. The differences between the two groups is statistically negligible. Both rejected the most flagrant, irrational alternatives and accepted institutionalized aid and a logical personal power alternative. Approximately one-half of each group would "get a lawyer" to help solve this crisis, but, as in Crisis 4, the nonanomics sought an attorney with greater frequency. What is remarkable, however, is that almost half the anomics and over 40 per cent of the nonanomics faced with an accusation, preferred to convince the accuser that the accusation was not true. The fact that such a large number of defendants rejected the aid of an attorney, albeit hypothetically, while at the same time trying to use personal persuasion, provides insight into why defendants gave statements to police even after being warned of their right to silence.

#### THE RELATIONSHIP OF ANOMIE TO THE DEFENDANT'S UNDERSTANDING AND BEHAVIOR

##### *The Defendant's Understanding:*

In order to test the relationship of anomie to the defendant's cognitive understanding of the *Miranda* rights warnings, we gave full *Miranda*-type warnings, one at a time, to each defendant, as follows:

1. *The right to silence:* "You have been placed under arrest. You are not required to say anything to us at any time or to answer any



questions. Anything you say may be used against you as evidence in Court."

2. *The right to presence of counsel*: "Your lawyer may be present here during the police interrogation and you may consult with him."

3. *The right to appointed counsel*: "If you cannot afford to retain a lawyer privately, you have the right to have a lawyer appointed to represent you free of charge at the police station."

After each warning, we asked the defendant what the warning meant to him. The answers were then rated as signifying either "understanding" or "misunderstanding".

"Understanding" included both complete and partial understanding. Complete understanding was indicated either by an explanation which signified understanding or a definitional statement as to the specified right. A number of respondents answered by saying that the right "means just what it says". This response was considered to be partial understanding. The somewhat more educated or aggressive persons had this response and resented any attempt at classification.

"Misunderstanding" included both complete and partial misunderstanding. Complete misunderstanding included no response and the response "I don't know". Partial misunderstanding included such responses as "that would mean I'm in trouble", "that wouldn't mean anything to me since I'm innocent", or "that would mean a lot to me".

Our results revealed that, in terms of understanding legal rights, nonanomic defendants were slightly superior to anomic defendants, and that both groups who were post-*Miranda* were slightly superior to their counterparts in the pre-*Miranda* group.

We then asked the defendant, "Did you know these rights before the police told you about them?" This question brought out the difference between the anomics and nonanomics much more sharply. As many as 58 per cent of all anomic defendants did not know any of their rights prior to the current arrest, whereas only 29 per cent of the nonanomic defendants lacked such knowledge. Moreover, both post-*Miranda* anomic and nonanomic groups knew their rights less than the pre-*Miranda* groups.

Thus we find, that while both anomics and nonanomics markedly improved their cognitive understanding of their rights after the *Miranda* warn-

ings, it was the anomic group—and primarily the post-*Miranda* anomic group—that, suffering the greater lack of knowledge, made the greater gain in cognitive understanding.

#### *The Defendant's Behavior:*

What is more significant is the relationship of anomie to the defendant's decisions as to the rights of counsel and silence. We have already noted that, despite the anomic defendants' negative, indeed hostile, attitudes toward the legal system and its personnel, when they were placed in either an ambiguous or unambiguous legal crisis situation and were proffered the choice of a formal, unambiguous institutionalized aid in the form of an attorney, approximately half of them in fact opted for the lawyer. Consistent with these results we found that, in the actual arrest situation, post-*Miranda* anomic defendants did in fact choose stationhouse counsel in approximately the same ratio. Our results for the nonanomic defendants were not comparable. Unfortunately, the number or cell size of each group of defendants was too small for appropriate statistical analysis. Consequently, to present these numbers as absolute or to attest to the limits of possible error would be unfair. The results, however, do point out direction and consistency.

In our analysis of powerlessness we also found that approximately half of both the anomic and nonanomic defendants attempted to use personal persuasion in order to solve an unambiguous legal crisis. Somewhat consistent with that result, we found, that a large percentage—though less than half—of both anomic and nonanomic defendants gave statements to the police, with the anomic defendants having decidedly less of a tendency to talk than the nonanomic defendants. Again because of small cell size, the results cannot be considered decisive, even though they do indicate remarkable direction and consistency.

#### THE SIGNIFICANCE OF ANOMIE

Our study of anomie has given us insight into a dimension of the defendant's relationship to the social and legal systems that may have significance for the criminal justice system.

We found that the anomic defendants thought of themselves as powerless only when specific institutionalized aid was unavailable, but that they utilized such institutionalized aid when it

was proffered. This finding, coupled with the finding that the anomic defendants were less likely than the nonanomic defendants to know about their legal rights in an arrest situation prior to the *Miranda* warnings is highly suggestive. When these defendants were told their rights in vague ambiguous terms, they may have had little comprehension of them, but when the anomic defendants understood the warnings as offering an opportunity for concrete help, they then may have responded willingly.

We further found that the anomic defendants were less likely than the nonanomic defendants to offer statements to the police. This fact may be directly attributable to their distrust and cynical view of the legal system. In effect, their very strong negative attitude toward the police may have acted as a unique saving mechanism for them. Caught in an unpleasant situation, dealing with persons they distrusted, the anomic defendants were more likely than their nonanomic counterparts not to offer any verbal response to questions. It is not that they remained mute out of an awareness of their rights, but rather that they did so out of distrust, suspicion and fear which ironically turned out to be positive assets

rather than hindrances to their own self-interest, and which should have helped the attorney develop an effective defense.

Our finding, if correct, has interesting implications. All other things being equal, the anomic defendant in contrast to the nonanomic defendant is probably more likely to be released ultimately because of his reticence to cooperate with the police. From a narrow defense point of view, this is a positive value. There may, however, be unfortunate consequences. The anomic defendant is more hostile to the legal system and to its varying personnel, is more cynical about the value and efficacy of legal machinery, and thus has less respect for society and its laws than the nonanomic defendant. At the same time, this individual is more likely than the nonanomic to escape the rehabilitative, as well as the punitive, aspects of the criminal justice machinery. The anomic individual is therefore more likely than his nonanomic counterpart to be returned to the streets without any effective attempt at rehabilitation. Given his generalized attitudes towards the system, his release without further involvement in the system is therefore likely to create serious societal problems for the future.