

The Supreme Court of the United States Decides: *Rhode Island v. Innis* (1980)

THE FINAL APPEAL

In order for a case to be heard by the Supreme Court of the United States, four Justices must agree to grant a petition for a **writ of certiorari**. This writ is an order from an appellate court (a court where people request another hearing of their case) to a lower court to send all the records from the original trial so that the higher court can review the case. The writ was granted on February 23, 1979 and oral arguments took place on October 30, 1979. The question at the center of the Supreme Court case was:

Did the actions of the Providence police officers constituted an interrogation?

John A. MacFadyen III argued on behalf of the petitioner, Rhode Island, and Dennis J. Roberts II argued on behalf of the respondent, Thomas Innis. Each side had approximately a half hour to make their arguments to the Justices.



The Supreme Court as composed 1979.

Front row, left to right: Associate Justice Byron White, Associate Justice William Brennan, Chief Justice Warren E. Burger, Associate Justice Potter Stewart, and Associate Justice Thurgood Marshall.
Back row, left to right: Associate Justice William Rehnquist, Associate Justice Harry Blackmun, Associate Justice Lewis F. Powell, and Associate Justice John Paul Stevens.

Photo Credit: Collection of the Supreme Court of the United States

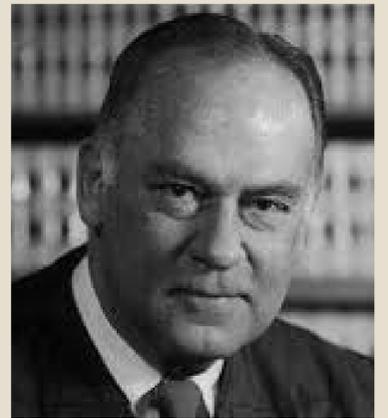
THE COURT HANDED DOWN IT'S 6-3 OPINION ON MAY 12, 1980.

MAJORITY OPINION

After oral arguments were heard, six judges decided that Innis' rights were not violated: Chief Justice Burger, and Associate Justices Blackmun, Powell, Rehnquist, Stewart, and White. Justice Stewart wrote the **majority opinion**, or the majority's reasons for deciding that way. The opinion started by defining interrogations as "*whenever a person in custody is subjected to either express questioning or its functional equivalent.*" To simplify, it either has to have a direct question, or have the same impact as a direct question. However, they also held that those words and actions need to be done by the police with the knowledge it would encourage the suspect to incriminate themselves. Therefore, they thought that Innis' rights were not violated as the police "*cannot be held accountable for the unforeseeable results of their words or actions.*" Essentially, the police have to know their actions will lead to a subject self-incriminating for their actions to be interrogation. As a result, the decision that the Rhode Island Supreme Court was overturned. The Supreme Court of the United States sent the case back to the Rhode Island Supreme Court to review again considering their holding that Innis was not interrogated.

DISSENTING OPINION

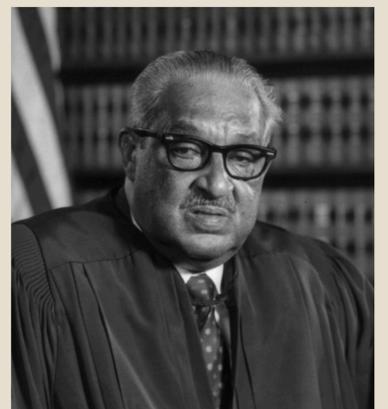
Although the majority sided with the state, Justices Brennan, Marshall, and Stevens dissented. The dissenters challenged the Court's decision to identify Gleckman's statements as "*no more than a few off-hand remarks,*" and instead viewed it as a clear interrogation. They argued that the police used a classic interrogation technique to attempt at provoking an emotional response and a potential confession from Mr. Innis. After hearing his *Miranda* warning, Mr. Innis requested an attorney, and thus all further questioning should have ceased. Since the police officers did not comply, they violated his Fifth and Sixth Amendment Rights. Because of the exclusionary rule, this evidence should not have been considered by the trial court.



Justice Potter Stewart

"Moreover, it can not be fairly concluded the respondent was subjected to the 'functional equivalent' of questioning."
-Justice Stewart

"The appeal to a suspect to confess for the sake of others, to 'display some evidence of decency and honor,' is a classic interrogation technique."
-Justice Marshall



Justice Thurgood Marshall



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