

**American Bar Association**  
**Grades 7-9: The Right to Counsel**

**Student Handout 2: Access to Counsel**

In all criminal prosecutions, the accused shall enjoy the right... to have the assistance of counsel for his defense. *Amendment Six of the U.S. Constitution*

...[A]fter a person has been taken into custody or otherwise deprived of his freedom of action in any significant way...the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney either retained or appointed. The defendant may waive...these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. *Miranda v. Arizona*, 86 S.Ct. 1602 (1964)

...No system worth preserving should have to *fear* that if an accused is permitted to consult with a lawyer, he will become aware of, and exercise, these rights. If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement, then there is something very wrong with that system. *Escobedo v. State of Illinois*, 84 S.Ct. 1758 (1964)