privilege against self-incrimination in their constitutions,[178] and the privilege was one of those recommended by several state ratifying conventions for inclusion in a federal bill of rights.[179] Madison's version of the clause read "nor shall be compelled to be a witness against himself," but a House amendment inserted "in any criminal case" into the provision.[180]

The historical studies cited demonstrate that in England and the colonies the privilege was narrower than the interpretation now prevailing. Of course, constitutional guarantees often expand, or contract, over time as judges adapt underlying policies to new factual patterns and practices. The difficulty is that the Court has generally failed to articulate the policy objectives underlying the privilege, usually citing a "complex of values" when it has attempted to state the interests served by it.[181] Commonly mentioned in numerous cases was the assertion that the privilege was designed to protect the innocent and to further the search for truth.[182]

It appears now, however, that the Court has rejected both of these as inapplicable and has settled upon the principle that the clause serves two interrelated interests: the preservation of an accusatorial system of criminal justice, which goes to the integrity of the judicial system, and the preservation of personal privacy from

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[178] 3 F. Thorpe, *The Federal and State Constitutions*, reprinted in H. Doc. No. 357, 59th Congress, 2d Sess. 1891 (1909) (Massachusetts); 4 id. at 2455 (New Hampshire); 5 id. at 2787 (North Carolina), 3038 (Pennsylvania); 6 id. at 3741 (Vermont); 7 id. at 3813 (Virginia).

[179] Amendments were recommended by an "Address" of a minority of the Pennsylvania convention after they had been voted down as a part of the ratification action, 2 Bernard Schwartz, The Bill of Rights: A Documentary History 628, 658, 664 (1971), and then the ratifying conventions of Massachusetts, South Carolina, New Hampshire, Virginia, and New York formally took this step.

[180] Id. at 753 (August 17, 1789).

[181] "It reflects many of our fundamental values and most noble aspirations: our unwillingness to subject those suspected of crime to the cruel trilemma of self-accusation, perjury or contempt; our preference for an accusatorial rather than an inquisitorial system of criminal justice; our fear that self-incriminating statements will be elicited by inhumane treatment and abuses; our sense of fair play which dictates 'a fair state-individual balance by requiring the government to leave the individual alone until good cause is shown for disturbing him and by requiring the government in its contest with the individual to shoulder the entire load'; our respect for the inviolability of the human personality and of the right of each individual 'to a private enclave where he may lead a private life'; our distrust of self-deprecatory statements; and our realization that the privilege, while sometimes 'a shelter to the guilty,' is often 'a protection to the innocent.'" Murphy v. Waterfront Comm'n, 378 U.S. 52 (1964) (citations omitted). A dozen justifications have been suggested for the privilege. 8 J. Wigmore, A Treatise on the Anglo-American System of Evidence 2251 (J. McNaughton rev. 1961).

[182] *E.g.*, Twining v. New Jersey, 211 U.S. 78, 91 (1908); Ullmann v. United States, 350 U.S. 422, 426 (1956); Quinn v. United States, 349 U.S. 155, 162–63 (1955).