

THE AMENDMENTS

The Bill of Rights, 1791: Amendments IV-VI

(See Amendments IV, V, VI)

The Fourth Amendment is concerned with searches and seizures. In order to convict a person of a crime, you need to have evidence. Where is the best place to find evidence but in the home or on the person? Before the Constitution, there was no protection against the police or government invading your home or arresting you at any time. The Fourth Amendment outlaws unreasonable searches and seizures. The government must have a *search warrant* in order to search your home. A search warrant is a document issued by a judge to the sheriff for the purpose of getting evidence concerning a crime. An *arrest warrant* is similar, but for the purpose of arresting someone suspected of a crime. The Fourth Amendment protects us from being wrongly arrested or searched.

The Fifth Amendment gives Americans many basic legal protections. First, no one can be tried for a serious crime without an indictment by a *grand jury*. A grand jury is a group of people who decide if there is enough evidence to have a trial. If there is enough evidence, they issue an *indictment*, which is a formal charge, or accusation, against a person.

The Fifth Amendment also protects against *double jeopardy*. Double jeopardy is when a person is tried twice for the same crime. The Fifth Amendment says that once a person has gone through a trial and been found innocent, there cannot be another trial later, even if more evidence is found. The government also cannot punish a person twice for one crime. The amendment also protects people from having to witness against themselves. This is called *self-incrimination*.

Also guaranteed by the Fifth Amendment is the right to *due process of law*. Whatever the government does, it cannot take away someone's life, liberty, or property without first going through the proper steps set forth in our laws. Finally, if the government takes property, the owner must be paid a fair price.

In the Sixth Amendment, we are guaranteed the right to a fair, fast, and public trial. People who are accused of a crime also have the right to be present in court and have a lawyer represent them, even if they cannot afford one. The Sixth Amendment protects the rights of the accused.



The Fourth, Fifth, and Sixth Amendments protect those accused of crimes.

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≈ Challenges ≈

1. What is a search warrant? _____

2. What is an arrest warrant? _____

3. What is a grand jury? _____

4. What is an indictment? _____

5. What is double jeopardy? _____

6. What amendment guarantees the right of due process of the law? _____

7. Which amendment protects people from unreasonable searches and seizures? _____

8. Which amendment protects people from being tried twice for the same crime? _____

9. Which amendment guarantees the right to a lawyer, even if a person can't afford one? _____

10. Which amendment prevents the courts from forcing a person to witness against himself?
