**LAW CLASS**

**The Fifth Amendment**

The Fifth Amendment states:

*“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.* ”

Vocabulary

Capital crime: major crime like murder

Infamous: famous, but in a bad way

Presentment: decision to

Indictment: formal charge

Jeopardy: danger

Compelled: forced

Deprived: kept from taken away

Compensation: pay back

**A Guide to the Fifth Amendment**

The Fifth Amendment of the United States Constitution is the section of the Bill of Rights that protects you from being held for committing a crime unless you have been indicted correctly by the police. It also offers the guarantee of due process, meaning that the state and the country have to respect your legal rights.

**History of the Fifth Amendment**

Once the United States won their independence from the British Parliament and monarchy that had acted like tyrants, the Framers of the United States Constitution did not trust large, centralized governments. Because of this, the Framers wrote the Bill of Rights, which were the first 10 amendments, to help protect individual freedoms from being hurt by the governmental.

**Understanding the Fifth Amendment Line by Line**

Here are some explanations to make the Fifth Amendment easier to understand:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury”

*No one can be put on trial for a serious crime, unless a grand jury decide first that there is enough proof or evidence so that the trial is needed. If there is enough evidence, an indictment is then issued, which means that the person who is charged with the crime will can put on trial for the crime.*

“Except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger”:

*People in the military can go to trial without a grand jury deciding that it is necessary if the person commits a crime during an emergency or a war.*

“Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb”:

*If someone is put on trial for a certain crime and the trial ends, the person cannot be tried again for the same crime. If a person is convicted of a crime and then serves his or her time in jail, or if the person is acquitted, he or she cannot be put on trial a second time.*

“Nor shall be compelled in any criminal case to be a witness against himself”: The government does not have the power to make someone testify against himself.

*That is why a trial uses evidence and witnesses instead of the testimony of the accused person.*

“Nor be deprived of life, liberty, or property, without due process of law”:

*The government cannot take away a person’s life, property, or freedom without following certain steps that give the person a fair chance. This is what is known as due process. Due Process helps protect a person’s rights.*

“Nor shall private property be taken for public use, without just compensation”:

*The government cannot take away a person’s property for public use without somehow paying them back for it.*

Questions to Consider:

1. According to the Amendment, what must happen before the government to out you on trial for a crime?
2. How many times can a person be put on trial for a specific crime?
3. Can you be forced to testify against yourself?
4. What does due process mean?
5. If the government takes your property, what must they do?