

Due Process

Due Process: Requires the government to use fair procedures when investigating, trying, or punishing someone for a crime. It limits the procedures that may be used by government when interfering with life, liberty, or property. 4th-8th Amendments protect both the innocent and the guilty against possible abuses of official power.



Amendment 4

- Property cannot be searched or taken without a proper warrant.
- Cannot be arrested without a proper warrant



Amendment 5

- A person cannot be tried for a Capital Crime unless first indicated by a grand jury
- Double Jeopardy – Cannot be tried for the same crime twice
- A person does not need to testify against themselves
- Life, liberty or property cannot be taken away without due process of law
- Private Property cannot be taken for public use without just compensation



Amendment 6

- In Criminal cases, the accused has the right to a speedy and public trial by jury
- The accused must be tried in the state and district where the crime was committed.
- The prisoner must be **informed of charges** against him
- An accused must be faced by witnesses against him
- The accused must have the right to obtain witnesses in his favor
- The accused is entitled to counsel (attorney) for his defense

Amendment 7

- The right of trial by jury exists in lawsuits involving more than \$20
- If a case is appealed to a higher court the facts stated in the decision must be accepted



Amendment 8

- There shall be no excessive bails or fines
- There shall be no cruel or unusual punishments .

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Amendments to the Constitution

Since 1787, twenty-six amendments have been proposed by the Congress and ratified by the several states, pursuant to the fifth Article of the original Constitution.

Amendment I.

Freedom of Religion and Expression

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Ratified December, 1791.)

Amendment II.

Right to Bear Arms

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. (Ratified December, 1791.)

Amendment III.

Quartering of Soldiers

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. (Ratified December, 1791.)

Amendment IV.

Security From Unreasonable Searches and Seizures

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (Ratified December, 1791.)

Amendment V.

Rights of Due Process of Law

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. (Ratified December, 1791.)

Amendment VI.

Right to a Fair Trial

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. (Ratified December, 1791.)

Amendment VII.

Trial by Jury

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. (Ratified December, 1791.)

Amendment VIII.

Fair Bail and Punishments

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Ratified December, 1791.)

Amendment IX.

Rights Retained by the People

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. (Ratified December, 1791.)

Name: _____ Date: _____ Hour: _____

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Directions: By using your *We the People Book* on page 157 list and explain each right found under the due process amendments.

Amendment 4

Amendment 5

Amendment 6

"on back")

Amendment 7

Amendment 8

Define:

Date: _____ Name: _____

1. Process: _____

2. Procedure: _____

3. Abuse: _____

4. Warrant: _____

5. Arrest: _____

6. Capital: _____

7. Indict: _____

8. Jeopardy: _____

9. Accuse: _____

10. Witness: _____

11. Counsel: _____

12. Accept: _____

13. Excessive: _____

14. Cruel: _____

15. Trial: _____

16. Life: _____

17. Testify: _____

18. Due: _____

19. Obtain: _____

20. Entitle: _____

Write two sentences using two words from above. Circle the words from above.

1. _____

2. _____