

Lesson 34: How Do the 5th through 8th Amendments Protect Our Rights within the Judicial System?

How do provisions of the 5th Amendment protect an individual's rights after arrest?

•Grand Jury

- _____ (enough evidence for trial)
- _____ (not enough evidence for trial)
- Military exception (_____ to military law)

•Double Jeopardy

–Not being tried _____ for the same crime

What limitations does the 6th Amendment place on the government?

•Speedy Trial-

•Public Trial-

•Impartial Jury-

•Location of the Trial-

•Information on Charges-

•Confronting Witnesses-

•Favorable Witnesses (subpoena clause)-

•Assistance of Counsel-

What is the importance to right to counsel?

Describe an adversary system of justice:

Describe an inquisitorial system of justice:

How does Miranda v. Arizona (1966) extend right to counsel vs. Gideon v. Wainwright (1963)?

Explain:

How are rights of the 6th Amendment enforced?

If any of your 6th Amendment rights have been violated what could happen?

What limitations does the 8th Amendment place on the government?

Limitations of the judiciary:

- Judges cannot require _____ bail

Limitations of the legislature:

- Legislatures cannot pass laws that impose _____ fines or inflict _____ & _____ punishment.

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Baron de Montesquieu (on punishment)

- The punishment must fit the _____.

Thomas Jefferson (on punishment)

- Punishment will be dispensed _____ & _____ to every description of men. Establishment of _____ justice is the end of a free _____.

-

What are the purposes of the 8th Amendment?

- The right to be free on _____ pending trial:

The gov't's main responsibility is to make sure _____ appear in _____ to be tried

–Keep suspects in jail while awaiting _____ (to remand)

–Place _____ (\$\$ or property to be forfeited if they fail to appear)

- Unfair treatment of the poor:
- Punishment of innocent poor:
- Increased chances of conviction and more severe sentences:
- The right to be free from excessive fines:
- The right to be free from cruel and unusual punishment:

What is the history of capital punishment in the U.S.?

The _____ Court has never held that _____ punishment is _____ by the _____th Amendment.

The Constitution appears to _____ the _____ of the _____ penalty...both the _____th & _____th Amendments forbid the government to deprive someone of “_____” without _____. These clauses seem to suggest that if _____ is provided, people may be deprived of their _____ by the government.

Explain [guided](#) vs. [unguided](#) discretion (see Furman v. Georgia (1972) page 186:

What is the basis of opposition to the death penalty?

- 1.
- 2.
- 3.
- 4.

What issues are involved in allowing capital punishment?

_____ and legislatures face growing pressure to develop clear, _____, and fair standards to be used by _____ in making their decisions.

Studies show that murders of _____ are far more likely to be sentenced to _____ than murders of _____. Such studies have given impetus to the question of the _____ of the _____ penalty.

What is the relationship of procedural justice and a republican form of government?

It is important to remember that _____ due process is designed to protect the _____. In doing their job, they can also be used as “_____” by those who are _____.

Above all, they are a reminder of our commitment to the idea that the _____ of the government must be _____ by the _____ of _____.

Critical Thinking page 183...Read #'s 1 and 2 and write down your response to the question that follows each.

Critical Thinking page 183

Question 1:

Question 2: