

Judges, Juries & Justice

The Constitution and the Rights of the Accused

What are the Rights of the Accused?

(Upper Elementary and Middle School)



Discuss: Ensuring the rights of those who are accused of crime is one

of the most important parts of our American system of law and government. One of our Founding Fathers, John Adams, was known for his commitment to defending the rights of the accused, even in cases where the clients were unpopular and controversial.

Under the system of law in the United States, anyone who is accused of a crime is considered “innocent until proven guilty.” In the Bill of Rights, the Fourth, Fifth, Sixth and Eighth Amendments to the U.S. Constitution specifically describe the protections that are the right of anyone who stands accused of any crime.

Get all the Law Day details at
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Lesson Plan: As a class, read the protections in the Bill of Rights that are summarized below. Then discuss with students why they think our Founding Fathers included these protections in our most important governing document.

Fourth Amendment

- People, their homes, and their possessions cannot be searched or taken by the government without a good reason.
- In most cases, the police must get a warrant (permission from a judge) before they can conduct a search.

Fifth Amendment

- People who are accused of crimes do not have to give evidence against themselves.
- People cannot be tried again for a crime for which they have been found innocent.
- People’s lives, liberty, or property cannot be taken from them without due process of law.

Sixth Amendment

- A person accused of a crime has the right to a speedy, public trial by a jury (other citizens).
- People must be told what crimes they are accused of.
- People have a right to question the persons who are accusing them.
- An accused person has the right to have a lawyer.

Eighth Amendment

- People arrested for crimes are entitled to be free on reasonable bail (money deposited with the court) while awaiting trial.
- If a person must pay a fine, it must be a fair amount.
- People found guilty of crimes shall not be punished in cruel and unusual ways.