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5th and 6th Amendments

Introduction

The Fifth Amendment refers to a part of the bill of rights that guarantees protection against abuse of authority by the government in the court of law during legal cases (Amar, A. R. et al, 1995). On the other hand, the Sixth Amendment refers to the provision in the US law that guarantees the suspects in a criminal case the right to a speedy and public trial presided over by an impartial jury (Martin, F. and B. S. Karp, 2000).

Provisions

Since their installation, these two law provisions have been so instrumental in facilitating the smooth running of the criminal cases in many countries like USA and UK. This has been made possible due to the entitlement of the following provisions that have actually been in the protection of the suspect and the witnesses.

1. Impartial jury

This clause guarantees the suspects of criminal offences of an unbiased bench. It states that during a criminal case, the jury should be carefully chosen to provide a trusted team consisting of the presiding judge; the prosecution and the attorneys. In order for them to discharge their duties diligently as expected, they should be selected from across the diverse sections of the plural society.

It should consist of people from different racial, ethnic, religious and regional background. This will create room for a fair procedure in which each of these parties will be given an opportunity to transparently play their role.

Definitely, it will provide justice, not only to the accused person, but also to the plaintiff.

2. Right to silence

This clause gives either the accused person or the suspect a right to refuse to testify, especially when it is feared that the information revealed will be so detrimental and can be used against them. The hearing should be free from harassment and intimidation (Tomkovicz, J. J. (2002).

Meaning, the suspect or the witness should not be forced to speak if they think that their utterances may jeopardize their security. If this is done, the ruling will run so smoothly since no party will feel that their position was provoked by the unfavorable circumstances on their side.

3. Public trial

This provision states that a case may be presided over publicly. Hence, the accused person will be allowed to defend themselves in the presence of their family members, colleagues and friends. I think, this is meant to make the larger society to understand and acknowledge the role of the judiciary in subjecting offers into a due process of the law in the pursuit of justice (Martin, F. and B. S. Karp, 2000).

Also, it will create room for satisfaction. In this case, no one will through blame to the government especially if the accused person is convicted. Man is a social animal and this is one of the major roles the larger society can play to such individuals.

4. Right to counsel

This clause states that the accused person has a legal right to seek for a presentation in the court of law. Since, we all understand the complexities of

law, it is definitely essential to accord these individuals an opportunity to enjoy the services of legal experts.

A lawyer will be able to defend the accused person by either asking or answering questions on their behalf. They will also make professional arguments in line with case at hand. Hence, they will be of a greater help to their clients (Davies, T. Y., 2003).

Amar, A. R. et al (1995). Fifth Amendment First Principles: The Self-Incrimination Clause. *Michigan Law Review* (The Michigan Law Review Association) 93 (5): 857–928.

Davies, T. Y. (2003). Farther and Farther From the Original Fifth Amendment. *Tennessee Law Review* (70): 987–1045

Martin, F. and B. S. Karp (2000). Sixth Amendment Right to Counsel. *New York Law Journal* 223.

Tomkovicz, J. J. (2002). *The Right to the Assistance of Counsel: A Reference Guide to the United States Constitution*. Westport, Conn.: Greenwood