The Bill of Rights
The 6th & 7th Amendment

What is the Sixth Amendment & what does it include?

What is the Seventh Amendment & what does it include?
What is the Sixth Amendment?

“\textit{In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury... 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 [or her] defense...}”

Themes:
- Right to a speedy / public trial
- Right to a trial by jury
- Right to have witness / to have counsel / why am I being charged?
Where did the Sixth Amendment originate?

- During the Revolution, American were held, without trial, by the British

- The Founding Father wanted to avoid such examples of justice
What is my right to a “speedy & public” trial?

- Under the 6th Amendment, you have the right to a “speedy & public trial”
  - “Justice delayed is justice denied”

- If a trial does not meet this, the charges must be dismissed
“Innocent Until Proven Guilty”
Guilt or Innocents by Reason of Insanity or Mental Defect
Famed Insanity Decisions
What does it mean to have a “public” trial?

- The Founding Fathers believed that trials had to be open to the public to ensure fairness
  - No secret trials

- During the Revolution, the British conducted private treason trials
Trails Are Open to the Public
Can a Trial be Too Public?
Can a public trial be a problem for justice?
What does a “trial by jury” mean?

- All major trials must be overseen and decided by a jury
  - 12 people
  - “peers”

- Jurors are selected through a process called “voir dire”
  - Questioned by both attorneys
12 Angry Men (1957)
Jury for Sentencing as well...
What are witnesses expected to do under this amendment?

- Witnesses may be called to testify both for / against a defendant
  - Brought to court by subpoena ("under penalty")

- Witnesses must answer truthfully / answer questions from both attorneys
What is “my right to counsel”? 

- As a defendant you have the right to a lawyer to represent you in court
  - *Gideon v. Wainwright* (1963)

- Lawyers can be present at questionings / at trials
Clarence Earl Gideon

Gideon v. Wainwright (1963)
What am I being charged with?
Right to a Lawyer during Questioning
Right to a Lawyer at Trial
Civil “Discovery”
Attorney / Client Privilege
Public Defenders
Waive Right to an Attorney
Should inmates at Gitmo get 6th Amendment protection?
What is the 7th Amendment?

“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...”

Themes:
- Trial by jury still exists in civil cases (non-criminal cases)
- Civil cases decided by juries cannot be “re-examined” in any other court
Where did the 7th Amendment originate?

- Prior to the Revolution, states handled their own civil cases
  - Local juries
- During the Ratification of the Constitution, states feared that their local juries would be overruled by Federal juries
  - This amendment addressed that issue
How is the 7th Amendment used today?

- For the most part, the 7th Amendment acts as a civil jury’s “double jeopardy”
  - Verdicts are final and cannot be reversed

- Open to interpretation
  - No Supreme Court rulings
If I Did It (2007)