

Amendment 5

Some of the most important rights American citizens have are in the Fifth Amendment. First, no person is guilty of a crime until it has been proven that he or she is guilty of a crime. People do not have to prove they are innocent. The government has to prove the person is guilty or that the person did, in fact, commit the crime. The saying is, "People are innocent until proven guilty."

Once the courts have determined that a person is not guilty of a certain crime, that person can never again be put on trial for that same crime. The Constitution calls this protection **freedom from double jeopardy**. Being in jeopardy means being in some kind of danger. Of course, double would mean being in danger twice. Anyone who is put on trial is in danger because he or she could be found guilty and sent to prison or fined.

Now protection from double jeopardy doesn't mean that a person can't be put on trial more than one time for the same type of crime. Say, for example, David Little is found innocent of robbing the First State Bank. Then David is accused by the government of robbing the Shopper's Market Store. In both cases, the crime is robbery. If Mr. Little is accused of both crimes, and there is evidence to show he committed both crimes, Mr. Little will go on trial twice--once for each crime. If he's found innocent of robbing the First State Bank, he can never go on trial again for robbing the bank. He can, however, be put on trial for another robbery at the same bank or for other types of crimes.

Another very important part of the Fifth Amendment is that no one can be made to speak out against himself or herself. Suppose, for example, Mrs. Louis steals some money. The only one who knows for sure that she stole the money is Mrs. Louis. She cannot be forced to speak out against herself. The Constitution is protecting her against **self-incrimination**. Incrimination means saying damaging things about a person. Self-incrimination would mean saying damaging things about yourself. If you incriminated yourself, you could end up helping to prove your own guilt.

