

The Sixth Amendment

Learn more about this topic! Each section gives more detail on one of the lyrics from the song. Read each section, and then respond by answering the question or taking notes on key ideas.

1. In England in the late 17th and early 18th centuries, a number of kings went around the established legal system to convict their enemies. Those who were accused of crimes were sentenced to punishment, including death, without being told which crimes they had committed. In some cases, political opponents and dissenters were jailed with no jury trial. The American criminal justice system was an improvement—but it wasn't perfect. Without a professional police force, criminal cases were typically brought by victims. Defendants represented themselves, and lawyers were very rarely involved in trials. Plus, juries often included people who knew both the accused and the accuser. The framers of the Constitution wrote the Sixth Amendment to protect those accused of a crime from government abuse of power. They also aimed to strengthen the existing trial process to ensure fairness.

Notes

2. The Sixth Amendment protects the rights of those accused of crimes. It is part of the Bill of Rights, which is made up of the first 10 amendments. Read the Sixth Amendment below.

Notes

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, 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 defense.

In other words, if you're accused of a crime, you're guaranteed the right to a speedy and public trial in front of an impartial jury in the state and district where the crime happened. All charges against you will be explained, witnesses for and against you will participate and you have the right to legal counsel.

3. Most criminal trials are carried out publicly unless they involve classified government information or might be unfairly affected by publicity. When it comes to speediness, things are less clear. The speed with which a trial is carried out depends on a number of factors. Factors include whether the defendant is out on bail or in jail, whether a delay will impact the case and the complexity of a case. The Sixth Amendment also guarantees the right to a trial in front of an impartial jury in the area the crime occurred. Jury selection is a crucial phase of every trial. Not only do the final 12 jurors have to represent the demographics of the area, each of them must also demonstrate a lack of bias in relation to the case. Jurors cannot know the victim or defendant, nor can they have a reason to favor one side. For example, the son or daughter of a doctor would likely be dismissed from jury selection for a case in which the defendant is a doctor.

Notes

4. Today, those accused of a crime are “informed of the nature and cause of the accusation” by an official document called an indictment. A group of citizens called a grand jury decides whether or not an accusation is worthy of criminal charges. If they believe charges should be brought, they prepare an indictment that outlines all charges. The Sixth Amendment also promises the right “to be confronted with the witnesses against him [and] to have compulsory process for obtaining witnesses in his favor.” This means that witnesses against a defendant are required to testify under oath. If they refuse to, their testimony cannot be used in the trial. The defendant also has the right to call upon witnesses to testify in his or her favor. Witnesses are called into court to testify through a document called a subpoena. This portion of the amendment also ensures that the accused can testify on their own behalf and that they will be physically present in court for their trial.

Notes

5. Interpretation of the right to legal counsel as described in the Sixth Amendment has changed over time through Supreme Court rulings. At first, the right to counsel applied only to federal cases involving the death penalty. States could grant or withhold counsel on a case-by-case basis when the defendant could not afford a lawyer. This changed as a result of *Powell v. Alabama* (1932). In this case, nine black teenagers were arrested in Scottsboro, AL for raping two white women. The court granted the teenagers legal counsel that included a real estate lawyer who was not licensed in Alabama and a retired local lawyer. After a one-day trial, eight of the nine boys were sentenced to death by an all-white jury. The conviction was appealed to the Supreme Court. The court ruled that the counsel the boys were provided was so inadequate that it violated the 14th Amendment. This amendment ensures that no state shall “deprive any person of life, liberty and property” without legal reason. As a result, the court determined that effective counsel must always be provided in both state and federal cases that involve the death penalty, thus expanding the Sixth Amendment.

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6. As a result of *Johnston v. Zerbst* (1938), the Supreme Court expanded the right to counsel to federal felony cases. A few years later, though, *Betts v. Brady* (1942) upheld states’ ability to decide who received counsel in state felony cases. It wasn’t until 1963 that *Gideon v. Wainwright* expanded the right to legal counsel to where it stands today. Clarence Earl Gideon was arrested for breaking and entering, a felony offense. He could not afford a lawyer and was denied representation because he was not facing the death penalty. Gideon attempted to represent himself and was sentenced to five years in prison. Gideon appealed his case to the Supreme Court on the grounds of the Sixth Amendment. The court effectively overruled *Betts v. Brady* in their decision: “In our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.” Today, anyone facing jail time has the right to a lawyer—unless they have waived their right. When a defendant is considered indigent, or doesn’t have the money to afford counsel, the government appoints and pays for a lawyer.

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