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INNOCENT UNTIL PROVEN GUILTY

Multiple Choice Quiz

ABOUT THIS QUIZ



Innocent Until Proven Guilty

This quiz is about the phrase 'Innocent Until Proven Guilty' and its connection to the constitution.

All questions have 4 possible answers of which only 1 is correct.

You may read the article over the next few pages to freshen up before taking the quiz!

At the back of the book, will be an answer sheet.

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WHERE IS INNOCENT UNTIL PROVEN GUILTY FOUND IN THE CONSTITUTION?



The term “innocent until proven guilty” is something that we can easily take for granted within the legal system and, more specifically, the criminal justice system. We are used to the concept of presumed innocence in a modern courtroom setting where the prosecution has to work to prove a defendant’s guilt. It is part of a broader range of legal clauses designed to protect us if we are falsely accused and uphold basic rights to minimize the occurrence of wrongful convictions.

But where does the term “innocent until proven guilty” originate?

According to the Constitution and Bill of Rights clauses, what is the meaning of innocent until proven guilty?

The presence of the phrase innocent until proven guilty is an interesting misnomer about the U.S. Constitution, Bill of Rights, and all the amendments. First, there is the assumption that one of the many clauses related to law and order contains the phrase “innocent until proven guilty.”

However, that isn’t the case. Instead, the notion comes from a combination of factors from previous laws, subsequent court cases, and the interpretation of other Amendments over time.

The term may not be written in stone in the same way as the right to bear arms or other clauses. But, the evolution of the legal system makes it synonymous with the Bill of Rights.

Why do we associate “innocent until proven guilty” with the U.S Constitution?

The Bill of Rights is one of the most important documents in American history as it outlines a series of 10 fundamental rights for U.S. citizens. They form the basis of federal laws and broader notions of the freedoms associated with America. Over time, Congress added further constitutional amendments to modernize laws.

According to constitution clauses, the document's significance and its place in human rights mean that we presume we'll find reference to innocent until proven guilty according to constitution clauses.

While this isn't directly true, as that phrase is not found verbatim, there are enough references to similar notions across major amendments. These undoubtedly helped mold the judicial system presuming innocence until proven guilty rather than "guilty until proven innocent."

Obviously, for someone to be proven innocent would be an extremely difficult task in many cases, even if true. But unfortunately, guilty until proven innocent is used as a standard in many countries and causes many suspects to be wrongly accused, often by public opinion.

The 5th Amendment.

The 5th Amendment was an important first step in protecting suspects and getting closer to a fairer legal system. There is no direct mention of presumed innocence, but the ideas made it harder for the enforcer to punish suspects or work under notions of presumed guilt.

The main clause is that "No person shall be compelled in any criminal case to be a witness against himself."

This clause remains in force as it puts the responsibility on the prosecution to work with witnesses and statements in a fairer process. The amendment also mentions that no one should be "deprived of life, liberty, or property, without due process of law." This concept reappears years later.

Historians also point out that James Madison influenced the term "innocent before proven guilty" because of his work on this amendment. He was keen for the law to lean towards protecting the innocent for a fairer system.

The 6th Amendment.

The 6th Amendment takes the idea of fair trials for the accused further. First, it established the right for individuals to have legal aid, emphasizing that this extended to everyone regardless of the accusation.

The clause also provides the right to "a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." This mention of an impartial jury is crucial as they must be convinced of the suspect's guilt.

The 14th Amendment.

This later amendment declares that:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

This part of the amendment brings the previous points together to ensure that all citizens receive the same treatment. In addition, this idea of bridging immunities works with the concept of presumed innocence as it favors the defendant.

It solidifies the idea that law enforcement can't deprive suspects of "life, liberty, or property, without due process of law." This continues the idea of a fair trial with due process where it is the prosecutor's work to prove guilt rather than the defendant to prove innocence.

This is especially important when you start to consider what innocence means.

When you read these clauses together and go through the subtext, it is easy to see the notions of presumed innocence – even if it isn't there in black and white. However, other documents use the term that plays their part.

Where does the term come from?

There are clear ideas of presumed innocence in courtroom settings and defendant rights from these amendments. It is also worth noting that there is an attribution of the phrase "presumed innocent until proven guilty" was attributed to a British barrister in 1761. This may have had its influence on the creation of the Constitution.

The Universal Declaration of Human Rights.

One of these documents is the Universal Declaration of Human Rights. This was signed as recently as 1948 by the General Assembly of the United Nations.

Article 11 of the document says:

“Everyone charged with a penal offence has the right to be presumed innocent until proven guilty.”

Here the term is black and white with no room for misinterpretation. It also applies to more than just the citizens of the United States. It discusses the importance of a public trial “at which he has had all the guarantees necessary for his defense.”

Pronoun issues aside, this makes the concept of presumed innocence a much broader guarantee.

There is also similar wording in Article 14 of the United Nations’ International Covenant on Civil and Political Rights from 1966. It states that “everyone charged with a criminal offense shall have the right to be presumed innocent until proved guilty according to law.”

The first notable use of presumed innocence in U.S Law.

If we want to better understand the term innocent until proven guilty and where it comes from, it helps to look at key historical cases.

One commonly cited as the starting point for presumed innocence over presumed guilt is Coffin vs. the U.S. from 1894.

The Coffin case revolves around an accusation of misapplication of funds on Francis A. Coffin and Percival A. Coffin. They were also said to have made false entries into bank records. At the time, the court established the need for the assumption of innocence with the prosecution proving their guilt. While this is standard practice now, it seems that this was a landmark approach that would influence judicial procedure from thereon.

Of course, this doesn’t mean that there weren’t other cases and courts interpreting the 5th and 6th Amendments in favor of defendants this way. But, the Coffin Case is seen as a pivotal moment.

Protection of defendants evolved with the creation of the Miranda Rights.

It is also important to note that the law continues to change where necessary to uphold the idea of presumed innocence further. A good example is the Miranda Rights. This is what law enforcement and police should offer to anyone they arrest, which is fair treatment and better utilize those Amendments. This includes the right to remain silent so that suspects don’t say anything incriminating without legal representation present. There is also that right to a lawyer. Without the reading of the rights, statements may be inadmissible.

This development came from the Supreme Court’s 1966 Miranda v. Arizona decision. The court found that Ernesto Arturo Miranda’s Fifth and Sixth Amendment rights were ignored after his arrest, violating his right to a fair trial.

Decades later, it was ruled that a suspect’s statements could still be admissible without the Miranda Rights explained if there was a concern for public safety.

“Innocent until proven guilty” evolved from the U.S. Constitution to become just as important as other rights.

This important phrase in the justice system may not be as ingrained in constitutional history as we suspect, but that doesn’t lessen the importance. Many Bill of Rights notions led to vital applications of those constitutional amendments within law and order. For example, the promise of a fair trial where no suspect should act as a witness nor be refused legal guidance always made more sense with a presumption of innocence over the presumption of guilt. Add in the Universal Declaration of Human Rights, and this process with inevitable.

According to constitution clauses, we can’t directly find innocent until proven guilty. But, it doesn’t matter if it is an official or unofficial constitutional right as long as it remains in force.

Multiple Choice Quiz

1. Where in the US Constitution are the words "Innocent Until Proven Guilty" used?

- A. 3rd Amendment
- B. 6th Amendment
- C. Article 3
- D. They aren't used

2. How many rights are outlined in the Bill of Rights?

- A. 5
- B. 10
- C. 15
- D. 20

3. What Founding Father was most instrumental in developing the concept of "Innocent Until Proven Guilty"?

- A. George Washington
- B. James Madison
- C. John Adams
- D. Thomas Jefferson

4. Which of the following is a right not specified in the 6th Amendment?

- A. Legal representation
- B. Speedy and public trial
- C. Impartial jury
- D. Impartial judge

5. What phrase(s) best describes the 14th Amendment?

- A. Bridging immunities
- B. Due process
- C. Innocent until proven guilty
- D. All of the above
- E. None of the above

6. In what country did the American concept of "Innocent Until Proven Guilty" most likely originate from?

- A. France
- B. Sweden
- C. Great Britain
- D. Denmark

7. What global body helped to codify the Universal Declaration of Human Rights?

- A. League of Nations
- B. United Nations
- C. European Union
- D. North Atlantic Treaty Organization

8. What was one of the first landmark cases to help solidify the legal concept of "Innocent Until Proven Guilty"?

- A. Marbury v. Madison
- B. Brown v. Board of Education
- C. Coffin v. United States
- D. Johnson v. United States

9. What court case resulted in the requirement for law enforcement to inform an individual of their rights?

- A. Miranda v. Arizona
- B. District of Columbia v. Heller
- C. Roe v. Wade
- D. Plessy v. Ferguson

10. Which of the following is not a provision of the 5th Amendment?

- A. Indictment by a grand jury
- B. Prohibition of double jeopardy
- C. Testify against yourself
- D. Public trial

11. What type of jury will the defendant be judged by according to the 6th Amendment?

- A. Fair
- B. Unbiased
- C. Impartial
- D. Free

12. What amendment ensures that all citizens receive the same treatment under the law?

- A. 14th Amendment
- B. 5th Amendment
- C. 6th Amendment
- D. 10th Amendment

13. Other than the Universal Declaration of Human Rights, what other document by the United Nations helps to codify the concept of "Innocent Until Proven Guilty"?

- A. Geneva Concourse
- B. International Declaration of Freedom
- C. International Covenant on Civil and Political Rights
- D. Immunity and Innocence Doctrine

14. What amendment rights were violated during the Miranda v. Arizona case?

- A. 1st and 10th Amendment
- B. 5th and 6th Amendment
- C. 6th and 7th Amendment
- D. 5th and 14th Amendment

Multiple Choice Quiz Answers

1. D
2. B
3. B
4. D
5. D
6. C
7. B
8. C
9. A
10. D
11. C
12. A
13. C
14. B