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5TH AMENDMENT

Multiple Choice Quiz

ABOUT THIS QUIZ



5th Amendment

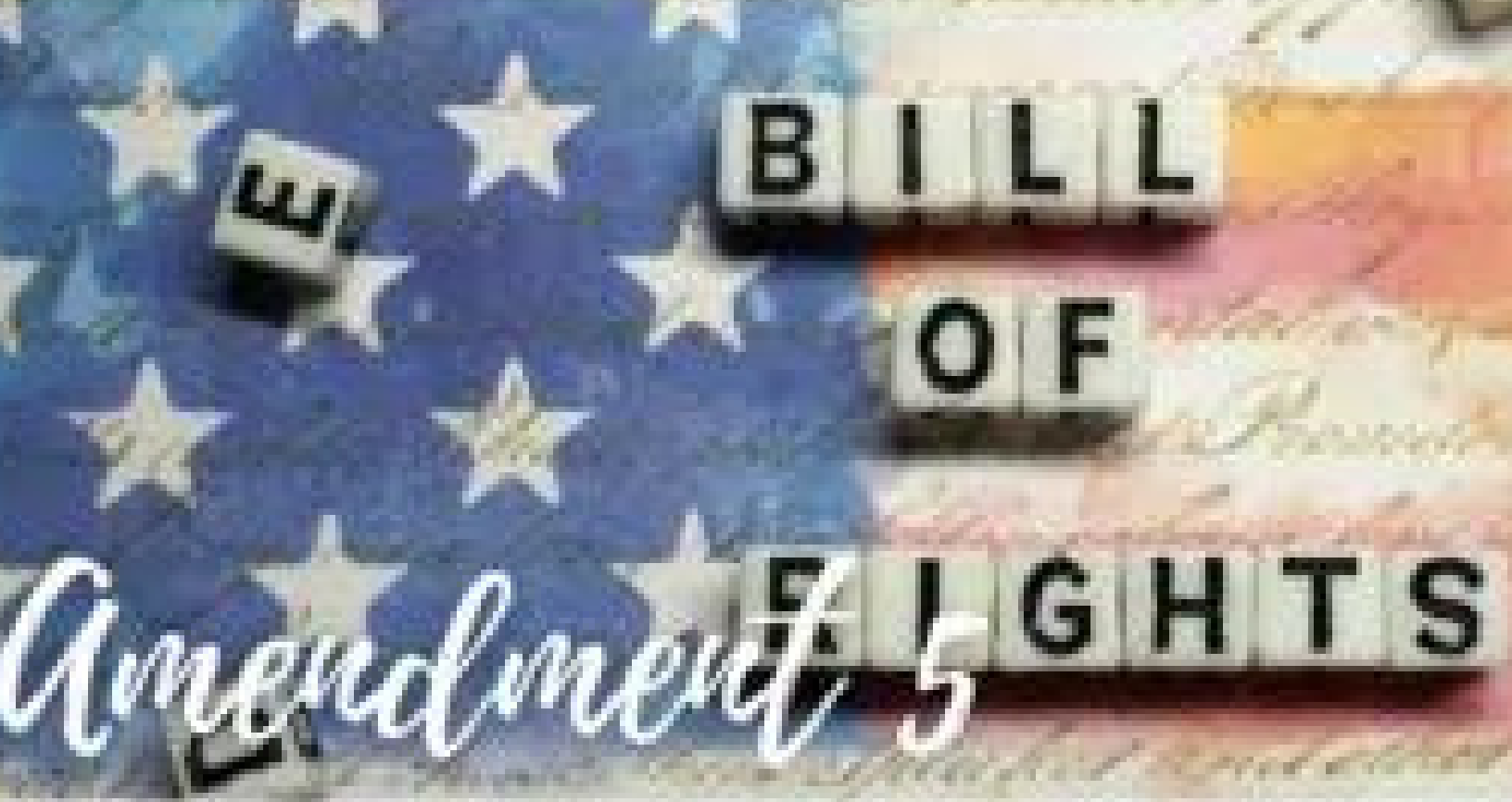
This quiz is about the 5th Amendment of the Constitution.

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.

For more information, go to:
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The 5th Amendment is possibly one of the most quoted constitutional amendments in movies as it includes the 'right to plead the 5th'!

What is the 5th Amendment?

The 5th Amendment is part of the Bill of Rights and is about criminal proceedings. It is sometimes also called the self-incrimination amendment. In summary, the 5th amendment includes:

- Allowing people to be indicted by a grand jury before going to trial
- Protection against being made to answer more than once for the same crime (Double Jeopardy)
- Allowing people to keep from self-incriminating
- The right to fair treatment by the court system

Let's look at each of these 5th Amendment rights in more depth and how they affect the US Constitution.

Trial By Grand Jury

The first line of the Amendment mentions that the courts can only try people for "infamous" crimes if a grand jury indicts them.

What's a grand jury?

A grand jury is different from the trial jury you'd see in a courtroom TV show because it doesn't deliver a verdict. It only delivers indictments.

What does a grand jury do?

The grand jury will look at all the evidence of a case (including some that might not be admissible to a trial jury, such as illegally-obtained evidence) and decide whether or not it's sufficient to indict (indictment is simply a word for "legally accuse") the person of the supposed crime.

What crimes does the 5th Amendment apply to?

The text of the Fifth Amendment technically only applies to federal felonies.

While all states have laws that permit grand juries, only about half use grand juries. It also only applies to "infamous" or "capital crimes." This means any crime with a penalty of more than one year of incarceration, a felony, or a crime that permits the death penalty.

Protection Against Double Jeopardy

The Fifth Amendment also prevents people from being made to answer for the same crime twice (referred to as "double jeopardy").

This means that a person can't be put on trial twice or sent to prison twice for the same offense.

This does not apply in the case of a mistrial or if the defendant requests an appeal. A person may also be tried once on the state level and again on a federal level.

The 5th Amendment is sometimes also called the Double Jeopardy Amendment.

What does the right to due process mean as part of the 5th amendment?

The Fifth Amendment states that a person cannot be "deprived of life, liberty, or property without due process of law".

"Due process" means that trials will be conducted fairly and within the bounds of the law. For example, anyone accused of a crime can expect to go through a set procedure and therefore has a right to due process.

Again, this provision technically only applies to federal courts, but the US Supreme Court through the Fourteenth Amendment has expanded the guarantee of due process to cover all the states.

This is known as the Due Process Clause.

Protection Against Self-Incrimination and to Plead the 5th

Most people are aware of the expression

"I plead the Fifth."

When a person suspected of a crime says this, they're asserting their right to avoid self-incrimination as guaranteed under the Fifth Amendment.

It is also called invoking the 5th Amendment.

Basically, a person could say something that could be used as evidence against them in a trial. Therefore they don't have to respond to a question if they don't want to because what they say might be used against them. They are invoking their 5th Amendment rights of protection.

The famous "Miranda warning" issued by police also finds its roots in the Fifth Amendment – "you have the right to remain silent" directly references the section on self-incrimination.

Right to Just Compensation

A government can take private land for public use if it so desires. This ability is called eminent domain. For example, a government could seize part of someone's estate and use it to construct a section of a new highway.

The Fifth Amendment puts a limit on eminent domain. If the government does this, they have to pay the owner.

The value paid is called fair market value – essentially, the government must pay what the property's value would be if bought by an individual on the open market.

What rights does the 5th Amendment protect?

In summary, the following are the rights that the 5th amendment protects:

- Right to Just Compensation
- Right to Due Process
- Right of Protection Against Double Jeopardy
- Right to plead the 5th for Protection against Self-Incrimination
- Right to a Trial by Grand Jury

Multiple Choice Quiz

1. What nickname is often given to the 5th Amendment?

- A. Freedom amendment
- B. Implied powers amendment
- C. Enumerated rights amendment
- D. Self-incrimination amendment

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

- A. Individuals must be indicted by a grand jury before going to trial
- B. Protection against double jeopardy
- C. Protection against self-incrimination
- D. All of the above

3. According to the 5th Amendment, what types of crimes can people be tried for?

- A. Infamous
- B. Serious
- C. Premeditated
- D. Cruel and unusual

4. What is the purpose of a grand jury?

- A. To declare innocence or guilt
- B. To declare a verdict
- C. To indict an individual
- D. To condemn an individual

5. What does indict mean?

- A. Condemn
- B. Legally accuse
- C. Punish
- D. Legally convict

6. What type of crimes does the text of the 5th Amendment technically apply to?

- A. Federal felonies
- B. State felonies
- C. Local felonies
- D. Domestic felonies

7. What approximate percentage of individual states utilize grand juries?

- A. 25%
- B. 33%
- C. 50%
- D. 75%

8. What is the meaning of double jeopardy?

- A. Testifying in a trial more than once
- B. Testifying against oneself
- C. Being put on trial or sent to prison for the same crime more than once
- D. Being put on trial or sent to prison for another person's crime

9. Which of the following can an individual not be deprived of without due process of law?

- A. Life
- B. Liberty
- C. Property
- D. All of the above

10. What amendment broadens the scope of the 5th Amendment to cover individual states?

- A. 14th Amendment
- B. 15th Amendment
- C. 16th Amendment
- D. 17th Amendment

11. What famous legal phrase is associated with the 5th Amendment and self-incrimination?

- A. I cannot answer
- B. I plead the 5th
- C. I am innocent
- D. I am falsely accused

12. What famous police warning or phrase is associated with the 5th Amendment?

- A. Miranda rights
- B. Jefferson rights
- C. Due process rights
- D. Unalienable rights

13. What right gives the government the power to take private land for public use?

- A. Inevitable discovery
- B. Obvious certifiability
- C. Imminent application
- D. Eminent domain

14. What is the standard for compensation of land taken by the federal government for public use?

- A. Inflation adjusted value
- B. Fair market value
- C. Top market value
- D. Minimum economic value

Multiple Choice Quiz Answers

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