20-3 answers

1. What does the Writ of Habeas Corpus seek to prevent?

Unjust arrest and imprisonment. Government must show good reason why person should not be released.

2. Why are Bills of Attainder and Ex Post Facto Laws forbidden?

Bills of Attainder- a law that inflicts punishment without a court trial. This would violate separation of powers.

Ex Post Facto Laws- "After the fact" Punishing someone for something that was illegal when they did it.

3. What does the 5th Amendment guarantee to the accused?

* Indictment by Grand Jury
* No “double jeopardy”
* No self incrimination
* Due process of law- prohibits unfair and arbitrary actions by the gov’t.

4. List the provisions of the 6th Amendment concerning the rights of the accused.

* Speedy Trial
* Public Trial
* Impartial Jury
* Informed of charges
* Confront hostile witnesses; present favorable witnesses.
* Right to Counsel at every stage of the criminal process.

5. It is better to allow 10 guilty persons to go free than it is to punish one innocent person because the injustice of one person, losing freedom at the hands of the government, is far greater than the injustice of guilty people not being punished. As a result, we build in safeguards that try to prevent innocent people being convicted of crimes. The trade-off is that criminals may end up with rights that enable them to get away with their crimes.

6. If the guarantee against self incrimination were removed from the Bill of rights, what affect might it have on the criminal justice system? Would justice be more or less likely to be carried out?

Suspects would be forced to tell the truth to investigators. Those who are guilty would be more likely to be brought to justice. That would be good.

However, some innocent people may be forced to say things that lead to their convictions, which may not have occurred otherwise.