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AP U.S. Government & Politics - Case Study: The 5th Amendment

Overview of the 5th Amendment

The 5th Amendment to the U.S. Constitution provides several crucial protections for individuals within the justice system, including:

1. **Protection against self-incrimination:** A person cannot be compelled to testify against themselves in criminal cases ("pleading the Fifth").
 2. **Double jeopardy:** A person cannot be tried for the same crime twice if acquitted.
 3. **Due process:** The government cannot deprive anyone of life, liberty, or property without due process of law.
 4. **Emminent domain:** The government must provide just compensation when taking private property for public use.
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Case Study: *Miranda v. Arizona* (1966)

Case Background:

- **Facts:** Ernesto Miranda was arrested in 1963 in Arizona for kidnapping and rape. After being interrogated by the police for two hours, he confessed to the crimes. Miranda was not informed of his right to remain silent or his right to an attorney. His confession was used as evidence, and he was convicted.
- **Legal Question:** Was Ernesto Miranda's 5th Amendment right against self-incrimination violated because he was not informed of his rights prior to his interrogation?

Constitutional Issue:

- **5th Amendment:** Does the protection against self-incrimination extend to individuals who are unaware of their rights during police interrogations?

Supreme Court Ruling:

Government Amendment Study Guide Answer Key

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Tribune and many other national publications Lubet explores the complex aspects of honesty in the legal world The Importance of Being Honest is full of tales of questionable practices and poor behavior chosen because negative examples are much richer and often more remarkable in their ultimate lessons Wyatt Earp s shootout with Billy Clanton Bill Clinton s disastrous decision to lie under oath Oscar Wilde s self destructive perjury in a 1896 libel trial and the dubious resolution of Justice Scalia s duck hunting trip with Dick Cheney are only a few of the cases Lubet use to illustrate that law is a vague and boggy realm where truth and falsehood is seldom absolute With his lively insightful and sometimes hilarious prose Lubet takes readers on a tour of the law in our everyday lives and forces us to rethink how we really feel about honesty and truth

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