

6th Amendment - The Speedy Trial Clause

The **Speedy Trial Clause** guarantees that you must be tried quickly if you are charged with a crime. Why is this so important that the Founding Fathers would add it to the Bill of Rights?

Well, if you weren't guaranteed a speedy trial, you could sit in jail for months or years without being tried! That was a frequent occurrence in English history. The Founding Fathers wanted to protect themselves and you from this in the new government they were creating. The 6th Amendment's **Speedy Trial Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy... trial."

[You can read more about the Speedy Trial Clause here.](#)

6th Amendment - The Public Trial Clause

The **Public Trial Clause** guarantees that if you are ever charged with a crime, you must be tried in a public trial. Don't like the sound of that? It might be embarrassing! You wouldn't like the results though if trials were held in secret. The judge or other officials could file false charges against you, not allow you to defend yourself or throw you in prison with no evidence!

That's what happened to many people in European and English history. People were tortured and even executed in secret trials. That's why the Founding Fathers were determined to protect people from being tried in secret. Aren't you glad they were? The **Public Trial Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right to a... public trial"

[You can read more about the Public Trial Clause here.](#)

6th Amendment - The Right to Trial by Jury Clause

The **Right to Trial by Jury Clause** protects you from persecution by corrupt judges, who might sentence you unfairly if trials were held in secret. The Founding Fathers were aware of the history in England and Europe of people being sentenced to lengthy prison terms, tortured or even killed in secret trials. If you were accused in this situation, you often had no chance to defend yourself and the charges were often trumped up to eliminate political and religious dissent.

By requiring a jury to be involved in a trial, serious and sometimes fatal decisions are taken out of the hands of a few judges or officials, and are put into the hands of a group of average citizens who look over the evidence. This greatly reduces the possibility of corruption in the trial.

The 6th Amendment Right to Trial by Jury Clause reads like this:

"In all criminal prosecutions, the accused shall enjoy the right to a... 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."

The right to trial by jury had already been established in English history for more than 500 years when the Founding Fathers built it into the Bill of Rights' 6th Amendment. [Find out more about the Right to Trial by Jury Clause here.](#)

6th Amendment - The Arraignment Clause

The **Arraignment Clause** requires that if you are ever charged with a crime, you must be fully informed of the nature and cause of the accusation against you. The **Arraignment Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right... to be informed of the nature and cause of the accusation."

This was a very important right to the Founding Fathers, most of whose ancestors had fled to America to avoid religious persecution. In England, it was common for people who did not agree with the Church of England to be pulled into court and sentenced and never even know what the charges were. Without this protection, courts could throw people in prison unjustly, make up false charges or punish people with whom they disagreed. [You can read more about the Arraignment Clause here.](#)

6th Amendment - The Confrontation Clause

The **Confrontation Clause** guarantees one of the key elements in any trial, the right to confront the witnesses who are accusing you. This clause requires that your accusers must appear in your presence and make the accusations face to face. The clause also gives you the right to cross-examine them. The **Confrontation Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right... to be confronted with the witnesses against him."

If you were not allowed to cross-examine your accuser, the prosecution could make up all kinds of false accusations against you and the jury would never know whether or not he was telling the truth. By having the witnesses testify in person, the judge and jury are able to see the person up close. They can observe their behavior and demeanor, and can make a better judgment about the person's credibility.

English history had many occurrences of people being tried in court and never seeing their accusers. Sir Walter Raleigh, an early American explorer, was even put to death based on such an accusation. The Founding Fathers believed this was inherently unfair and put a stop to it in America by adding the 6th Amendment to the Bill of Rights. [You can read more about the Confrontation Clause here.](#)

6th Amendment - The Compulsory Process Clause

The 6th Amendment's **Compulsory Process Clause** guarantees two primary things. First of all that you will be able to call witnesses in your behalf if you are ever charged with a crime. Second, that the court will subpoena the witnesses if they refuse to testify. The **Compulsory Process Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right... to have compulsory process for obtaining witnesses in his favor."

This right was very important to the Founding Fathers who wrote the United States Constitution. They were familiar with English and colonial laws that forbid people from calling witnesses in cases of treason or felony. It was also the English and colonial practice not to allow people to testify in their own behalf! In adopting the **Compulsory Process Clause**, the Founders were trying to protect people from the government using its great power and resources to convict and punish people unfairly. They saw the right to defend oneself with witnesses as a key to this protection. [You can read more about the Compulsory Process Clause here.](#)

6th Amendment - The Right to Counsel Clause

The **Right to Counsel Clause** guarantees that you can have a lawyer to assist you if you are charged with a crime. The modern courts have even determined that this clause gives you the right to have a court appointed attorney, paid for at the public's expense, if you cannot afford to hire your own. The **Right to Counsel Clause** reads like this:

"In all criminal prosecutions, the accused shall enjoy the right... to have the Assistance of Counsel for his defence."

The Founding Fathers did not originally intend for this clause to mean that the public must provide an attorney for defendants in criminal cases. Instead, they meant to guarantee the right to hire a private attorney if one was desired. [You can find out how this change occurred and more about the Right to Counsel clause here.](#)

"The 6th Amendment." *Revolutionary War, Declaration of Independence, US Constitution, Bill of Rights*. Web. 21 Dec. 2010. <<http://www.revolutionary-war-and-beyond.com/6th-amendment.html>>.