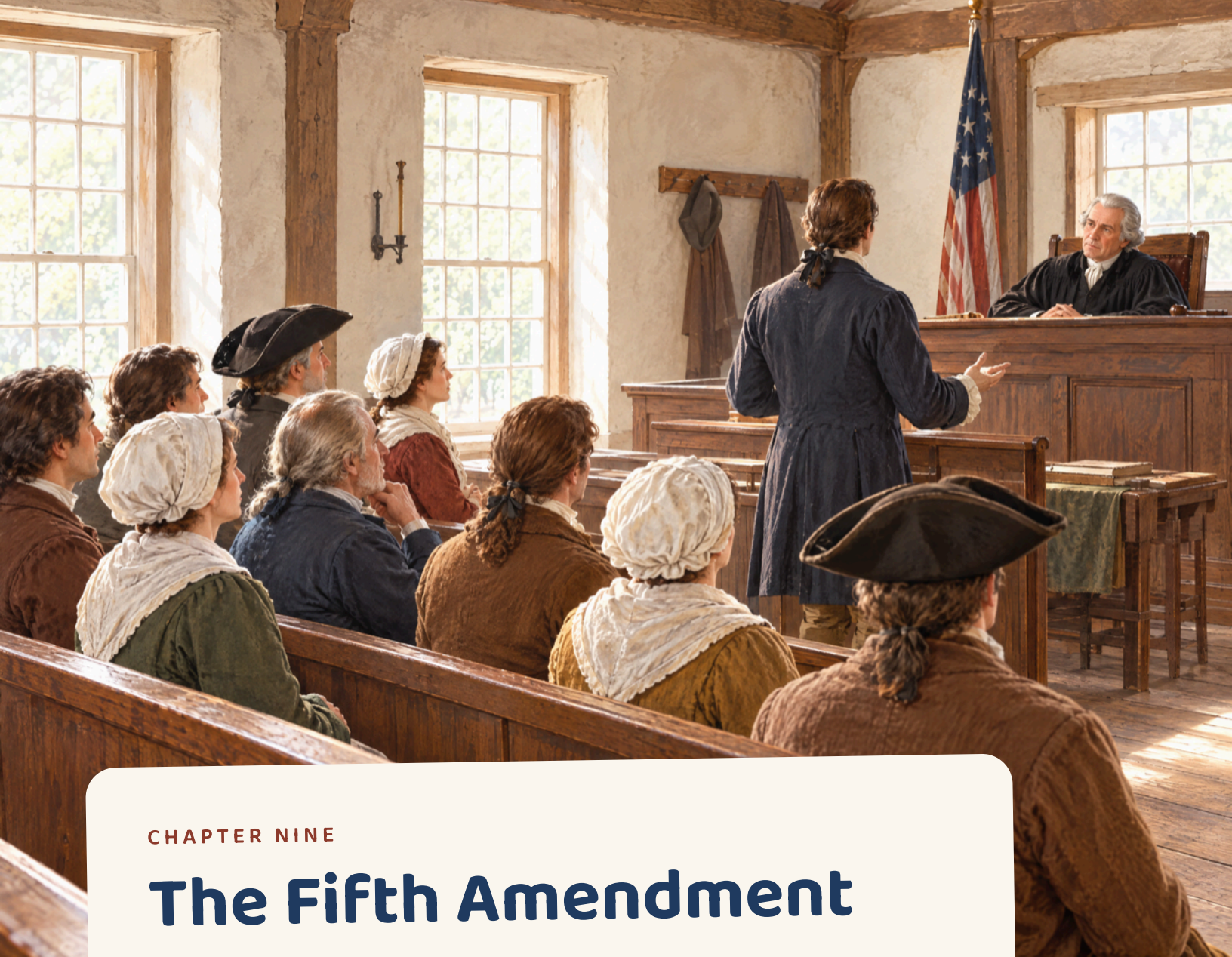




CHAPTER NINE

The Fifth Amendment

Justice, fairness, and the rule of law

Imagine you are playing a baseball game with your friends. Your team is winning. Suddenly, the umpire changes the rules in the middle of the game. He says your team lost the game, even though no one broke any rules. Would that be fair? Of course not!

FOR THE PARENT OR GRANDPARENT

Five protections in one amendment — the longest chapter so far. Three or four sittings work well, and Shield Four, due process, is the one the rest depend on.

The actual Fifth Amendment

RATIFIED 1791

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Founders believed that the government should never have unlimited power. Before a person's freedom, property, or life could be taken away, the government must follow the law and treat everyone justly.



Life needs just rules to abide without chaos. That is true in family, church, community, and nation.

REMEMBER THIS

That is the great lesson of the Fifth Amendment: **the law should rule — not the emotions or wishes of powerful leaders.**

One Amendment — Five Great Protections

The Fifth Amendment contains five important protections that work together to ensure justice. Think of them as five shields guarding the rights of every citizen.

1

Grand Jury

2

Double Jeopardy

3

Self-Incrimination

4

Due Process

5

Just Compensation



Let's look at each one.

1

Grand Jury

For many serious federal crimes, a group of ordinary citizens called a grand jury listens to the evidence before formal charges are brought. Their job is not to decide whether someone is guilty. Their job is to decide whether there is **enough evidence** for the case to move forward.

Young people, before someone is put on trial for certain serious federal crimes, other citizens first ask, "Is there enough evidence?" This helps protect innocent people from being accused without good reason.

2

Double Jeopardy

The Constitution says a person generally cannot be tried again for the same crime after a final acquittal or conviction by the same sovereign.

Imagine winning a race fairly. Then someone says, "Let's race again until someone else wins!" That wouldn't be just.



WHY THIS SHIELD MATTERS

The Fifth Amendment helps make sure the government cannot keep retrying the same case simply because it dislikes the result.

3

Self-Incrimination

The Fifth Amendment says a person cannot be forced to testify against himself in a criminal case. The government must prove its case with evidence.

If someone is accused of a crime, the government must do the work of proving what happened. People cannot be forced to confess. This protection helps guard against unjust treatment.

4

Due Process of Law

This is the heart of the Fifth Amendment. Due process means the government must follow just legal procedures before taking away a person's life, liberty, or property.

No one should lose these things because of a rumor, a guess, or someone's anger.

REMEMBER THIS

Everyone deserves to be treated fairly. Everyone deserves to have the rules followed equally and consistently.

Justice should never be based on feelings alone.



Just Compensation

Sometimes the government may legally need private land to build something that benefits the public, such as a highway, school, or bridge.



When that happens, the Constitution says the owner should receive **just compensation** — fair payment for the property.

WHY THIS SHIELD MATTERS

If the government must take someone's property for a public project, it should pay a fair price. That is part of **treating people justly**.

Why did the Founders include these protections?

The American colonists had seen governments abuse their power.

- ◆ Sometimes people were arrested unfairly.
- ◆ Sometimes property was taken without due process of law.
- ◆ Sometimes rulers punished people without giving them a chance to defend themselves.



The Founders wanted the new government to be different. They believed that the law should rule — not the emotions or wishes of powerful leaders.

REMEMBER THIS

No one, not even government officials, is above the law.

The Law is King

In 1644, a Scottish pastor named **Samuel Rutherford** wrote a book called *Lex, Rex*, which means "The Law is King."

At that time, many kings believed they could do whatever they wanted because they claimed their authority came directly from God. Some even believed no one had the right to question them.



Rutherford disagreed. He taught that God alone is the highest King, and that every human ruler must obey God's law. He believed that leaders receive their authority from God, but they are **not above the law**.

Kings, presidents, governors, judges, and every citizen are accountable to God and should govern according to justice and righteousness. This idea became one of the great foundations of constitutional government.

A GOVERNMENT OF LAWS

The Founding Fathers of the United States agreed that government should be a government of laws, not of men. That is why every public official — from the President to the newest judge — takes an oath to support and defend the Constitution. The Constitution is the supreme law of the land, and no one is supposed to be above it.

Bible connection

The Bible teaches that God loves justice and commands His people to judge righteously. Speaking of God's character:

DEUTERONOMY 32:4

"He is the Rock, His work is perfect; For all His ways are justice, A God of truth and without injustice; Righteous and upright is He."



King Solomon became famous for his wisdom because he carefully listened before making decisions. The Bible also teaches,

PROVERBS 18:13

"He that answers a matter before he hears it, it is folly and shame unto him."

God teaches us to seek the truth before reaching conclusions.

The Virtues Behind the Fifth Amendment

CONSTITUTIONAL PRINCIPLE	BIBLICAL VIRTUE
Due process	Justice
Fair hearings	Wisdom
Equal treatment	Impartiality
Respect for life and liberty	Dignity
Honest courts	Integrity

Rights come with responsibilities

The Fifth Amendment protects us from unjust treatment. In return, we should strive to:

- ◆ Tell the truth.
- ◆ Respect the law.
- ◆ Listen before judging.
- ◆ Treat everyone justly.
- ◆ Seek justice instead of revenge.



Constitution fun facts

- ◆ The Fifth Amendment is one of the longest amendments in the Bill of Rights.
- ◆ The phrase "due process of law" has become one of the most important ideas in American constitutional law.
- ◆ The expression "I plead the Fifth" comes from protection against self-incrimination.

FOUNDER SPOTLIGHT



James Madison

Known as the Father of the Bill of Rights. Madison believed that liberty could only survive if government power was carefully limited. He wrote many of the protections found in the Bill of Rights to make sure every person would receive just treatment under the law.

"Justice is the end of government. It is the end of civil society."

WHAT HE MEANT

Madison believed that the purpose of government is not simply to exercise power — it is to administer justice.

God's Word promotes this principle, "You shall follow *what is altogether just, that you may live and inherit the land which the Lord your God is giving you.*"

Deuteronomy 16:20

Words to know

Grand Jury

A group of citizens that decides whether there is enough evidence to bring certain serious federal criminal charges.

Double Jeopardy

Being tried twice for the same crime after a final judgment by the same sovereign.

Self-Incrimination

Being forced to testify against yourself in a criminal case.

Due Process

Fair legal procedures that everyone is entitled to receive.

Just Compensation

Fair payment when private property is taken for a public use.

MEMORY VERSE

"You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor."

Leviticus 19:15





COLOR IT IN

You finished Chapter Nine!

The Fifth Amendment — five down, five to go. Halfway.

BILL OF RIGHTS

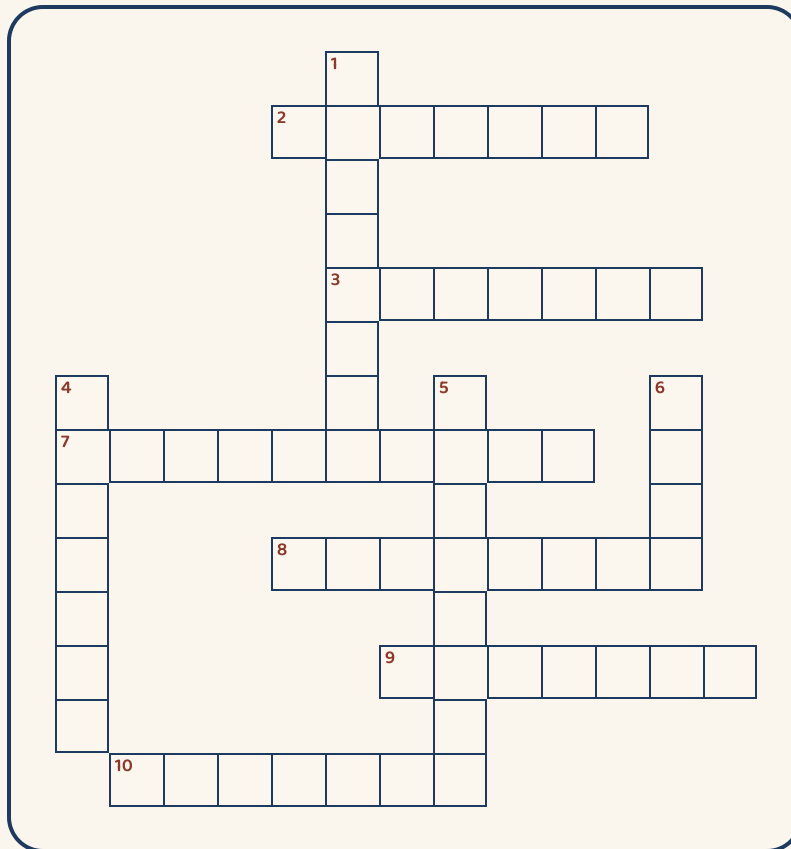


5 OF 10

- 1 A group of citizens who decide whether there is enough evidence is a grand
- 2 Being tried twice for the same crime is called double
- 3 No person shall be compelled to be a against himself.
- 4 Fair legal procedures everyone is entitled to receive are called due
- 5 Private shall not be taken for public use without just compensation.
- 6 Nor be deprived of life,, or property.
- 7 A grand jury brings a presentment or
- 8 James is known as the Father of the Bill of Rights.
- 9 He said, " is the end of government."
- 10 Our memory verse says, "You shall do no injustice in"

Fifth Amendment Crossword

Every answer comes from this chapter. Write one letter in each white square.



ACROSS

- 2 Madison said this is the end of government.
- 3 James _____, Father of the Bill of Rights.
- 7 A grand jury brings a presentment or _____.
- 8 Private _____ shall not be taken without just compensation.
- 9 Due _____ means fair legal procedures for everyone.
- 10 Nor be deprived of life, _____, or property.

DOWN

- 1 Our memory verse says do no injustice in _____.
- 4 No person shall be compelled to be a _____ against himself.
- 5 Double _____ means being tried twice for the same crime.
- 6 A grand _____ decides whether there is enough evidence.

Family Questions

Talk these through together before you write. There is no hurry.

1 • Why do you think the Founders wanted government to follow just rules?

.....

.....

2 • What does "due process" mean in your own words?

.....

.....

3 • Why is it important to hear all the facts before making a decision?

.....

.....

4 • How does the Bible teach us to treat others fairly?

.....

.....

5 • How can our family practice justice and mercy every day?

.....

.....

FOR THE PARENT OR GRANDPARENT

Question three is the one the family activity is built on. Ask it before you do the activity, then ask it again afterwards and see whether the answer changed.

The Fair Judge

A family activity. Have one family member tell a short story about a disagreement. Before anyone decides who was right, let everyone involved explain what happened.

THEN DISCUSS

☐

Did hearing both sides change your opinion?

☐

Why is it dangerous to make decisions too quickly?

☐

How does this activity help us understand the Fifth Amendment?

JAMES 1:19

Read James 1:19 together, *"Wherefore, my beloved brethren, let every man be swift to hear, slow to speak, slow to wrath."*

Talk about how good listening is one of the first steps toward justice.

A GRANDPARENT'S THOUGHT

The Fifth Amendment reminds us that justice is not only about the outcome. It is also about the process. The Founders understood that governments can make mistakes. They also knew that power must always be restrained by law. That is why they required just procedures before a person's life, liberty, or property could be taken away.

The Bible reveals that God is perfectly just. He never judges unfairly, never acts without truth, and never shows partiality. As Christians, we should seek to reflect His character by treating others with fairness, patience, honesty, and compassion.

A free nation depends on more than good laws. It depends on people who love justice, honor truth, and believe that every person should be treated with dignity because each one is made in the image of God.