



Founders' Influences:
SS.7.CG.1.11
Rule of Law
READING #3

Name: _____

Date: _____



SS.7.CG.1.11 Benchmark Clarification 3: Students will analyze the meaning and importance of due process in the United States legal system.

The rule of law holds all members of society accountable for obeying the law. Therefore, fair laws must be created to ensure people are treated equally; this is known as **due process**. Specifically, due process protects the legal rights of citizens to avoid loss of life and liberty (freedom).

The Founding Fathers embedded the idea of due process within the U.S. Constitution by adding the Bill of Rights. Due process is present in the language of the 5th and 14th Amendments.

The Fifth Amendment focuses on the rights of those accused of crimes:

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 Fourteenth Amendment focuses on post-Civil War society. It establishes language for the citizenship of former slaves, and asserts the authority of the national government over state governments:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

due process - the right of people accused of crimes to have laws that treat them fairly, so that they cannot lose their life or freedom without having their legal rights protected