

KNOW AND USE YOUR CONSTITUTIONAL RIGHTS

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The Constitutions of both the United States and the State of Tennessee provide citizens many rights that insure our liberty and protect our freedom. For example, the Fourth Amendment grants the right to be free from unreasonable searches and seizures. The Fifth Amendment provides a privilege against self-incrimination. The Sixth Amendment grants the right to have a lawyer present during police questioning.

In this issue of Legal Rights, the focus will be on the privilege against self-incrimination provided by the Fifth Amendment, otherwise known as the right to remain silent.

The Fifth Amendment to the United States Constitution grants all citizens the privilege against self-incrimination. Accordingly, no one can be compelled to make statements which may expose themselves to prosecution for a crime. You may assert the privilege against self incrimination at any time where the answers could be used in future criminal proceedings. However, voluntary statements may be used against you, as well as statements made to police if you voluntarily waive your privilege against self-incrimination. Remember, you have the right to remain silent, but anything you say can be used against you in court.

The most important thing to remember regarding your Fifth Amendment privilege is that you can never be forced to make a statement concerning an alleged crime. With this important right in mind, you should never make a statement to the police without the advice and assistance of a lawyer. This is true even if you are not guilty because your statements could be misunderstood by the police and used against you in court. You should, however, tell the police your correct name and address. In addition, you should never resist or evade an arrest.

Tell the police that you want a lawyer before making any statements about an alleged crime. You can and should make this request without being disrespectful to the police. After you make such a request, remain silent until you have spoken with your lawyer. Know and use your right to remain silent as guaranteed by the Fifth Amendment to the United States Constitution.