

stead of by a judge appointed by the King. The most strongly stated of these assertions was the Declaration of Independence in which its author, Thomas Jefferson, attacked the King for depriving us, in many cases, of the benefits of trial by jury.

4. RIGHT TO A TRIAL IN THE AREA WHERE A CRIME HAS BEEN COMMITTED

The Founding Fathers wanted trials to be held in the area where the alleged crime had occurred. This desire grew out of an English practice in which colonial governors sent American colonists accused of treason to England for trial. In the Declaration of Independence, Thomas Jefferson referred to this practice when he criticized the British King [for transporting us beyond seas, to be tried for pretended offenses....

5. RIGHT TO CONFRONT WITNESSES

By the time of the American Revolution, the right to confront witnesses, or accusers, had been a part of English law for at least two centuries.

B. Rights Guaranteed by the Colonies Before Adoption of the U.S. Constitution

In the years between the signing of the Declaration of Independence and the adoption of the U.S. Constitution, a number of the former colonies drew up their own constitutions. Some of these constitutions contained Bills of Rights or provisions which were similar to some of those which were adopted in the federal Bill of Rights. Virginia, Pennsylvania, and Massachusetts were among these former colonies. The Virginia Constitution had provisions protecting the freedom of religion and the press, as well as provisions similar to some of those found in the Fourth, Fifth, Sixth, and Eighth Amendments. Pennsylvania's constitution protected the right to free speech, freedom of religion, and the right to counsel in criminal cases. Massachusetts' constitution, in addition to protecting other rights, forbade unreasonable searches and seizures.²

Ac~tvi~~ FOR L.Ssou Fivu

1. What is the origin of most of the rights guaranteed by the Fifth and Sixth Amendments?

1. David Hutchison, *The Foundations of the Constitution*, Secaucus, New Jersey: University Books, Inc. 1975, PP. 306-7.

2. From Leonard Levy, *Original Intent and the Framers' Constitution*, New York: MacMillan Publishing Co., 1988, pp. 143-45.