

LESSON SEVEN

THE SIXTH AMENDMENT TODAY

A. What Rights Does the Sixth Amendment Guarantee?

The Sixth Amendment guarantees a number of rights to a person accused of a crime. These rights include the following ones:

1. a speedy trial
2. a public trial
3. a trial by an impartial jury
4. information on the nature of the charge
5. a confrontation with the witnesses against the accused
6. compulsory process (an order of a court directing witnesses to appear on behalf of the accused)
7. the assistance of counsel.

B. Are Twelve Persons Necessary for a Jury and Must a Verdict Be Unanimous?

The U.S. Constitution does not require that twelve persons serve on a jury (*Williams v. Florida*), although many states have this requirement. Moreover, while many states require that twelve-person juries reach a unanimous verdict, it is not a violation of due process if they do not (*Johnson v. Louisiana*²). While the U.S. Supreme Court has upheld the use of six-member juries, it has also held that if a state jury is composed of six persons, the verdict must be unanimous (*Burch v. Louisiana*³).

C. What Is a Speedy Trial?

The right to a speedy trial, guaranteed in the Sixth Amendment, does not mean that a trial must be held within a specific time. It does mean that a court must look at several factors to see if the right to a speedy trial has been violated. These factors include: the length of the delay; the reason for the delay; whether the defendant complained that s/he was being denied the right to a speedy trial; and any prejudice to the defendant (for example, a witness dies or disappears or evidence is lost). These factors were set out in a case decided by the Supreme Court called *Barker v. Wingo*.⁴

D. What Is a Public Trial?

The Sixth and Fourteenth Amendments to the Constitution guarantee to the accused that his/her trial will be public. The right to a public trial, contained in the Sixth Amendment, belongs to the accused and to no one else.⁵

1. 399 U.S. 78 (1970)
2. 406 U.S. 356 (1972)
3. 441 U.S. 130 (1979)
4. 407 U.S. 514 (1972)
5. *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 379-80