

Invoking the 5th Amendment

After a careful review of the January 6th Investigation Depositions and Transcripts I have put together what I feel is the most authoritative defense and statements to be used if a person intends to invoke the 5th Amendment when being questioned. I am not a lawyer, the below is based on studying the responses of a number of very good lawyers and well paid defense lawyers.

The Fifth Amendment to the United States Constitution is fundamental to our system of justice - it's explicit purpose is to protect the innocent from being ensnared in ambiguous circumstances.

The U.S. Supreme Court has called the Fifth Amendment a safeguard against heedless, unfounded, or tyrannical prosecution to protect the innocent, as well as the guilty. Invoking the Fifth Amendment is not an admission of guilt and no one should describe it as such.

Describing it as an admission of guilt or insinuating it as such is exactly the ambiguous circumstances used by those who would subvert the Constitutional protections it provides. No explanation for invoking Fifth Amendment protection should be made, requested or expected.

Explaining the basis of the invocation defeats the purpose of the privilege. Nor shall any person be compelled, intimidated, deceived or misled by any authority in any criminal case to be a witness against himself.

The appropriate statement. "On the advice of counsel, I hereby assert my Fifth Amendment right against being compelled to be a witness against myself. Going forward, I will invoke this right in response to further questions by simply stating "The Fifth."