

Due process essay sample



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The definition of due process according to Wilson (2009) is protection against arbitrary deprivation of life, liberty, or property as guaranteed in the 5th and 14th amendments. Throughout the history of the United States, its constitutions, statutes and case law have provided standards for fair treatment of citizens by federal, state and local governments. “ Due process is one of the most controversial. ” Doctrines currently applied by the Supreme Court.

Due process of law is administered through courts of justice in accordance with established and sanctioned legal principles and procedures, and the safeguards for the protection of individual rights. In the United States, due process first appears in the Fifth Amendment of the Constitution. The Constitution was ratified in the year 1791 on December 15th. This amendment wasn't for the states, but was at the federal level of government. Due process also appeared in the 14th amendment that was ratified in the year 1868 on July 9th.

With this new ratification, it was established at both federal and state levels that no person “ shall be deprived of life, liberty, or property without due process of law. ” As determined by custom and law, due process has become a guarantee of civil as well as criminal rights. Now today in the United States through interpretation of the law, due process has grown to include, among other things, provision for ensuring an accused person a fair and public trial before a competent tribunal, the right to be present at the trial, and the right to be heard in his/her own defense.

This process was founded upon the basic principle that every man shall have his day in court, and the benefit of the general law of due process. Explain how due process protects the accused against abuses by the federal government. The right to due process is the right to be treated fairly by your government. This amendment protects your right to be treated fairly by the federal government. Most people don't know that before the Fourteenth Amendment was passed, the Bill of Rights only protected you from unfair treatment by the federal government.

The Fourteenth Amendment has been used to protect you from unfair treatment by state and local governments. Due process means that members of your government must use fair methods or procedures when doing their jobs. With the amendments made there are now fair decisions and procedures set in place to make sure citizens are being treated fairly. If someone has committed a crime according to The Bill of Rights, you have the right to have a lawyer. A lawyer is a person to help defend you.

If the government doesn't allow you a lawyer it would have violated your right to due process which is guaranteed by the Constitution. This doesn't mean the government will pay for a lawyer but it will help you if you cannot afford to pay for one yourself. With the changes in the amendment the accused has the right to present evidence, including the right to call witnesses. Also they accused has the right to know the opposing evidence that will be used against them during the trial.

Due process is a constitutional right of all citizens and gives us the power to be treated fairly. This right should always be held in the highest regard and

never taken for granted. Now with these changes people who are in authority to perform search and seizures, they are not able to perform and unreasonable search. Now evidence will not be permitted into the court rooms. This is now a more far practice and it's the same across the board for all people.