

Free essay on constitutional rights questions

[Law](#), [Criminal Justice](#)



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Question a (1)

The first amendment of American constitution guarantee its citizens the right to freely participate in their religion., the same constitution also forbid the government from approving a law that favors particular religion, setting up a command of severance of the state and church (Stephens, & Scheb p. 408).

The first right give individuals the freedom to practice and enjoy their religion at liberty with no interference. The American Supreme Court has struck down all legislations that restrain its citizens from participating in their religion. The American court held that it is unconstitutional for Amish children to attend schools till the eighth grade since it was against their religious wishes, this is according to the first amendment and also due to the fact that the government don't have a persuasive governmental concern on compulsory education.

Additionally, the American Supreme Court ruled out that denying employment benefits to individuals because the religion prevents him or her working on Sabbath was unconstitutional.

Despite the fact that the free exercise clause advocates for freedom of religion, the establishment clause prohibits the government from acknowledging one religion over the other. In correspondence to these, the court held that it was unconstitutional for the government to provide funds to unsophisticated schools for teaching secular lessons, based on this, the court formulated a test to establish whether the government action defies the establishment clause by advocating for the law to have a secular purpose, in a sense that the law will not support nor suppress religion and also that the government will not be entwined with religion.

Question a (2)

The right of privacy excludes the right to die even under special circumstances. The limitation put forward by the American Supreme Court embraces that it is unlawful for an personage to accelerate his or her death since it violates the privacy of amendment (UNESCO & UNICEF, 2007). The supreme court of America considers the life of their citizen as significant and therefore it prohibits someone from messing up with his or her own personal life. Additionally, the bill of rights limits an individual from committing suicide

The constitutional rights to die incorporate the freedom of a terminally poor in health person and proficient to decide whether or not to take medical treatment. In short, a competent person has the right to choose what should be done with his or her body; a competent individual has the right to refuse medical treatment even if the medical treatment means that it will save his or her life.

Nevertheless, the right to refuse medical treatment is unconditional. The

right to privacy in relation to the right to die is limited to instances where state action subsists. On the other hand, the right to refuse medical attention is not unconditional, since the state has the obligation to protect its citizens (Whiting, 2007, P. 57)

Question b (1)

Death penalty has been a very contentious issue in America for a long time now. There are those who oppose the death penalty and there are those who propose it. Those that oppose it view this act as morally incorrect, and some point to the eighth and fourteenth amendments that holds the act as cruel and unusual punishment. This contentious issue in spite of the controversies, the debate is still on as to whether or not the death penalty should be enacted.

The eighth amendment of the United States clearly state its ground on the issue of cruel and the unusual punishment. Under this amendment, the government is forbidden from compelling extreme bails and punishments to the reprobate (Herda, 2011). The supreme court of America has interpreted the united states bill of rights so as to validate the fourteenth amendment clause. As maintained by the American Supreme Court, the law prohibits cruel punishments in alignment with the offender's proficiency.

The American Supreme Court has constantly advocated for the eighth amendments that holds against death penalty sentencing, it is not only cruel and unusual but also unconstitutional.

Arguably, death sentence in America have incredibly declined. The public is profoundly cynical of the death penalty act, due to its enormous cost.

America are recently against capital punishment and it is ready to reinstate and adopt alternative sentences.

Question b (2)

The fourth amendment of the American constitution protects the privacy of its citizens; every citizen has the freedom from unreasonable government intrusion into personal property (Stephens & Scheb, 2008). The fourth amendment of the American constitution prevents illegitimately seized items from being presented in court as evidence, however this is only applicable in respect to the circumstance in question and characteristics of the place (Hames, J. B., & Ekern, 2005). According to the American law, the opinion that evidence obtained by a police in contravention of the constitutional defense against unwarranted search and seizure may not be used in opposition to the defendant in the court of law.

When law enforcers violate the rights of a defendant under the Fourth Amendment, and the search or seizure is considered illegitimate, any evidence derived from that particular search or seizure will certainly be kept out of the criminal court since the rights of the defendant are violated. There is no better way to deal with cases of search and seizure other than just ignore than evidence presented.

References

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