

# Individual rights and freedoms under the bill of rights essay sample

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## Abstract

This is a college paper about the rights of American citizens under the Bill of Rights. The main objective of this paper is to discuss the specific amendments introduced by the founding fathers which were expressly meant to protect the ordinary American's basic rights and freedoms such as the freedom of the press, speech, and religion; the right to privacy; the right to a speedy trial; and the right to a trial by jury.

## Individual Rights and Freedoms under the Bill of Rights

The Bill of Rights consists of the first ten amendments to the constitution of the United States. The debate concerning the rights of Americans arose after the United States Constitution was drafted in 1787. Many legislatures observed that while the functions of the three branches of government were discussed in detail in the document, nothing was said about the rights of Americans.

In fact, it was also the subject of a letter which Thomas Jefferson sent, in December 1787, to James Madison who was one of those who drafted the United States Constitution. In his letter, Jefferson wrote that " A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference." Thus, the main concern of the Bill of Rights, which officially became part of the constitution in 1791, was the protection of the individual rights and freedoms of every American (USINFO. STATE. GOV, 2003).

With the ratification of the Bill of Rights, individual rights and freedoms became a basic element of the American way of life. Every individual was granted specific rights which he or she could exercise subject to the condition that in doing so, the rights of others would not be infringed. Some of the important amendments and their significance to Americans are discussed herein. The First Amendment guarantees the freedom of “ speech, press, petition, and assembly.” Towards this end, the Constitution prohibits Congress from establishing a national religion. In other words, every American is free to practice any religion in his or her liking without fear of being the object of discrimination. This amendment also permits every American to write or speak freely about any subject, establish any organization, and confront government with his or her complaints (Emory University School of Law, 2006).

The Fifth Amendment, on the other hand, provides that anybody who is accused of a criminal offense has the right to demand to be tried promptly and in public and should be able to face his or her accuser in a court of law. The Amendment also allows the accused to be assisted by a lawyer in gathering evidence for the purpose of mounting his or her defense. This Amendment is significant to every American because it guarantees that nobody is sent to prison based on accusations alone. Amendment number seven provides for a jury trial. According to this provision, the decisions handed down by a jury could no longer be appealed. Anybody who is accused of grave crimes, therefore, has the option to ask to be tried by a jury.

This is often resorted to by defendants who prefer to be judged according to the common sense of ordinary Americans than by the legal expertise of a judge. Amendment VIII provides an individual who is charged with any crime with the chance to post bail for his or her temporary liberty. The more significant provision of this Amendment, however, is the assurance that if convicted, the court would only impose a punishment which is commensurate to the offense committed and that the court should not impose punishments which are considered “cruel and unusual.” Americans who oppose the death penalty often base their argument on this Amendment because they argue that death penalty is a “cruel and unusual” punishment and should therefore be abolished (Emory University School of Law, 2006).

However, the most significant Amendment as far as the ordinary American is concerned, is Amendment IV. This Amendment expressly provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (Emory University School of Law, 2006).

In other words, this Amendment protects the privacy of every American from being abused by government. This provision prohibits police officers from barging into any house or private establishment for the purpose of arresting a person or looking for evidence of a crime without a valid search and arrest warrant. The founding fathers promulgated this Amendment in pursuant with the relevant laws of England which decreed that even the slightest invasion

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of private property constitutes trespass. This principle was vehemently declared by Lord Camden in *Entick v. Carrington* when he stated that “ By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set foot upon my ground without my licence but he is liable to an action though the damage be nothing...” In other words, trespass occurs or could be claimed to have occurred even though the intruder takes nothing or causes no damage in a private property (FOURTH AMENDMENT: Search and Seizure, n. d.).

This Amendment is very significant not only because it protects everything that the ordinary American works so hard to acquire (house, cars, and other prized material things) from being plundered by abusive and perverted government officers, but because it protects what most Americans treasure above everything else: their privacy.

Therefore, every American should be informed that the law prohibits police officers from entering a house, impounding or searching a car, or seizing valuable things and documents without a valid warrant issued by the court. To be able to obtain a warrant, they should first convince a judge that, when based on the judgment of reasonable men, they have probable reason to believe that a crime is being committed in a certain place or that the perpetrator or material evidence of a previously committed crime could be found in the place that they want to search. The purpose of the warrant requirement, therefore, is to prevent police officers from illegally collecting evidence of a crime or arresting the perpetrator of said crime (FOURTH AMENDMENT: Search and Seizure, n. d.).

## References

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