



*My Rights & Liberties: S.7.CG.2.4*  
**Protecting and Limiting Rights**  
**VIDEO #2 SCRIPT**



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## Limits on Rights Video #2

1. The first video in this module talks about how the Constitution protects, or safeguards, individual rights outside the Bill of Rights. Remember that it uses habeas corpus, the idea of no ex post facto laws, and an independent judiciary to safeguard (or protect) our rights. We also learned about the First and Fifth Amendments and how they protect free speech, the right to protest, and property.
2. Even with the Constitution though, sometimes our rights might be limited. Our rights are not absolute; they can be limited in certain situations. And in this video, we're going to go ahead and explore some different times our rights might be limited and why they might be limited.
3. After watching this video, you'll be able to
  - Recognize that rights are protected, but are not unlimited.
  - Examine rationales for limiting individual rights, and
  - Use scenarios to examine the impact of limits on individual rights

But be sure to watch video 1 if you haven't already to learn how our rights are actually protected.

4. As you learned at the start of this video, sometimes our rights are limited. And over time, the courts have developed various guidelines for limiting individual rights. These guidelines are used to help decide when individual rights interfere with other important rights and interests, including the rights of other individuals.
5. Now according to the guidelines established by the courts, individuals may not be able to use their freedoms as much as they might like because doing so would hurt the **common good**. Now remember, the common good is acting to benefit the community rather than the individual.
6. For example, you might have the right to hunt, but you might not have the right to hunt in a public park or forest because that could impact the common good, that is, the ability of other people to enjoy the forest or the park.
7. Now it's important to note that federal laws, state laws, and Supreme Court decisions have all also limited our rights, especially around the First Amendment. Do you remember what the First Amendment is? If not, let's take a couple minutes and take a quick look before we learn how it's limited.
8. Remember that the First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the

government for a redress of grievances.

9. So then we have five important rights in our First Amendment: Freedom of religion, freedom of speech, freedom of the press, freedom to peaceably assemble, and freedom to petition the government. But if these rights are so important, what kinds of situations would limit them?

10. So why would there be limits on our First Amendment rights, and some of our other rights, if they are so important? Well, we have to be able to balance individual rights, the rights of others, and the common good. And rights can be limited due to public safety, national security, or other important issues. Let's take a look at some examples.

11. If we are at war, the courts have established a precedent, or series of decisions, that you cannot use your free speech rights to make the war harder to fight.

12. If there is a riot or a natural disaster, you might not be able to exercise your right to free assembly because it could be unsafe for you and for other people.

13. Another pretty common example is this one. You can't shout fire in a crowded theater if there isn't really a fire. You might have free speech, but your right of free speech, exercised here, could hurt other people and impact their own rights.

14. If a local government needs your property for something important, then they can use due process and eminent domain to take it, but they do have to pay a fair price for it.

15. During national emergencies, like war or natural disaster, food might be rationed. Of course you can grow your own, but you might not be able to buy as much.

16. Also during national emergencies, the right to habeas corpus, which you learned about in the last video, could be suspended. This happened during the Civil War.

17. Sometimes, war means that the government may do things it shouldn't. During World War II, the government limited the rights of Japanese Americans and put them in internment camps because the country of Japan was an enemy. The national government later apologized for doing this.

18. So as you can see from our scenarios and examples, the courts, our government, must balance individual rights, the rights of other people (our fellow citizens), and the common good (or the public interest), to make sure that everything balances.

19. Let's check in. Try to answer the following in your own words.

20. Why might our rights sometimes be limited?

21. ANSWER TO QUESTION

22. Let's recap what we've learned so far. While we have many rights in the US Constitution and Bill of Rights, these rights can sometimes be limited. And they can be limited due to public safety, national security, or when they interfere with someone else's rights. And our courts seek to balance individual rights with the common good and the rights of others.

23. So we know that our rights can be limited, and we explored some different times that our rights might be limited. But it's important to note that the government can't just decide to take away or limit our rights. The Supreme Court has established some standards by which this can happen. And let's explore what these standards are.

24. So over time, the Supreme Court has established a series of questions or ideas that can help them decide whether or not rights can be limited. This is based on precedent, or cases that have been decided in the past.

25. So the first question the Court is going to ask is 'Is there a clear and present danger?' In other words, will this act of speech, or will this right, create a dangerous situation if it is practiced? For example, a group that might advocate for the overthrow of the US government, even if it's non-violent, would be seen as creating a dangerous situation, and thus presenting a clear and present danger. And so their rights would be limited.

26. The second question that the Court considers is around the idea of 'fighting words'. Will this act of speech, this exercise of a right, potentially create a violent situation? For example, if you used your free speech to advocate for violence against a person, against a group, or against the government, such as what you might see at a Ku Klux Klan rally, that's considered fighting words and your rights are going to be limited.

27. And then we have libel. The question here is 'are you spreading information about a person that you know is false?' Are you using your free speech to say things that you know are not true? For example, back in 2013, after the Boston Marathon bombing, the *New York Post* shared a headline and picture that accused two men of being involved. They were sued, after being accused of knowing that these men were NOT wanted for questioning by the FBI.

28. The final question, or in this case, standard, the Supreme Court will consider is 'does the speech, or the right, conflict with government interests?' During times of war, the government may limit acts of speech because of national security or the war effort. For example, during World War One, Charles Schenck, the secretary of the Socialist Party of America, distributed thousands of leaflets to tell people not to serve in the military during the war. He was arrested, and the Court said his arrest was okay because his speech threatened national security or the war effort.

29. Let's check in. Try to answer the following in your own words.

30. What must the courts ask when determining whether rights can be limited?

31. ANSWER TO QUESTION

32. So let's recap what we've learned. There are four things that the Court has to consider when they are thinking about whether or not to limit rights. Clear and present danger, fighting words, libel, and conflict with government interests.

33. So as we've learned , our rights are NOT absolute, and can be limited in certain situations. And while the courts have certain questions they will need to consider in order to limit them, we'll always want to make sure that we're using our rights wisely.

34. So our Constitution and Bill of Rights both protects and limits rights. If you haven't done so already, be sure to watch the video on Protecting Our Rights in this module to learn more.