



My Rights and Liberties:
SS.7.CG.2.4
Safeguarding and Limiting Rights
READING #1

Name: _____

Date: _____



SS.7.CG.2.4 Benchmark Clarification 1: Students will recognize that rights are protected but some rights are limited (e.g., property rights, civil disobedience).

This material is adapted from resources developed by the Center for Civic Education.

The writers of the U.S. Constitution wanted to create a **federal system** of government that was effective and powerful, but one that also **safeguards** the rights of individuals. The U.S. Constitution establishes a system that protects individuals' rights and limits the federal government's powers. The Bill of Rights lists many individual rights and guarantees that the government will not interfere with these rights. Other individual rights safeguarded in the U.S. Constitution are located in Article I, Section 9. These rights include the writ of ***habeas corpus*** and ***ex post facto laws***.

Although the Constitution safeguards rights, limiting most rights is reasonable and fair. This means that rights are not absolute; they can be limited in certain situations. Over the years, courts in the United States 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. Sometimes citizens may not use their freedoms as much as they would like because doing so would hurt the **common good**. Federal and state laws, and U.S. Supreme Court decisions, have all limited First Amendment freedoms to protect the **public interest**.

Rights and freedoms have been safeguarded because they are a foundation of democracy in the United States, but they are also limited in some way so that the government can work effectively and people can feel safe.

The U.S. Supreme Court case *Kelo v. City of New London* (2005) focused on **property rights**. The city of New London, Connecticut, wanted to use **eminent domain** to take private property to start new businesses. The city believed it was correct in taking the land because the public would benefit from the **economic freedom** to start businesses, to create jobs, and for the government to earn money from taxes. The Supreme Court upheld (agreed with) the city's right of eminent domain, and the city was able to take the property. The Court decided that the new businesses would collect sales taxes and pay property taxes, which would contribute to the **public good** of the community, which justified taking the property from the owner.

In 1965, John Lewis and Hosea Williams committed **civil disobedience** by refusing to obey certain laws as a form of political protest. They were part of a larger group that got together and marched peacefully from Selma, Alabama to Montgomery, Alabama. They did this to make people more aware of voting **discrimination** against African-Americans. The Alabama State Police told the group that their assembly was against the law, but the protesters continued their march even after the police began attacking them.

civil disobedience - the refusal to obey certain laws as a form of political protest

common good - beliefs or actions that are seen as a benefit to the community rather than individual interests, also known as the public good

discrimination - treating a person or group unfairly based on their race, religion, gender, disability, or other reasons

economic freedom - the freedom to produce, trade, or use any goods or services in a way that is legal

eminent domain - the right of the government to take private property for public use; the Fifth Amendment requires that people be paid fairly (compensated) for their property if it is taken by the government

property rights - the right to own property; mentioned in the Fifth and Fourteenth Amendments

public good - beliefs or actions that are seen as a benefit to the larger community rather than individual interests, also known as the common good

ex post facto law - a law that makes an act a crime after the crime has been committed

federal system - a system of government where power is shared between a central government and states, government of the United States

Source:

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.