



My Rights and Liberties:
SS.7.CG.2.4
Safeguarding and Limiting Rights
READING #4

Name: _____

Date: _____



SS.7.CG.2.4 Benchmark Clarification 4: Students will examine the role of the judicial branch of government in protecting individual rights and freedoms.

The **judicial branch** plays an important role in how the government protects **individual rights**. The writers of the U.S. Constitution designed an **independent judiciary** where the judicial branch would have freedom from the executive and legislative branches. The U.S. Constitution guaranteed that judges would serve "during good behavior" and be protected from any salary decrease. These features prevent the other two branches from removing judges or decreasing their salaries if they don't like a judge's opinion (decision) on a case. This gives the judicial branch the freedom to make decisions based on the law and not based on pressure from the other two branches.

The writers of the U.S. Constitution wanted to create a federal government that was effective and powerful but one that did not step on the rights of the individual. In Article 1, Section 9 of the U.S. Constitution, two key individual rights are protected, or safeguarded:

The first is in this statement:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Habeas corpus is an important individual right. This statement from Article I, Section 9 means that the government has to prove to a court why it is holding someone in jail. If the government cannot show why a person is being held in jail, that person must be released.

The second is in this statement:

"No... ex post facto Law shall be passed."

An **ex post facto law** is one that makes an act a crime after it has been committed.

The **appellate process** in the federal and state court systems also protects the rights of the individual. The appellate process allows citizens to appeal a decision from a lower court to a higher court to make sure that everything in the trial was done properly.

By ensuring that individuals' rights would be protected, the Founders created a system where the federal government's powers would be limited. The judicial branch interprets the U.S. Constitution and sets **precedents** on when and how individual rights are safeguarded and limited.

appellate process - the process of asking a higher court to decide whether a trial was conducted properly

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

habeas corpus - the principle that the government has to provide a cause or reason for holding a person in jail

independent judiciary - the principle that decisions from the courts are fair and impartial and are not influenced by the other branches of government

individual rights - rights guaranteed or belonging to a person

judicial branch - the branch of government that interprets the laws made by the legislative branch