



My Rights & Liberties SS.7.CG.2.4
Safeguarding and Limiting Rights
VIDEO SCRIPT



PROTECTING OUR RIGHTS

1. You might have already heard of the Bill of Rights, but did you know that the Bill of Rights was not added to the Constitution until after the Constitution was ratified? If you remember, the Constitution was ratified about 1787, and there were quite a few of the writers of the Constitution who did not feel that the Bill of Rights was necessary.
2. In this video, we'll learn how the U.S. Constitution protects our rights even without the Bill of Rights. But be sure to watch video 2 to learn how our rights are also limited with the Constitution.
3. After watching this video, you'll be able to:
 - ◆ Recognize that rights are protected (e.g., property rights, civil disobedience).
 - ◆ Examine the role of the judicial branch of government in protecting individual rights.But again, be sure to watch video 2 to learn about how rights might actually be limited.
4. So, we know that the Founding Fathers did not originally have a Bill of Rights as part of our Constitution. They really didn't think it was necessary. At least, many of them didn't.
5. So why didn't they think the Constitution needed a Bill of Rights? Because they thought it already protected the rights of individuals. The writers of the U.S. Constitution wanted to create a federal system of government that was effective and powerful, but also that safeguarded the rights of individuals.
6. So, the Constitution establishes a system that protects the rights of the individual and also limits the powers of the federal government. Later on, they added the Bill of Rights to list the rights of citizens in order to guarantee that the government won't interfere with those rights.
7. So, let's take a look at some of the ways the Constitution protects, or safeguards, these individual rights outside of the Bill of Rights. And we are going to start by looking at the rights located in Article I, Section 9 of the Constitution.
8. In Article I, Section 9, we have two pretty important protections for individual rights outside the Bill of Rights. These are 'habeas corpus' and 'no ex post facto laws'.
9. So, let's take a look at habeas corpus first. In Article I, Section 9, it says that "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."
10. So, habeas corpus ensures citizens that the government has to provide a cause, or reason to hold someone in jail, unless there's a rebellion, a revolution, or some issue with public safety, they can't just arrest you and put you in jail.

11. There's more here though that protects us. Article I, Section 9 also says that "No Bill of Attainder or ex post facto Law shall be passed." Just what the heck does that mean?
12. Banning Ex-post facto laws prevents someone from being arrested because something that they once did that was legal was now illegal. You can't be arrested for doing something that was legal at the time that you did it. Say for example that you were playing a video game you liked, and you'd always played this game. And suddenly they passed a law that said that playing that game was illegal, and if you had ever played it, you would go to jail. That's not fair and that's not right, and our Constitution bans ex post facto laws.
13. Let's check in- try to complete the following in your own words.
14. Explain the concept of habeas corpus.
→ ANSWER TO QUESTION
Let's try another one.
15. How does banning ex post facto law protect our rights?
→ ANSWER TO QUESTION
16. Let's recap what we've learned so far:
 - ◆ Remember that the Bill of Rights was not added to the U.S. Constitution until after it was ratified, and the Constitution created a federal system of government while safeguarding our individual rights.
 - ◆ Article I, Section 9 of the Constitution has protections for the rights of citizens, including the ideas of habeas corpus, which protects us from being held in jail without a reason, and no ex-post facto laws, which makes sure the government cannot pass a law that punishes us for doing something that was legal when we did it.
 - ◆ The Fifth Amendment protects property rights. The First Amendment supports certain acts of civil disobedience like public protest.
17. So the U..S. Constitution itself protects us in a couple of ways, but of course the Bill of Rights may be the most well known protector of our various rights and liberties.
18. For example, the Fifth Amendment provides protection for citizens' property rights. Governments cannot forcefully take private property because it wants to. Think back to how the colonists had to quarter or house soldiers against their will. Although the colonists didn't have to leave their homes, they were forced to give up their privacy without representation.
19. Thanks to the 5th Amendment, the government MUST give you a fair price if they want to use your property for something. This is called eminent domain.
20. The First Amendment protects our freedoms in multiple ways. Of course it guarantees freedom of religion, freedom of the press, and the right to petition the government, but it also allows free speech and peaceable assembly! This often supports the principle of civil disobedience. This is the refusal to obey certain laws as a form of political protest.
21. Some key things to remember is that the protest must be peaceful and nonviolent. There are many historical examples of civil disobedience but popular examples include the protests led

by Dr. Martin Luther King and John Lewis during the Civil Rights Movement era, and the protests led by the Women's Suffrage Movement that lead to the ratification of the 19th Amendment. These were all supported by the First Amendment!

22. Let's check in- try to complete the following in your own words.

23. How are citizen property rights and right to protest protected?

→ ANSWER TO QUESTION

24. So how do we make sure our rights in the Constitution are upheld? Well, that's where the judicial branch comes into play! Let's take a few minutes and look at the judicial branch and how it helps protect our individual rights.

25. The judicial branch of government plays a huge role in how the government protects individual rights. The writers of the Constitution created an independent judiciary so that the judicial branch would be able to make decisions that are not influenced by the executive or legislative branches.

26. Article III of the U.S. Constitution outlines the structure and powers of the judicial branch. Article III states that judges would serve "during good behavior" and would be protected from any decrease in their salaries, in order to prevent the other two branches from removing judges or decreasing their salaries, if they don't like a decision.

27. Of course, if a judge is doing something illegal, that judge can be removed, or impeached. But it's important that our judges, our judicial branch, be free from pressure that the legislative or executive branch might put on them, to ensure that the judicial branch protects our rights.

28. Another way that the rights of individuals can be protected by the judicial branch is through the appellate process. 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 according to the law. You can learn more about this in The Legal System topic area on Civics360.

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

30. How does an independent judiciary safeguard our rights?

→ ANSWER TO QUESTION

31. Let's recap what we've learned so far:

- ◆ The First and Fifth Amendments protect the right to protest and property rights, respectively. The judicial branch helps make sure our rights are protected.
- ◆ Article III of the U.S. Constitution outlines the structure and powers of the judicial branch.
- ◆ The principle of an independent judiciary is that judges are protected from being removed from power if a decision makes the legislative or executive branches mad. And the appeals process is another way the judicial branch protects our rights.

32. We've certainly learned a lot about how the Constitution, and the judicial branch, safeguard our rights.

33. So, to answer that question, how does the Constitution protect (safeguard) individual rights outside the Bill of Rights, we have the idea of habeas corpus, the idea that we shouldn't have any ex post facto laws, and the concept of the independent judiciary. All concepts or ideas we'll find in the Constitution outside of the Bill of Rights.
34. Something important to remember though, as we wrap up, is that not only does our Constitution protect our rights, but it also limits our rights sometimes, for some very important reasons. Be sure to watch the video on Limits on Rights in this module to learn more.
35. That's all the time we have for now. Keep building your civics knowledge by exploring some of our other topic areas on Civics360!