



*My Rights and Liberties:*  
SS.7.CG.2.4  
**Safeguarding and Limiting Rights**  
**READING #2**

Name: \_\_\_\_\_

Date: \_\_\_\_\_



**SS.7.CG.2.4 Benchmark Clarification 2:** Students will examine rationales for and results of government-imposed limitations on individual rights (e.g., forced internment in wartime, limitations on speech, rationing during wartime, suspension of habeas corpus).

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

Freedom of expression includes the **First Amendment** rights of free speech, press, religion, peaceable assembly, and petition. The absolute right to free expression may be dangerous to public safety, national security, or other important issues. If the danger is great enough, the courts have allowed freedom of expression to be limited.

Also, some rights may be limited when they conflict with other rights or values. In situations where the rights of one citizen may conflict with the rights of other citizens, courts may limit an individual's rights to protect the public interest.

In the landmark case *Schenck v. U.S. (1919)*, the Supreme Court set the **precedent** of the "balancing test", by upholding the Espionage Act of 1917, which limited free speech during World War I. This balancing test is about the relationship between individual rights and the **public interest**. Rights may be limited when the public interest is threatened. The U.S. Supreme Court has ruled in different cases that the government may limit individual rights to protect the public interest. In these situations, there must be a balance of **individual rights**, the rights of others, and the **common good**.

On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066 during World War II. This order forced thousands of Japanese Americans into **internment** camps that they were not allowed to leave (**forced internment**). Fred Korematsu, an American citizen of Japanese descent (a citizen by birth), believed he was discriminated against because of his Japanese heritage. Korematsu also believed that the government had no right to force U.S. citizens into internment camps. In *Korematsu v. United States (1944)*, the Supreme Court decided that the government's action was reasonable to protect the country during wartime.

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

**First Amendment** - an amendment to the U.S. Constitution prohibiting Congress from establishing a religion, and from interfering with freedom of religious exercise, press, speech, assembly, or petition

**forced internment** - the confinement of a group of people, especially during a war

**internment** - to detain or jail someone

**individual rights** - rights guaranteed or belonging to a person

**precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court

**public interest** - common benefit, the general benefit of the public

**Source:**

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