

Rights Under Review

How judicial independence, interpretation, and impartiality shape constitutional rights.

12.G2c "An independent judicial system is an integral part of the process that interprets and defends citizens' freedoms and rights. Issues pertaining to the flexibility of judicial interpretation and the impartiality of justices in practice are..."

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline ways courts interpret rights. Circle protections for independence and safeguards against bias.

Courts, Rights, and Public Debate

- ① Courts decide disputes by interpreting and applying law. They can invalidate unconstitutional government actions and issue enforceable orders. Article III federal judges hold office during good behavior and have protection against salary reductions. These arrangements reduce pressure from elected officials. Independence does not place judges above law. Review, reasoned opinions, and legal procedures constrain decisions, although not every judicial decision can be appealed to a higher court.
- ② Interpretation can change how constitutional rights are understood. In *Brown v. Board of Education* (1954), the Supreme Court held public-school racial segregation unconstitutional under equal protection, rejecting the separate-but-equal doctrine in that setting. In *Dobbs v. Jackson Women's Health Organization* (2022), it held the Constitution does not confer a right to abortion and overruled *Roe* and *Casey*. These decisions illustrate consequential changes in precedent, not proof that all changes are equally justified. Judges and citizens debate constitutional text, history, precedent, and the costs of reversal.
- ③ Impartiality concerns fair decision-making, not the absence of every personal belief or interpretive philosophy. Recusal means stepping aside when applicable conflict rules require it, including certain financial interests or participation in a case. Written opinions expose reasoning to public scrutiny but cannot guarantee fairness. No higher domestic court reviews final Supreme Court rulings. Disagreement with an outcome alone does not establish bias; evaluating bias requires relevant evidence about conduct, interests, or treatment of the parties.

2 ANSWER WITH EVIDENCE Use the passage

1 What two protections for Article III federal judges reduce political pressure?

2 How did Brown and Dobbs each change an earlier understanding of constitutional rights?

3 According to the passage, when should a judge consider recusal?

4 Why can recusal disputes involving Supreme Court justices receive special attention?

3 YOUR TURN Your own words

In four sentences, respond to "A court should never overturn precedent." State a position, acknowledge a concern, use one passage case, and name a safeguard against bias.

PART 1 • READ AND MARK

Underline ways courts interpret rights. Circle protections for independence and safeguards against bias. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	What two protections for Article III federal judges reduce political pressure?	Life tenure during good behavior and salary protection.
2	How did Brown and Dobbs each change an earlier understanding of constitutional rights?	Brown rejected separate-but-equal in public schools under equal protection. Dobbs rejected a constitutional abortion right and overruled Roe and Casey. Both changed precedent with major effects on rights.
3	According to the passage, when should a judge consider recusal?	A judge steps aside when applicable conflict rules require it, including for certain financial interests or prior participation in the case.
4	Why can recusal disputes involving Supreme Court justices receive special attention?	No higher domestic court reviews a final Supreme Court decision.

PART 3 • YOUR TURN (SAMPLE ANSWER)

Precedent should carry weight but need not be untouchable. Brown rejected separate-but-equal in public schools, illustrating how reversal can protect rights. Frequent reversal can nevertheless make the law uncertain. Recusal rules and reasoned opinions help expose conflicts and permit scrutiny, though they do not guarantee impartiality.

Accept different positions supported by an accurate case example, a fair concern, and a relevant safeguard. Do not assume disagreement proves bias or that every federal judge has Article III tenure.