Rights Under Pressure

How independent courts interpret and defend liberties

USG.C.4.4.D "Explain the importance of an independent judicial system as integral to the interpretation and defense of citizens' rights and liberties."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline where the Court interpreted a right, circle the protections that help Article III judges decide independently, and number two ways the ruling affected students. Use your marks to explain why judicial independence matters.

The Right Not to Salute

(1) In 1943, some West Virginia students faced a choice: salute the flag at school or face punishment. Their families, who were Jehovah's Witnesses, objected because of their religious beliefs. A state rule required public school students to salute the flag and recite the Pledge of Allegiance. In West Virginia State Board of Education v. Barnette, the U.S. Supreme Court ruled that public schools could not force students to take part. The Court treated the forced salute and pledge as a violation of freedom of speech. That protection applies to state governments through the Fourteenth Amendment.

(2) Why could the justices make a decision that many people might dislike during wartime? Federal judges appointed under Article III of the Constitution hold office during good behavior, rather than facing a new election after every ruling. The Constitution also prevents their pay from being reduced while they serve. These protections make it harder for political leaders to threaten those judges over an unpopular decision. They do not put judges above the law: Article III judges can be removed through impeachment by the House and conviction by the Senate. Not every federal judge holds an Article III position.

(3) In Barnette, independence mattered because a popular patriotic demand still had to be tested against constitutional rights. The justices interpreted freedom of speech to include the right not to be forced to express a government-approved message. Their ruling defended students by stopping public schools from requiring the salute and pledge, even when officials supported the rule. Students remained free to participate by choice. An independent court cannot guarantee that every ruling is correct, but it can decide rights disputes without having to obey officials who made the challenged rule or voters who favor it.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Court interpret freedom of speech in Barnette, and why did that interpretation matter for students?

2. How could Article III judges' good-behavior tenure and protected pay help them decide an unpopular rights case?

3. How did the ruling defend students' rights while leaving other students free to salute the flag?

4. Why does the possibility of impeachment not allow an official who dislikes a rights ruling to simply remove an Article III judge?

3 YOUR TURN

Your own words

Imagine a federal lawsuit challenging a town rule that fines residents who refuse to display the town's slogan in their windows. In 4 to 5 sentences, explain how an independent Article III judge could interpret and defend a constitutional liberty, and identify one limit on judicial power or form of accountability.

ANSWER KEY

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HIGH SCHOOL · USG.C.4.4.D

PART 1 · READ AND MARK

Underline where the Court interpreted a right, circle the protections that help Article III judges decide independently, and number two ways the ruling affected students. Use your marks to explain why judicial independence matters. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Court interpret freedom of speech in Barnette, and why did that interpretation matter for students?	**The Court held that freedom of speech includes the right not to be forced to express a government-approved message. This protected students who refused the required salute and pledge.**
2	How could Article III judges' good-behavior tenure and protected pay help them decide an unpopular rights case?	**Those protections make it harder for political leaders to threaten judges with removal or reduced pay because of an unpopular ruling.**
3	How did the ruling defend students' rights while leaving other students free to salute the flag?	**Public schools could no longer require the salute and pledge, but students could still participate voluntarily.**
4	Why does the possibility of impeachment not allow an official who dislikes a rights ruling to simply remove an Article III judge?	**Removal requires impeachment by the House and conviction by the Senate. One displeased official cannot remove the judge alone.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

An Article III judge could ask whether the town's rule forces residents to express a message they reject. The judge could interpret freedom of speech to protect a person's choice not to display the government's slogan. If the rule violates that freedom, the court could stop the town from enforcing the fine, even if many voters support it. Good-behavior tenure and protected pay reduce political pressure on the judge, while removal through impeachment and conviction remains possible.

Accept explanations that connect judicial independence to interpreting and defending rights despite political pressure. For Part 3, students should distinguish a judge's protection from political retaliation from freedom from accountability.