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Linking it #5

Habeas Corpus Explained in One Minute

Habeas corpus is “a writ asking a person holding another person to produce the prisoner and to give reasons to justify continued confinement.”(page 105). In Latin habeas corpus means “you shall have the body”. This originates from the United Kingdom in the 17th century. With habeas corpus it states that if you are born with liberty and the government looks you up, takes away your liberty, you have the right to ask the courts for a writ of habeas corpus. “A writ of habeas corpus is a legal device that allows detained individuals to request an evidentiary hearing so that a judge can examine the legality of their confinement in a jail, prison, or mental hospital.”(page 100).

Constitutional Test

There are different tests for different government activities. Each test tells the judge how to answer the question, Is the law constitutional or not? When this question is asked it has a lot to do with the First, Fourth, Eighth, and Fourteenth Amendments. The most important test would be the rational basis test which requires a regulation that provides a reasonable, rational method of advancing an institutional goal. The rational basis test analyzes prisoners’ First Amendment claims and even other constitutional claims.

What Rights Do Prisoners Have? Part 1

Prisoners have certain rights that cannot be stripped from them. Over 15 million people are in prison and it is important that they still have basic human rights. In the first video about this topic, most of the video talks about free speech. In the text, it talks about how the First, Fourth, Eighth, and Fourteenth Amendments are the ones that do apply to inmates. Officials can only restrict speech if they can prove that it passes the Turner Test. This is basically a series of four questions that determine a restriction based on legitimate government interest.

What Rights Do Prisoners Have? Part 2

This video addressed due process. In the video, it says that inmates must be notified before transfer or solitary confinement, privacy strip cannot be done as a punishment and health care cannot be denied to inmates. With due process the following need to be guaranteed:

1. The prisoner must be given 24-hour written notice of the charges.
2. The prisoner has the right to present witnesses and documentary evidence in defense against the charges.
3. The prisoner has the right to a hearing before an impartial body.
4. The prisoner has the right to receive a written statement from that body concerning the outcome of the hearing.