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Habeas Corpus

U.S. Constitution, Article 1, Section 9

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.

Charles Pinckney's Plan, Tuesday, 28 May 1787

The next Article provides for the privilege of the Writ of Habeas Corpus—

Journal, Monday, 20 August 1787 (excerpts)

Mr. CHARLES PINCKNEY submitted to the House, in order to be referred to the Committee of detail, the following propositions—

The privileges and benefit of the Writ of Habeas corpus shall be enjoyed in this Government in the most expeditious and ample manner; and shall not be suspended by the Legislature except upon the most urgent and pressing occasions, and for a limited time not exceeding _____ months. . . .

These propositions were referred to the Committee of Detail without debate or consideration of them, by the House.

Debates, Tuesday, 28 August 1787

Mr. PINCKNEY, urging the propriety of securing the benefit of the Habeas corpus in the most ample manner, moved “that it should not be suspended but on the most urgent occasions, & then only for a limited time not exceeding twelve months.”

Mr. RUTLEDGE was for declaring the Habeas Corpus inviolable—He did not conceive that a suspension could ever be necessary at the same time through all the States—

Mr. GOVR. MORRIS moved that “The privilege of the writ of Habeas Corpus shall not be suspended, unless where in cases of Rebellion or invasion the public safety may require it.”

Mr. WILSON doubted whether in any case a suspension could be necessary, as the discretion now exists with Judges, in most important cases to keep in Gaol or admit to Bail.

The first part of Mr. GOVR. MORRIS’ motion, to the word “unless” was agreed to nem. con. — on the remaining part.

N.H. ay. Mas. ay. Ct. ay. Pa. ay. Del. ay. Md. ay. Va. ay. N.C. no. S.C. no. Geo. no. [Ayes 7; noes 3]

Resolution Referred to Committee of Style, 10 September 1787

The privilege of the writ of Habeas Corpus shall not be suspended; unless where in cases of rebellion or invasion the public safety may require it.

Committee of Style Report, 12 September 1787

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.

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