

ANSWER KEY

8. Yes. In *California v. Greenwood* (1988), the Court ruled that a trash bag at the curb is “readily accessible to animals, children, scavengers, snoops, and other members of the public,” so there was no expectation of privacy.

9. Yes. In *California v. Ciraolo* (1986), the Court held that a police fly-over was “nonintrusive” and “took place within public navigable airspace,” therefore there was no reasonable expectation of privacy.

Unit 8: The Bill of Rights and Liberty

LESSON 1: HOW DOES THE CONSTITUTION PROTECT LIBERTY?

Handout A: Background Essay - How Does the Constitution Protect Liberty?

1. The First Amendment guarantees that you can associate with whomever you like. The Third and Fourth Amendments promise that the government cannot intrude into your home arbitrarily and without legal cause. The Fifth Amendment assures that you can keep silent if accused of a crime. The Founders believed that these rights should be protected so they decided to list them in the Bill of Rights.
2. Due process rights protect personal liberty in that they check government power, and it entitles all citizens to fair treatment by the government. Due process rights that are protected include: the right to a speedy, public trial by a jury; no person shall be tried for the same crime twice; no person should be forced to testify against himself; no person shall be deprived of life, liberty, or property; and all persons should be equally protected under the law.
3. Answers will vary. Accept reasoned responses.

Handout B: *Pierce v. Society of Sisters* (1925)

1. The Act required that all students attend public school through eighth grade. Private and parochial schools were concerned that they would lose students, their jobs, and their businesses because of this law. They also believed that it was a parent’s right to choose where the student went to school.
2. The First Amendment could have been discussed in this case, too. It could have been argued that the state of Oregon was infringing upon the freedom of religion.

Handout C: *Pierce v. Society of Sisters* (1925) Unanimous Opinion

Answers will vary. Accept reasoned answers

Handout D: Newspaper Story Guideline

Answers will vary. Accept reasoned answers.

LESSON 2: WHAT IS THE SCOPE OF THE BILL OF RIGHTS?

Handout A: Background Essay – What Is the Scope of the Bill of Rights?

1. The Ninth Amendment ensures that the rights actually listed in the Bill of

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Rights are not assumed to be more important than rights not listed. The Ninth Amendment does not list any specific rights, but it raises many possibilities. It has been read to protect all natural rights not specifically listed in the First through Eighth Amendments.

2. In *Griswold v. Connecticut* (1965), the Court determined that the Ninth Amendment protects privacy within marriage. The Court cited the First, Third, Fourth, and Fifth Amendments as creating

a “zone of privacy.”

3. In *Bowers v. Hardwick* (1986), the Court said states could outlaw homosexual activity, but reversed this decision in *Lawrence v. Texas* (2003). In the *United States v. Windsor* (2013) case, the Court determined that the Defense of the Marriage Act was unconstitutional. The decision asserted that the federal government must recognize same-sex marriages and same-sex spouses equally. Accept reasoned answers.

Handout B: Supreme Court Personal Liberty Decisions

Case Name	Your Summary of the Opinion	What is the constitutional question in this case? Do you agree with the Court’s decision?
<i>Griswold v. Connecticut</i> (1965) Majority	The right to privacy is basic and fundamental. Even though it is not explicitly stated in the first eight amendments, to ignore the right to privacy is to ignore the Ninth Amendment.	Does the Constitution protect a right of marital privacy against state restrictions on the use of contraceptives? Accept reasoned answers.
<i>Griswold v. Connecticut</i> (1965) Dissenting	There is no constitutional provision or other law to protect privacy.	
<i>Roe v. Wade</i> (1973) Majority	The right to privacy can be found in both the Ninth and Fourteenth Amendments. The protection is broad enough to protect a woman’s decision whether or not to terminate her pregnancy.	Does the Constitution protect a woman’s right to end her pregnancy by abortion? Accept reasoned answers.
<i>Roe v. Wade</i> (1973) Dissenting	The majority of states have restricted abortions which shows that the right to abortion is not fundamental.	
<i>Bowers v. Hardwick</i> (1986) Majority	There is no fundamental right to engage in homosexual activity.	Does the Constitution protect a right to engage in consensual homosexual activity, thereby invalidating state laws to the contrary?
<i>Bowers v. Hardwick</i> (1986) Dissenting	Knowing that others do not have the same values does not justify invading their lives.	Accept reasoned answers.

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<i>Lawrence v. Texas</i> (2003) Majority	Liberty means that people have the freedom of thought, belief, expression, and intimate contact. <i>Bowers v. Hardwick</i> was incorrect.	Do laws against consensual homosexual activity violate the liberty and privacy protected by the Due Process Clause of the Fourteenth Amendment?
<i>Lawrence v. Texas</i> (2003) Dissenting	Laws can impose constraints on liberty as long as they do so through the due process of law.	Accept reasoned answers.
<i>United States v. Windsor</i> (2013) Majority	The law to restrict the protections of marriage is a violation of the Fifth Amendment.	Does the federal Defense of Marriage Act deprive same-sex couples who are legally married under state law of their Fifth Amendment rights under federal law?
<i>United States v. Windsor</i> (2013) Dissenting	Declaring the right to same-sex marriage will challenge state laws restricting marriage to its traditional definition.	Accept reasoned answers.

Unit 9: The Bill of Rights and Federalism

LESSON 1: WHAT IS A FEDERAL REPUBLIC?

Handout A: Background Essay - What is a Federal Republic?

1. Federalism is the principle that people delegate certain powers to the national government in the Constitution. All those powers not delegated to the national government remain with the states and the people.
2. All those powers not delegated to the national government remain with the states and the people.
3. The Fourteenth Amendment limited the types of laws states could pass. Eventually, the Supreme Court began applying Bill of Rights limitations to state governments via the Fourteenth Amendment. The

Seventeenth Amendment ended state representation in the U.S. Congress.

4. Accept reasoned answers.

Handout B: Federalism Venn Diagram

Accept reasoned answers.

Handout C: Article I, Sections 8, 9, 10, and Amendment X of the Constitution

1. The decision to divide power among [federalism] and within [checks and balances] several governments positioned the American people to enjoy the benefits of a large republic (e.g., strong defense against foreign encroachments, national system of commerce, etc.) while still retaining significant control over their day-to-day affairs within the states.
2. Accept reasoned answers.
3. Answers will vary. Accept reasoned answers.