

ANSWER KEY

Document D: Yes. Executive Order 10925 applied only to federal government contractors. Title VI of the Civil Rights Act of 1964 applied to “any program or activity receiving Federal financial assistance.”

Document E: 1. Historic disadvantages are not rectified by mere equality of opportunity. True equality is equality of results. 2. The first document implies that equality of opportunity is sufficient for true equality. Johnson asserts that equality is measured by results.

Document F: Under the “special program” a significantly higher number of minorities (particularly blacks and Mexican-Americans) were accepted to medical school than were accepted under the “general program.” Nationally, most minority medical students went to “traditionally African American colleges.”

Document G: While the percentages of education achieved for both races increased, blacks lagged significantly behind whites in all categories.

Document H: His scores for both years were comparable to those accepted into the general program, but far exceeded the scores of students admitted to the special program.

Document I: Answers will vary.

Document J: Equality is in opportunity, not in results, as asserted by President Johnson.

Document K: As admitting certain students on the basis of race, or excluding certain students on the basis of race.

Document L: 1. The case is about excluding certain applicants on the basis of race. 2 “Equal” means treating everyone the same; “protection” means security from discrimination.

Document M: Marshall agreed that the race of an applicant can be taken into consideration when determining

admission. Marshall disagreed that the Equal Protection Clause prevents a university from providing additional opportunities to particular races in its admissions policy.

Grutter v. Bollinger and Gratz v. Bollinger

Document A: By trying to help African Americans, the white Americans are not giving blacks a chance to stand on their own two feet.

Document B: 1. To protect the rights of former slaves. 2. Answers will vary.

Document C: As a way of remedying the long history of discrimination against African Americans.

Document D: 1. Answers will vary. 2. Marshall said racial preferences were needed to remedy past wrongs. The Law School based its affirmative action program on the claimed educational benefits for all students that result from a diverse student body.

Document E: It did not have a quantified goal of minority enrollment, but rather used race as a “plus factor” in a flexible way that allowed individual consideration.

Document F: It was masking a quota-system of proportional admissions. 2. Yes.

Document G: Dissent.

Document H: 1. Because it provides eloquent, historical support for his position. 2. If it will be unconstitutional in 25 years, it must be unconstitutional now.

Document I: 1. The automatic 20 points awarded on the basis of race did not allow for individual consideration of applicants and therefore violated the Equal Protection Clause. 2. The LSA policy awarded specific points for race, the Law School policy did not.

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Document J: If colleges are going to award points for certain attributes or accomplishments, they may do so for race.

Document K: She thought that if *Grutter's* was constitutional, then *Gratz's* must be constitutional as well, because at least it was honest.

Document L: Minorities will no longer be able to compete.



Mapp v. Ohio

Document A: General Writs of Assistance allow officials to search whenever and however they please, for whatever reason. Special Writs of Assistance allow officials to search a particular place and are only granted under an oath taken by the official.

Document B: Both require that a search warrant contain a description of the place to be searched and what they are looking for, and that such a warrant can only be if supported by oath.

Document C: Answering questions in ways that make one appear guilty; providing evidence that gives the appearance of guilt; offering or signing a confession; giving DNA samples.

Document D: Some will say that strict requirements for search and seizure and protection against self-incrimination are essential because they ensure government will not act arbitrarily and in ways that trample individual rights. Others may argue that such rights can allow criminals to go free.

Document E: When evidence is taken by "an official of the United States ... without any search warrant," the government's actions are too close to the "general search warrants" that the Founders

intended to eliminate with the Fourth Amendment. This "unreasonable search" should be reversed. Improperly obtained evidence may not be used because it prejudices the judicial process and gives to the police powers equivalent to a Writ of Assistance.

Document F: 1. Because states could ensure due process by "reliance" upon other methods" which were "equally effective" in protecting individual rights.

Document G: 1. The exclusionary rule is "an essential part of the right to privacy" necessary to the Fourth and Fourteenth Amendment protections. 2. Having a judge swear to uphold the Constitution, and applying it, even if the "the criminal is to go free" from time to time, is the only way to ensure the integrity of the law for everyone. 3. Answers will vary. Students may suggest fining or punishing police who conduct illegal searches.

Document H: This opinion argues that the exclusionary rule stems from both the requirements of the Fourth Amendment as well as the protections provided against "compelled self-incrimination" in the Fifth. The majority argues that the exclusionary rule stems from the Fourth and Fourteenth. He agrees with the majority, therefore, that the exclusionary rule exists, but for different reasons than the majority argues.

Document I: Because it will take away the ability of the states to decide on their own whether to apply the exclusionary rule.

Document J: Moral and legal justice are not necessarily the same. Overturning a conviction on the basis of unconstitutional government action may be legal justice, but it cannot change the truth that someone is "guilty as sin"

Gideon v. Wainwright

Document A: Massachusetts Body of Liberties - "Every man that findeth himselfe unfit to plead his owne cause