

ANSWER KEY

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.

UNIT THREE: The Rights of the Accused

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