

## ANSWER KEY

limited the expression of an idea. The government can't ban offensive ideas. Allowing government to ban flag burning will open the door to other types of bans. 2. Government can't ban expression just because it's unpopular.

Document J: 1. The act of burning the flag was not an essential part of his speech. If he had not been able to burn the flag, Johnson would still have had other ways to get his message across. A democratic society can ban conduct it regards as "evil and profoundly offensive." 2. He was punished for his actions and not his ideas.

Document K: Condemnation of America; dissatisfaction with American domestic and foreign policy; that citizens have the right to burn the flag.

Document L: Their priorities are wrong. They're spending too much time worrying about flag burning and not enough about real problems like crime.

Document M: American resilience, pride, unity, and hope in the face of attack.

### **Reno v. ACLU**

Document A: Free exercise of religion (since websites can be places where people and churches practice their religion), free speech, free press, assembly (since people "gather" at websites in exchange of ideas) and petition (since the web can be used as a means of addressing public officials).

Document B: It grew very quickly.

Document C: 1. §223(a) obscene or indecent materials transmitted to persons under the age of 18. 2. §223(d) materials that depict or describe, in violation of contemporary community standards, "sexual or excretory activities or organs."

Document D: The Internet contains the kind of "chaos" inherent in the range and types of speech that the First Amendment anticipates and protects.

Document E: The First Amendment's protection of speech does not apply to Internet pornography depicting, or transmitted to, children.

Document F: Both are public places in which speech may be exercised but can be subjected to certain restrictions concerning "time, place, and manner."

Document G: 1. The law was too broad in its scope and application and would "effectively suppress" a body of material that adults "have a constitutional right to receive and address to one another." 2. The explosive growth of the Internet.

Document H: In the physical world there can be "adult zones" into which children cannot enter without revealing their identity as a minor. On the Internet, by contrast, identities can be masked.

## UNIT SIX: Personal Liberty

### **Griswold v. Connecticut**

Document A: 1. A person has a right to privacy in the home. Government may not intrude upon this privacy so long as "he is quiet." 2. Privacy in the home is essential and sacred.

Document B: 1. Sections that may be underlined will include: I—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ... or the right of the people peaceably to assemble; III—No soldier shall, in time of peace be quartered in any house, without the consent of the owner....; IV—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated....; V—No person ... shall be compelled in any criminal case to be a witness against himself....; IX—...others retained by the people. 2. III and IV.

## ANSWER KEY

Document C: Due process.

Document D: Using birth control or providing advice related to it.

Document E: The Court acknowledged a parental “right to privacy” as it relates to the decisions parents make in raising their children. The Constitution does not list every right. The right of parents to make these types of decisions is a natural right.

Document F: Freedom of speech.

Document G: The Due Process Clause only applied to the states those rights understood to be fundamental to the notion of liberty.

Document H: The right to be free from “arbitrary ... restraints.”

Document I: Law is grounded in morality and, in some cases, religious precepts.

Document J: 1. Answers will vary. 2. Areas (such as the home, the conscience, papers and effects), that are free from arbitrary government intrusion. 3. The privacy of the marital relationship has been acknowledged for centuries and predates the Bill of Rights.

Document K: The Ninth Amendment allows individuals to make legitimate claims of rights beyond those written in the Constitution.

Document L: The dissenter disagrees with the Connecticut law as a matter of policy preference but he finds nothing in it that violates the Constitution.

Document M: Yes.

### **Roe v. Wade**

Document A: After “quickening” had occurred.

Document B: Both laws prohibited drugs and devices designed to cause abortion. The 1803 law permitted abortion before quickening; in contrast, the 1857 law prohibited abortion for the entirety of

pregnancy. The 1803 law provided for the punishment of death, the 1857 Texas law provided for prison sentences of 2-5 years.

Document C: Due process.

Document D: Parts of the First, Third, Fourth, Fifth, and Ninth Amendments.

Document E: The Tenth Amendment, which says that powers not granted to the federal government are kept by the states, made abortion a state issue. Abortion laws, therefore, differed from state to state.

Document F: Do not allow abortion.

Document G: 1. *Ms* magazine. 2. They reveal the personal, emotional and divisive nature of the issue, as well as the widespread nature of the controversy.

Document H: The right of privacy, as it relates to “bear[ing] and beget[ting]” a child, is a right held by all individuals. In *Griswold*, the Court said this right only applied to married people.

Document I: 1. *Griswold* said there is a right to privacy; *Eisenstadt* said the right applies to everyone, not just married people; *Roe* held that the established right to privacy applied to the abortion decision. 2. Both the Court and the 1803 law were identifying a point in pregnancy after which abortion could be/was illegal. “Viability” (1973) is the point at which the baby can live outside the womb; “quickening” (1803) was the point at which movement could be felt by the mother. Both are terms that reflect medical understanding for their time. 3. Critics of *Roe* contend that, unlike the two earlier cases, it involves the taking of innocent life. Supporters contend that the right to an abortion is fundamental to their liberty and privacy. 4. Some students will say yes, because the trimester framework balances individual liberty with the state’s interest in protecting life. Others will say no,