

CLASSIFYING LIBERTY

Directions: Read Documents A – O and use the table to indicate how each document defines/ explains liberty.

- Put a check in Column 1 if the document defines liberty as including those freedoms commonly referred to as “civil rights” (expressive activities, intimate conduct, political participation).
- Put a check in Column 2 if the document defines liberty as including those freedoms commonly called “economic rights” (right to own property, to earn a living, etc.).
- Use Column 3 to indicate whether the document approaches civil and economic liberty as one and the same or as different types of liberty.

Each document may have checks in one or both of the first two columns. Documents A and B are done for you as an example.

	1. Liberty includes expressive activities, intimate conduct, political participation	2. Liberty includes economic rights	3. Same/ Different
A. Locke's <i>Second Treatise</i>	✓	✓	Same
B. Declaration of Independence	✓	✓	Same
C. Constitution excerpts			
D. <i>On Property</i> , Madison, 1792			
E. Fourteenth Amendment 1868			
F. Slaughterhouse Cases, 1873			
H. <i>Meyer</i> , 1922—a desirable end cannot be promoted by prohibited means.			

CLASSIFYING LIBERTY (CONT.)

	1. Liberty includes expressive activities, intimate conduct, political participation	2. Liberty includes economic rights	3. Same/ Different
I. <i>Pierce</i> , 1924—“(R)ights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State.”			
J. <i>Schechter</i> , 1935 Extraordinary conditions do not create or enlarge constitutional power.	Not squarely addressed	Not squarely addressed	Not squarely addressed
K. <i>Palko</i> , 1937 “implicit in the concept of ordered liberty... ranked as fundamental”			
L. <i>Parrish</i> , 1937			
M. <i>Carolene</i> , 1938			
N. <i>Griswold</i> , 1964			
O. <i>Lawrence</i> , 2002			