

Handouts A–B Answer Keys

Handout A: What Is the Scope of the Bill of Rights? Essay Answer Key

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

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.

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<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? Accept reasoned answers.
<i>Bowers v. Hardwick</i> (1986) Dissenting	Knowing that others do not have the same values does not justify invading their lives.	
<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? Accept reasoned answers.
<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.	
<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? Accept reasoned answers.
<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.	