Vocabulary Builder

SECTION 1

Answers may vary but should include a definition for each of the following terms: freedom of expression, redress of grievances, censor.

SECTION 2

1. cyber-surveillance
2. plain view doctrine
3. special needs test
4. a
5. c
6. d
7. b

SECTION 3

1. system of established teachings or beliefs
2. personal freedoms that are not explicitly expressed in the Constitution but are protected by it
3. independence

Answers will vary but should be a summary that relates to the section and includes the following terms: doctrine, autonomy, unenumerated rights.

SECTION 4

1. *Gonzales* v. *Raich*
2. *Heart of Atlanta Motel* v. *United States*
3. b
4. c

Biography

Thurgood Marshall

1. Marshall was an important civil rights lawyer and the first African American member of the U.S. Supreme Court.
2. As a lawyer for the NAACP, Marshall planned the legal strategy that challenged racial discrimination; he argued a number of civil rights cases before the Supreme Court; as a member of the Court, he consistently supported protections for civil liberties and civil rights.

ACTIVITY

Students' Web sites will vary, but all should include information about Marshall's life and career.

Ruth Bader Ginsburg

1. In *Reed*, the Supreme Court ruled that the Fourteenth Amendment's equal protection clause prohibited some forms of gender-based discrimination.
2. As a lawyer, Ginsburg won several gender discrimination suits that reached the U.S. Supreme Court, including *Reed* v. *Reed*, in which the Supreme Court declared that some forms of gender discrimination were unconstitutional; she wrote a pioneering gender discrimination textbook; and as a Supreme Court justice, she has voted consistently in favor of equal rights, notably in *United States* v. *Virginia*.

ACTIVITY

Students' articles will vary, but all should include information about Ginsburg's work as a lawyer and as a judge.

Primary Source

McCulloch v. *Maryland* (1819)

1. When state and federal laws conflict, federal laws take supremacy, provided they were made in "pursuance of the constitution."
2. The Constitution does not list all of the powers of the federal government because it would not be possible to list all powers without becoming as complicated as a legal code.
3. The decision made clear that in areas of the law in which the Constitution grants it precedence, the federal government is more powerful than state governments and can pass laws that affect all of the states. Further, the states must obey these laws, even if the laws conflict with state laws or state constitutions.

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Bush v. *Gore* (2000)

1. The majority decision ruled that the Florida Supreme Court's recount procedure was unconstitutional because it did not protect voters' right to equal treatment.
2. The dissenting justices believed that the Florida Supreme Court was best qualified to establish the recount procedure, since judges on that court would best be able to interpret their state's laws. With that in mind, the dissenting judges believed that the recount should have continued.

Economics and Government

Baseball and the Supreme Court

1. Antitrust laws cover interstate commerce. In short, the Court decided that baseball was not a form or interstate commerce. First, the Court found that the travel across state lines to play baseball games was incidental, not essential, to the true business activity, which was playing baseball games, something that could be done without involving travel. Second, the Court ruled that the presentation of professional baseball games did not constitute commerce in the "generally accepted use" of the term.
2. By restricting a player to one team, the reserve clause eliminated a free market in which the player could sell his services to the highest bidder. Flood contended that this represented a violation of the Sherman Act.
3. Answers will vary but students should provide support for their answer and show an understanding of the economic issues involved.

Political Cartoon

1. A police officer has pulled a car over for a broken taillight and uses that as a reason to search the car.
2. Answers will vary. Possible answer: that the Supreme Court's decision to allow police dogs to search cars without probable cause should not be allowed and is used to excess on innocent people
3. Answers will vary. Possible answer: Probable cause is usually required. Probable cause is established either by evidence of suspicious behavior, such as fleeing the scene of a crime, or of illegal substances. The presence of illegal or contraband substances must be visible to the law enforcement officer or signaled by a drug-sniffing dog.

WRITING ACTIVITY

Answers will vary but should take and defend a clear position on whether or not a canine sniff constitutes a legally permissible search.

Chapter Review

1. selective exclusiveness
2. search
3. unenumerated rights
4. redress of grievances
5. freedom of expression
6. cyber-surveillance
7. plain view doctrine
8. a
9. b
10. b
11. b
12. Answers will vary. Possible answer: Protecting First Amendment freedoms is one of the Supreme Court's most important responsibilities, since its decisions can limit or expand First Amendment freedoms.
13. Answers will vary: Possible answer: Legal codes and reasoning traditionally recognize a right to privacy. Such a right, however, is not explicitly spelled out in the Constitution. Therefore, it is left to the Supreme Court, relying on precedent and legal reasoning regarding the Fourth Amendment, to define the appropriate extent of the right to privacy. Defining the right to privacy is one of the many tasks facing the Court.

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14. Answers will vary. Possible answer: Relying on the doctrine of substantive due process, the Supreme Court has the responsibility of defining the unenumerated rights that are protected by the Constitution.

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