

Bill of Rights Scenarios: Merit

Instructions: Read the following real-life situations. Then identify the amendment addressed in each situation, explain how the amendment is linked to the situation, and answer any further questions in each paragraph. (Most of these ask for your opinion. Please give me a reason for your opinion, but be brief.)

1. In June 2002, the Ninth Circuit U.S. Court of Appeals ruled that the phrase “under God” as written and spoken when saying The Pledge of Allegiance was unconstitutional. ***Why? (Identify the amendment that the Court could use as support for its ruling and how it supports the Court’s ruling.)** What is your opinion – is this phrase constitutional or not? Support your opinion.

2. On December 18, 1791, a 12-year old Philadelphia apprentice, Dillon, was arrested for burning down several stables containing hay and other goods. He was told by his minister, his boss and others to confess for the good of his “mortal body and soul,” but he insisted he was innocent. He was then taken to the dungeon where he was shown the gloom and horror of what would befall him if he did not confess. He was told he would be confined in this dark and cold dungeon with little food, but if he confessed, he would be well accommodated with room, fire, and food and may expect to receive pity and favor from the court. Dillon continued to assert his innocence, but after he was kept in the dungeon for two days without heat, food, or water, he confessed.

***Dillon’s attorney said this confession was unreliable and illegal. Why? (Identify the amendment that would support the attorney’s opinion and how.)** What do you think?

3. In 1770, and then again in 1773, the king of England passed a Quartering Act, which required the colonists in America to house and feed soldiers of the Royal Army. After the Bill of Rights was passed, **do Americans still have to house soldiers if the president says so? Why or why not? (No opinion necessary on this one.)**

4. In February of 2000, Senator Reed from Rhode Island introduced some controversial legislation regarding gun control. The **Handgun Safety and Registration Act** is meant to reduce illegal gun trafficking by providing for more efficient tracing of handguns used in crimes and tougher penalties for those who sell guns to illegal purchasers. The proposed bill came under a lot of criticism from people who felt like the restriction and regulation of the sell and purchase of guns is unconstitutional. **Why do some feel this bill is unconstitutional? Why do some feel the bill is constitutional? What do you think?**

5. There are many people in this country who are against the death penalty because they say it is unconstitutional. **Why do some feel this the death penalty is unconstitutional? Why do some feel it is constitutional? What do you think?**

6. In a 1967 Supreme Court case, *Katz v. United States*, Katz had been convicted of illegal gambling based on evidence gathered using a wiretap placed in a public telephone booth. Conversations between Katz and his gambling associates were overheard and recorded by the FBI. The court ruled in favor of Katz (meaning, he was found not guilty) because “the Government's activities in electronically listening to and recording the petitioner's words violated the privacy upon which he justifiably relied while using the telephone booth…” **What amendment do you think the court used to recognize Katz’s rights? What does the amendment say? What do you think?**

7. In 1930, eight black youths were sentenced to death in a hastily carried-out trial without benefit of a lawyer. In 1932, in *Powell v. Alabama*, the Supreme Court set

aside these convictions. Why would the Supreme Court reverse such a conviction? What do you think?

8. Why would a trial in a civil case require a jury? (Cite an amendment and explanation.)

9. California Law 11362.5, sometimes called the Compassionate Use Act and better known as Proposition 215 is a law in which certain individuals who qualify can be prescribed marijuana for medicinal purposes. The United States Supreme Court recently made a decision which makes it illegal to do this. **Federal** law states that there is no medical use for marijuana and any use of it is illegal under federal statute. The issue faced was whether the federal government has the right to overturn a state law that the people helped create. **Can Congress tell the people they do not have a voice in making the laws for their state, or tell a state legislature that they, too, do not have the right to make laws for their state if those 535 people in Congress do not like the laws they pass?** (Name the amendment that is relevant to this issue, what it says, and your opinion.)

10. Why can I, as an individual citizen, get up in the morning, go to work, eat the foods I want, and pretty much live my life without worrying that I'm violating the Supreme Law of the Land--the Constitution--because these liberties aren't specifically listed?