

Name: _____ Date: _____

Answer Key: When Civil Liberties Go Wild: 11th Grade Bill of Rights Battle

Learners develop high-level judicial reasoning skills by evaluating complex scenarios involving the Takings Clause, Double Jeopardy, and Substantive Due Process.

1. A city government invokes eminent domain to seize several private homes to clear land for a high-end luxury shopping mall owned by a private corporation. Under the 5th Amendment and the precedent set in *Kelo v. City of New London*, what is the primary legal justification for this?

Answer: A) The 'Public Use' clause can be interpreted broadly to mean 'Public Purpose,' including economic development.

In *Kelo v. New London*, the Court ruled that the 'public use' requirement of the 5th Amendment's Takings Clause could include private development intended to enhance a city's tax base and economic growth.

2. True or False: Under the principle of Double Jeopardy, a defendant acquitted of a crime in state court can still be prosecuted in federal court for the same underlying criminal act without violating the 5th Amendment.

Answer: A) True

The 'dual sovereignty doctrine' allows different levels of government (state and federal) to prosecute a person for the same act if it violates laws in both jurisdictions.

3. In the landmark case of *Tinker v. Des Moines*, the Court established that students do not 'shed their constitutional rights... at the schoolhouse gate,' protecting _____, which allows students to use non-verbal objects to express political views.

Answer: C) Symbolic Speech

Symbolic speech refers to nonverbal gestures and items (like the black armbands in *Tinker*) that convey a specific political or social message, which is protected by the 1st Amendment.

4. Despite the 6th Amendment's guarantee of a 'speedy and public trial,' how are the vast majority of criminal cases in the United States currently resolved?

Answer: B) Through plea bargains where the defendant waives their right to a jury trial.

Over 90% of criminal convictions in the U.S. result from plea bargaining, raising complex questions about the practical application of the 6th Amendment's right to a trial by jury.

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5. True or False: The 'incorporation doctrine' refers to the process by which the Supreme Court has utilized the 14th Amendment's Due Process Clause to apply the Bill of Rights to state governments.

Answer: A) True

Originally, the Bill of Rights only applied to the federal government; selective incorporation is the legal mechanism that prevents state governments from infringing on these fundamental liberties.

6. When a court applies the 'Strict Scrutiny' standard to a law that limits a fundamental right, the government must prove that the law is narrowly tailored to achieve a _____ government interest.

Answer: A) Compelling

Strict scrutiny is the highest standard of judicial review; it requires the government to demonstrate a 'compelling interest' for any law that infringes upon a constitutional right.

7. Which legal concept prevents evidence obtained through an illegal search (violating the 4th Amendment) from being used against a defendant in a court of law?

Answer: C) The Exclusionary Rule

The Exclusionary Rule, established in cases like Mapp v. Ohio, serves as a deterrent against police misconduct by excluding illegally seized evidence from trial.

8. True or False: The 9th Amendment explicitly states that the list of rights in the Constitution is 'exhaustive,' meaning citizens possess no other rights beyond those specifically written in the document.

Answer: B) False

The 9th Amendment states the opposite: that the enumeration of certain rights shall not be construed to deny or disparage others 'retained by the people,' acknowledging unenumerated rights.

9. Under the 3rd Amendment, the government is prohibited from quartering soldiers in private homes during peacetime without consent; this amendment is often cited by judges as evidence of an implied 'zone of _____' within the Bill of Rights.

Answer: B) Privacy

The Supreme Court used the 3rd Amendment, along with the 1st, 4th, and 5th, to argue in Griswold v. Connecticut that the Bill of Rights creates 'penumbras' that protect a right to privacy.

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10. The 7th Amendment guarantees a jury trial in civil cases where the value in controversy exceeds twenty dollars. What is a unique characteristic of this Amendment regarding the 'incorporation doctrine'?

Answer: A) It is one of the few amendments that has NOT been fully incorporated to the states.

Unlike the 1st or 4th Amendments, the Supreme Court has not incorporated the 7th Amendment's right to a civil jury trial to the states, meaning state courts follow their own rules for civil juries.