

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>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?
<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.	Accept reasoned answers.
<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?
<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.	Accept reasoned answers.

Unit 9: The Bill of Rights and Federalism

LESSON 1: WHAT IS A FEDERAL REPUBLIC?

Handout A: Background Essay - What is a Federal Republic?

1. Federalism is the principle that people delegate certain powers to the national government in the Constitution. All those powers not delegated to the national government remain with the states and the people.
2. All those powers not delegated to the national government remain with the states and the people.
3. The Fourteenth Amendment limited the types of laws states could pass. Eventually, the Supreme Court began applying Bill of Rights limitations to state governments via the Fourteenth Amendment. The

Seventeenth Amendment ended state representation in the U.S. Congress.

4. Accept reasoned answers.

Handout B: Federalism Venn Diagram

Accept reasoned answers.

Handout C: Article I, Sections 8, 9, 10, and Amendment X of the Constitution

1. The decision to divide power among [federalism] and within [checks and balances] several governments positioned the American people to enjoy the benefits of a large republic (e.g., strong defense against foreign encroachments, national system of commerce, etc.) while still retaining significant control over their day-to-day affairs within the states.
2. Accept reasoned answers.
3. Answers will vary. Accept reasoned answers.

ANSWER KEY

Handout D: State Power – Criticisms and Responses

1. The federal government overturned state policies that infringed upon individual liberty.
2. For increased power: Protection against the infringement of individual liberties. Against increased power: States have a right to decide what is best for the citizens in their states.
3. Accept reasoned answers.

LESSON 2: WHAT IS THE COMMERCE CLAUSE?

Handout A: Background Essay - How Has the Supreme Court Interpreted the Commerce Clause?

1. The Commerce Clause was intended create a common commercial policy between the various state governments, encouraging free trade within the continental U.S. and with foreign markets.
2. The case of *Gibbons v. Ogden* established

that the national government had the power to make rules for commerce between more than one state.

3. The Court began interpreting the Commerce Clause as permitting national regulation of wide variety of activities that had not previously been understood as “interstate commerce.”
4. Accept reasoned answers.
5. Accept reasoned answers.

Handout B: Federalism – For or Against?

1. Argues against federalism.
2. Argues in favor of federalism.
3. Argues in favor of federalism.
4. Argues against federalism.
5. Argues in favor of federalism.
6. Argues against federalism.
7. Both/neither.
8. Both/neither.
9. Both/neither.

Handout C: Commerce Clause Timeline

Accept reasoned answers. A sample timeline might look like the diagram below.

