

Handouts D–H Answer Keys

Handout D: Documents on Privacy Answer Key

James Otis, *Against Writs of Assistance*, 1761

1. A person has a right to privacy in the home. Government may not intrude upon this privacy so long as “he is quiet...”
2. Privacy in the home is essential and sacred.

Sections of the Bill of Rights, 1791

1. Sections may include:
 - I – Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof... or the right of the people peaceably to assemble;
 - III – No soldier shall, in time of peace be quartered in any house, without the consent of the owner...
 - IV – The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...
 - V – No person... shall be compelled in any criminal case to be a witness against himself...
 - IX – ...Others retained by the people.
2. III and IV.

Section of the Fourteenth Amendment, 1868

1. Due process.

Handout E: Related Statute and Court Cases Answer Key

Connecticut Statute, 1879 (revised 1958)

1. Using birth control or providing advice related to it.

Pierce v. Society of Sisters (1925)

1. The Court acknowledged as parental “right to privacy” as it relates to the decisions parents make in raising their children. The Constitution does not list every right. The right of parents to make these types of decisions is a natural right.

Palko v. Connecticut (1937)

1. The Due Process Clause only applied to the states those rights understood to be fundamental to the notion of liberty.

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Dissenting Opinion, *Poe v. Ullman* (1943)

1. The right to be free from “arbitrary... restraints.”

Handout F: The Issue in Images Answer Key

Margaret Sanger Has Her Mouth Covered, 1929

1. Freedom of Speech.

Men Picket Outside New Haven Planned Parenthood, 1963

1. Law is grounded in morality and, in some cases, religious precepts.

Birth Control Advertising, 1967

1. Yes, they did.

Handout G: *Griswold v. Connecticut* (1965) - Majority Opinion (7-2) Answer Key

1. Answers will vary, but should be based on the U.S. Constitution.
2. Areas (such as the home, the conscience, papers and effects) that are free from arbitrary government intrusion.
3. The privacy of the marital relationship has been acknowledged for centuries and predates the Bill of Rights.

Handout H: *Griswold v. Connecticut* (1965) - Concurring and Dissenting Opinions Answer Key

Concurring Opinion

1. The Ninth Amendment allows individuals to make legitimate claims of rights beyond those written in the Constitution.

Dissenting Opinion

1. The dissenters disagree with the Connecticut law as a matter of policy preference but find nothing in it that violates the Constitution.