



Social Studies Virtual Learning

AP Government:

Due Process & *Roe v. Wade*

April 13, 2020



AP Government
Lesson: April 13, 2020

Objective: LOR 3.B

Explain the extent which states are limited by the due process clause from infringing upon individual rights.

Warm Up: Write down your answer the following question. There are no right or wrongs here, but this is the focus of the lesson today!



What is the right to privacy? What are 3 aspects of everyday life that it includes?

Lesson: *Roe v. Wade*

As this is a required case for the test, there are some ideas that are important to remember. Please write these down in your own words so you know what they are.

Term	Definition
Due process clause	The 14th Amendment clause guaranteeing that no state shall “deprive any person of life, liberty, or property, without due process of law.” The Supreme Court has interpreted the due process clause to provide for “selective incorporation” of amendments into the states, meaning that neither the states nor the federal government may abridge individual rights protected by the Constitution.

Term	Definition
“Penumbra of privacy”	Derived from the Latin for “partial shadow.” The Supreme Court has ruled that several amendments in the Bill of Rights cast a “penumbra” of the right to privacy, although the right to privacy itself is never explicitly named. For example, the Court has interpreted that the 4th Amendment right of the people to be secure in their houses from unreasonable searches and seizures <i>implies</i> a right to privacy in the home.
Right to privacy	The right to be “left alone,” or to be free of government scrutiny into one’s private beliefs and behavior.

Lesson: Answer the questions while you watch.

1. Describe the background in 2-3 sentences.
2. What prior case did the Court use for their majority opinion in Roe? Why is this important?
3. What were two arguments made in the dissenting opinions?
4. What long-term impact has Roe had on the US?

OUR EXPERTS



CLARKE FORSYTHE
SENIOR COUNSEL FOR
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MELISSA MURRAY



Khan Academy

Lesson: *Roe v. Wade*

Need to Know Takeaway:

Although the “right to privacy” is NOT enumerated in the Bill of Rights, ever since the 1960s, the Supreme Court has held that several amendments create a “penumbra” of privacy for individuals’ private beliefs and conduct. This case extended privacy to a decision to have an abortion. The right to privacy is NOT unlimited, though... the decision recognized that the government *may* regulate abortion in the 2nd and 3rd trimesters of pregnancy due to compelling state interests in maternal health and potential life.

Practice Question #1

Roe v. Wade (1973) has impacted the US judicial system in which of the following ways?

- A) With the abortion debate settled once and for all, the issue no longer occupies the time of the federal judiciary.
- B) The selection of federal judges, especially Supreme Court Justices, has become more politicized.
- C) The states have chosen not to throw up any legal challenges to the *Roe* decision.
- D) Presidents of both major political parties have agreed not to make views on abortion a litmus test for judicial appointments.

Practice Question #1 (Answer): can you explain why?

Roe v. Wade (1973) has impacted the US judicial system in which of the following ways?

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- C) The states have chosen not to throw up any legal challenges to the *Roe* decision.
- D) Presidents of both major political parties have agreed not to make views on abortion a litmus test for judicial appointments.

Practice Question #2

The outcome of *Roe v. Wade* (1973) rests most heavily on which of the following ideas reflected in the US Constitution?

- A) The 1st Amendment's safeguarding of religious freedom.
- B) The 9th Amendment's protection of the right to privacy.
- C) The 14th Amendment's concept of personal liberty and restriction of state action.
- D) The 19th Amendment's guarantee of women's suffrage rights.

Practice Question #2 (Answer): can you explain why?

The outcome of *Roe v. Wade* (1973) rests most heavily on which of the following ideas reflected in the US Constitution?

- A) The 1st Amendment's safeguarding of religious freedom.
- B) The 9th Amendment's protection of the right to privacy.**
- C) The 14th Amendment's concept of personal liberty and restriction of state action.
- D) The 19th Amendment's guarantee of women's suffrage rights.

Practice Question #3

Opponents of *Roe v. Wade* (1973) would claim that the ruling is most closely associated with which judicial interpretation?

- A) Strict Constructionism
- B) Judicial Restraint
- C) Constitutional Originalism
- D) Judicial Activism

Practice Question #3 (Answer): can you explain why?

Opponents of *Roe v. Wade* (1973) would claim that the ruling is most closely associated with which judicial interpretation?

- A) Strict Constructionism
- B) Judicial Restraint
- C) Constitutional Originalism
- D) Judicial Activism**

Reflection: Let's go back to the original question. Can you add one more aspect of life that privacy includes?



What is the right to privacy? What is one more aspect of everyday life that privacy includes?

Reflection: A “penumbra” of privacy



Why did the Court reason that certain amendments in the Bill of Rights cast a “penumbra” of privacy? Do you agree with its reasoning? Why or why not?

Social Studies Virtual Learning

AP US Gov & Politics

Introduction into Civil Rights

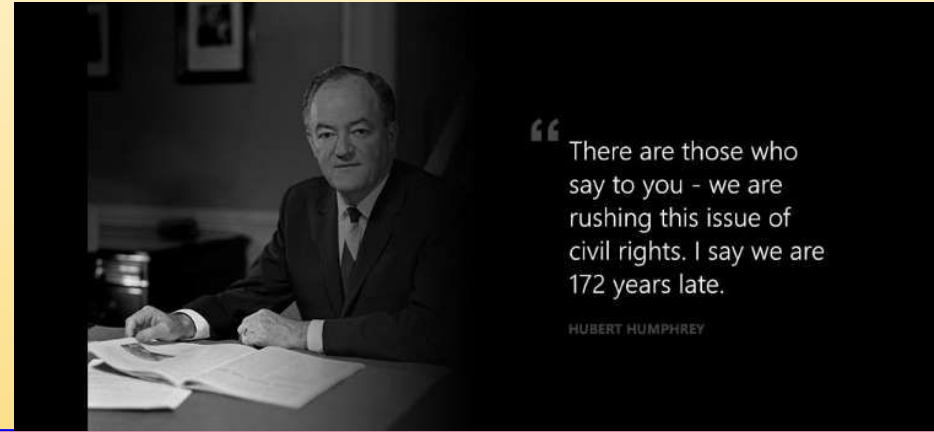
April 13, 2020

AP US Gov & Politics

Lesson #21: April 13th, 2020

Learning Target (PRD 1.A) : Explain how constitutional provisions have supported and motivated social movements.

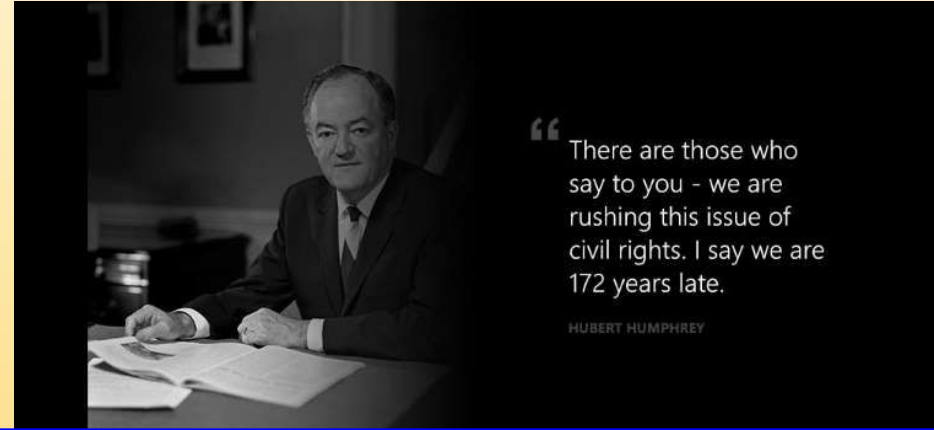
Warm Up:



Watch the video on the left: As you are watching, write down **YES** or **NO** to the questions that are asked in the video rather than moving forward or backward as they do. How many did you end up with? I counted out 11 questions that I could make out the directions to move forward or backward.

Quote from Hubert Humphrey on the right: Without context, take a guess who Hubert Humphrey was and what was happening at time of his quote.

Warm Up: Teacher Thought



Watch the video on the left: Out of the 11 questions, I said YES to 6 of the 11 regardless of whether it mentioned moving forward or backward. I did notice that of those 4-5 were directed to move forward. I believe there is a great deal of privilege associated with my life and my childhood.

Quote from Hubert Humphrey on the right: So, I am a nerd. I have remembered this quote for years. Hubert Humphrey stated the above quote at the 1948 Democratic National Convention where Harry Truman was selected to continue as the face for Democrats in that election. Humphrey would later run for President in 1968 and was an ardent supporter of the Civil Rights issues, hoping to get his party to adopt those values too!

Write me
down. I'm
important!

Important Vocabulary to Know:

Term	Definition
civil rights	Rights of individuals against discrimination based on race, national origin, religion, sex, ability, sexual orientation, age, or pregnancy.
Civil Rights Act of 1964	Legislation passed by Congress prohibiting segregation of public facilities, as well as discrimination on the basis of race, color, sex, religion, or national origin. The Civil Rights Act also created the Equal Employment Opportunity Commission to enforce these provisions.
Civil Rights Movement (1960s)	A movement, led by both grassroots and national civil rights organizations, to end segregation and other forms of discrimination against African American citizens.
due process clause	A clause of the Fourteenth Amendment stipulating that no state shall "deprive any person of life, liberty, or property without due process of law." This clause aims to ensure that neither states nor the federal government infringe upon the rights of individuals without following proper legal procedures.
equal protection clause	A clause of the Fourteenth Amendment stipulating that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The equal protection clause has served as the basis for most legal challenges to discrimination.

Lesson Activity

Today we will learn about the Equal Protection Clause of the 14th Amendment and Introduce Civil Rights in America thru Crash Course!

Original cases did not apply to abolish distinctions based on _____, or to enforce social, as distinguished as different from _____ equality.

What are protected classes?

A , _____, _____, or _____ distinct group that coexists with but is subordinate to a more dominant group.

Click on this Summary video, try to find missing answers



Lesson Activity

Today we will learn about the Equal Protection Clause of the 14th Amendment and Introduce Civil Rights in America thru Crash Course!

Original cases did not apply to abolish distinctions based on **COLOR**, or to enforce social, as distinguished as different from **POLITICAL** equality.

What are protected classes?

A , **CULTURALLY**, **ETHNICALLY**, or **RACIALLY** distinct group that coexists with but is subordinate to a more dominant group.

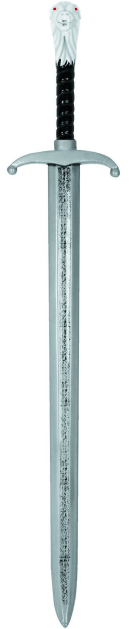
Summary video, with completed answers



Civil Rights: What is it?

- Equal Treatment under the law (for citizens) = 14th Amendment!
- **Government can't discriminate based on race, religion, gender, age**
- There ARE some forms of discrimination (usually age related like drinking age...)
- Fighting for Civil Rights is noble...therefore you'll need your SWORD, noble knight!

Write me down. I'm important!



Strict Scrutiny: Heavy Burden of Proof for People/Employers to Fight Off Discrimination Lawsuits

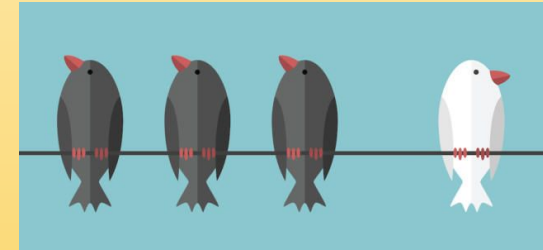
5-step process for Strict Scrutiny:

- 1) **Protected liberty at stake?**
- 2) **Is liberty fundamental?**
- 3) **Undue burden on people?**
- 4) **Does it further a compelling government interest?**
- 5) **Does this follow the least restrictive means?**

Strict Scrutiny, Intermediate Scrutiny, and Rational Basis are defined in previous Crash Course (2 slides ago)

*Immediate Scrutiny is a moderate amount of proof

*Rational Basis Test is the least burdensome amount of proof against discrimination



What Counts as Discrimination?

Rational Basis Test: determines if discrimination has a legitimate purpose
Government usually wins if Rational Basis!

BASIS OF CLASSIFICATION	STANDARD OF REVIEW	APPLYING THE TEST
Race and ethnicity	Inherently suspect (difficult to meet)	Is the classification necessary to accomplish a compelling governmental purpose and the least restrictive way to reach the goal?
Gender	Intermediate scrutiny (moderately difficult to meet)	Does the classification bear a substantial relationship to an important governmental goal?
Other (age, wealth, etc.)	Reasonableness (easy to meet)	Does the classification have a rational relationship to a legitimate governmental goal?

Supreme Court's Standards for Classifications Under the Equal Protection Clause of the 14th Amendment

The Equal Protection Clause

Amendment XIV: "nor shall any State... deny to any person within its jurisdiction the equal protection of the laws."

Statutes that discriminate arbitrarily must be subject to strict scrutiny supported by a compelling government interest

Statutes that have a rational basis for discrimination must be supported by a legitimate government interest

Civil Rights

- **Civil Rights Movement is Key**
 - Constitution DID NOT mention equality!
- **Civil War Amendments (13/14/15)**
 - 14th is the FIRST and ONLY mention of “equality” under the **EQUAL PROTECTION CLAUSE**

Write me
down. I'm
important!

14th Amendment

~~Due Process~~ & Equal Protection Clauses

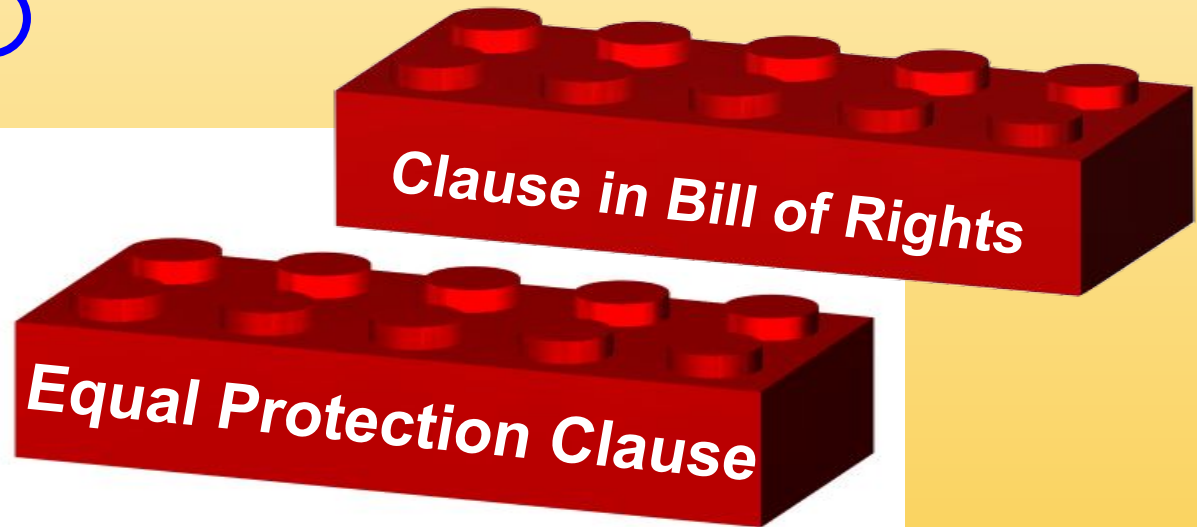
“~~... nor shall any state deprive any person of life, liberty, or property without due process of law;~~ nor (shall any state) deny any person within its jurisdiction the equal protection of the law.”

“Selective” Incorporation Theory

The court accepts a case where a person was harmed by their state government and they couldn't use the Bill of Rights.

“I declare the 14th Amendment a building block for cases.”

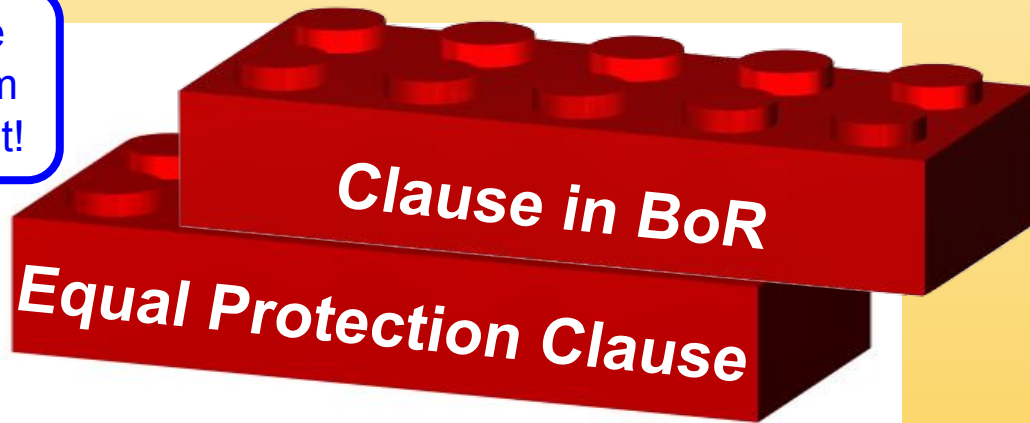
-Mr. Grubb



“Selective” Incorporation Theory

The court incorporates (clicks together) two pieces...the **Equal Protection Clause (14th)** and something from the **Bill of Rights**

Write me down. I'm important!



After these two pieces are clicked together, citizens of the states can use THAT part of the BoR to protect themselves against actions of their **STATE** government.

Selective Incorporation is **NOT** a sledgehammer



Equal protection has not been extended in a major SWING (insert sledgehammer reference)

Instead, it has taken nearly 250 years to guarantee some degree of equal protection under the laws...but some argue more is needed.

Selective Incorporation
chips away at the
idea that your rights
are not applied the
same way by national
and state governments
until they are.



Write me
down. I'm
important!

Practice #1

Which of the following best illustrates the concept of Civil Rights?

- A) The rights of individuals against unjust governmental interference
- B) The rights of individuals against discrimination based on their race, sex, or other demographic characteristics
- C) The rights of individuals to life, liberty, and property
- D) The rights of individuals to ask government for redress of grievances

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Practice #2

Based on previous rulings, which of the following scenarios would most likely violate the equal protection clause of the Fourteenth Amendment?

- A) Police use a fake warrant to enter a woman's home and then arrest her for possessing obscene materials
- B) A city ordinance prevents protests from civil rights groups
- C) A state law criminalizes intermarriage between white and black citizens
- D) A school district allows students of two religions, but not students from a third, to use auditoriums for group prayer and meditation

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Practice #3

In 1954, the Supreme Court ruled that race-based segregation in a public school system was unconstitutional.

Which of the following constitutional provisions did the Supreme Court use to support their decision?

- A) The due process clause of the Fifth Amendment
- B) The equal protection clause of the Fourteenth Amendment
- C) The due process clause of the Fourteenth Amendment
- D) The free exercise clause clause of the First Amendment

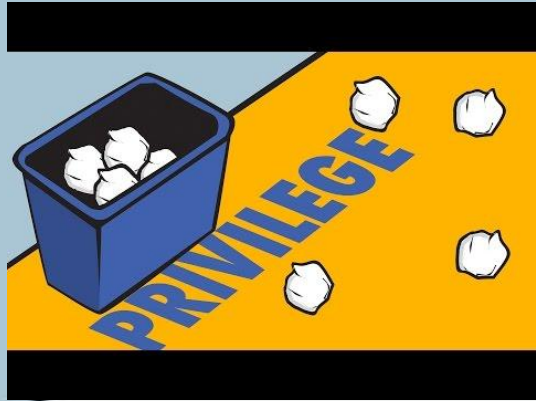
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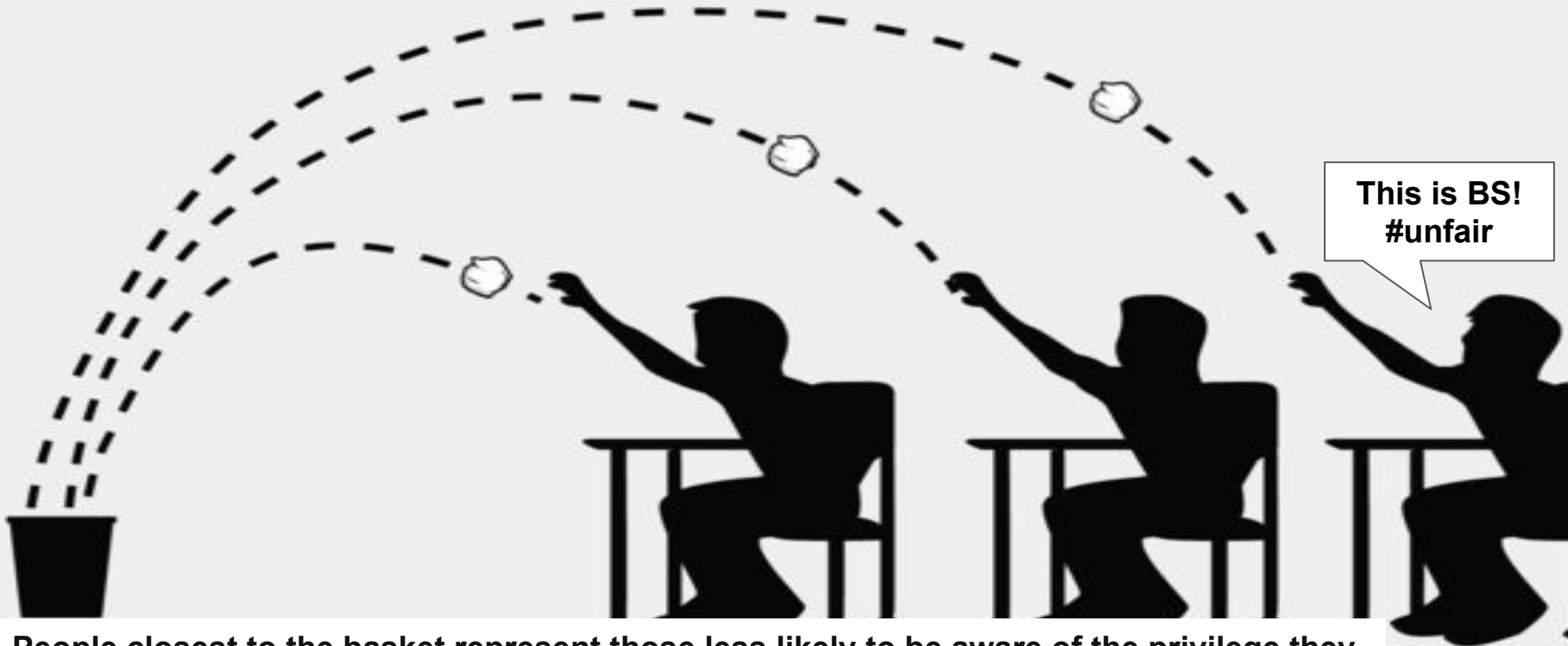
Click on
video



Equality of Opportunity

To move into the upper class in life,
sink your shot from where you are sitting.

Privilege

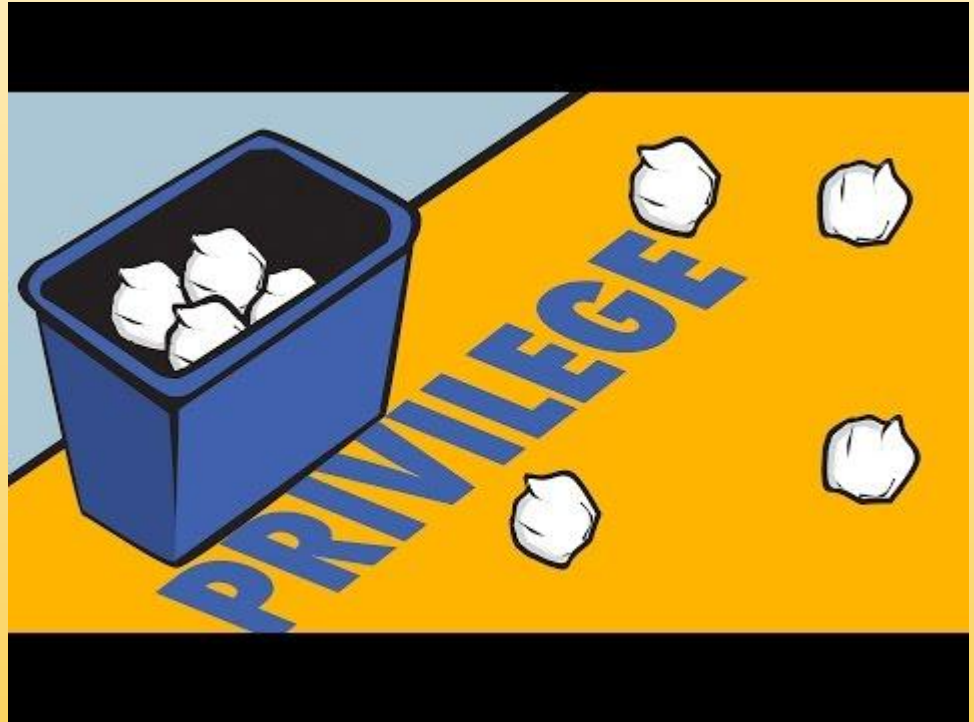


People closest to the basket represent those less likely to be aware of the privilege they were born into. All they can see is 10 feet between them and their goal. Try to remember the beginning of this lesson with an exercise of privilege where people stepped!

Reflection Questions

1. In the clip, hypothesize why this video and the previous slides were used in this presentation.
2. How can you apply your learning about Civil Rights to your future citizenship?

Click on
video



Which Civil Rights
protected class is
frustrated with their
treatment in this
parody music video?

Click on video for
a preview of the
next lesson

You're Welcome
:)

For Fun

