

## Bill of Rights Scenarios **Sample Answers**

**Directions:** Read each scenario carefully and answer the questions.

### **Scenario 1**

As a showing of protest to the policies of President Ronald Reagan and some businesses in Dallas, Gregory Lee Johnson soaked an American flag with gasoline and set it on fire during the Republican National Convention in Texas in 1989. Although no one was injured, some witnesses were seriously offended by the act, and Johnson was arrested and charged with breaking the law. *Texas v. Johnson* 1989

1. What amendment is being discussed in this scenario?  
**1st Amendment**
2. Do you think that Johnson should have been arrested? Why or why not? Explain your answer.  
**No, Johnson should not have been arrested because he was expressing his own opinions without hurting anyone and it violates his 1st Amendment rights.**

### **Scenario 2**

In 1961, a California law made it a crime for a person to be addicted to drugs and required that they serve a minimum sentence of 90 days in jail if they are charged with the crime. Lawrence Robinson was convicted under the law and sentenced to at least 90 days in jail. Robinson claimed that the 90 day jail sentence was cruel and unusual punishment. *Robison v. California*

3. What amendment is being discussed in this scenario?  
**8th Amendment**
4. Do you think that a 90-day sentence was cruel and unusual punishment or fitting for the crime? Explain your answer. **No, because it is like punishing someone for having an illness. It is cruel and excessive.**

### **Scenario 3**

William Malloy was arrested for gambling in 1959 by the Hartford, Connecticut police. Malloy pled guilty, was sentenced to one year in jail, and fined \$500. After 90 days, he was let out of jail and placed on two years probation. Sixteen months later, a Connecticut Superior Court ordered Malloy to testify about gambling and other criminal activities in Hartford County. When Malloy refused, on the grounds that it might incriminate him on other charges, he was put in jail and held there until he was willing to answer questions. *Malloy v. Hogan*

5. What amendment is being discussed in this scenario?  
**5th Amendment**
6. Do you think that Malloy should have been put in jail for not testifying? Explain your answer.

No, I think Malloy should not have had to testify because he could say things that could get him in more trouble with the law.

#### **Scenario 4**

A man named Parker was arrested and put on trial for second degree murder in Oregon in 1966. During the trial, the bailiff who was assigned to watch over the jury, made statements about Parker to some of the jurors. The bailiff made comments like "Oh, that wicked fellow, he is guilty," and "If there is anything wrong [in finding him guilty] the Supreme Court will correct it." Parker was found guilty of murder by ten votes of a 12 person jury. Parker argued that the bailiff's comments prevented him from a fair trial. *Parker v. Gladden*

7. What amendment is being discussed in this scenario?

6th Amendment

8. What do you think should have happened in this scenario after the bailiff made comments about Parker being guilty?

After the bailiff made his comment that the jurors could hear, the jury is no longer impartial and this could influence their decision. According to the 6th amendment, people have the right to an impartial jury, meaning that they would be fair.

#### **Scenario 5**

In 2007, the District of Columbia (Washington, D.C.) passed legislation banning the registration of handguns, requiring licenses for all pistols, and requiring that all legal firearms be kept unloaded and disassembled or trigger locked. A security guard named Dick Anthony Heller sued the District of Columbia claiming that this law violated his rights. *District of Columbia v. Heller*

9. What amendment is being discussed in this scenario?

2nd Amendment

10. Do you think that Heller was right in claiming that his rights were violated? Why or why not? Explain your answer.

Yes, I think that Heller's rights were violated because he needs guns for his job as a security guard. It is also against the 2nd Amendment that gives people the right to bear arms.