

Bill of Rights Scenarios: Constitutional or Not

Subject: Civics / Government, AP Government

Grade Level: 9–12

Time: 30–50 minutes (plus optional extension)

Format: Scenario analysis + discussion + answer key

Materials: Student handout (below), optional projector/board

Summary

Students analyze 10 real-world scenarios tied to the **First–Fifth Amendments** and decide whether government action is constitutional. They must justify answers using landmark Supreme Court standards (e.g., *Tinker* disruption test, limited public forum rules, time/place/manner restrictions, *Heller/Bruen* framework, warrant exceptions, Miranda, double jeopardy, and just compensation). Includes teacher answer key and discussion prompts.

Student Handout

Directions

For each scenario:

1. Decide **Constitutional** or **Unconstitutional / Likely unconstitutional**, and
2. Explain **why** using the amendment and the correct legal standard.

Scenario 1: Freedom of Speech (1st Amendment — Schools)

A student is suspended for wearing a T-shirt criticizing the government during a school event. The school claims the shirt was disruptive.

Question: Is the suspension constitutional, or a violation of the First Amendment?

Scenario 2: Freedom of Religion (1st Amendment — After-School Use)

A public school allows students to use classrooms after school for clubs (chess, tutoring, student groups). A student requests to meet after school for a **student-led prayer group**. The school denies the request, saying religious groups are not allowed on school property.

Question: Does the denial violate the First Amendment?

Scenario 3: Freedom of the Press (1st Amendment — Government Pressure)

A local newspaper publishes an article critical of the mayor. The mayor demands a retraction and threatens to sue.

Question: Does the mayor's threat violate freedom of the press?

Scenario 4: Right to Assemble (1st Amendment — Permits)

Environmental activists apply for a permit to hold a **peaceful protest** in a public park at a popular time. The city denies the permit because the park is already heavily used at that time.

Question: Is the permit denial constitutional?

Scenario 5: Second Amendment Rights (2nd Amendment)

A state passes a law banning **all** civilian ownership of **semi-automatic firearms**. A resident challenges the ban as violating the Second Amendment.

Question: Is the ban constitutional?

Scenario 6: Quartering of Soldiers (3rd Amendment)

During a national emergency, the government orders residents to house National Guard troops in private homes.

Question: Does this violate the Third Amendment?

Scenario 7: Search and Seizure (4th Amendment — Home Entry)

Police enter a home **without a warrant** after hearing loud music and claiming they suspect illegal activity. Inside they find drugs and arrest the homeowner.

Question: Was the warrantless entry/search constitutional?

Scenario 8: Double Jeopardy (5th Amendment)

A person is **acquitted** of burglary. A year later, new evidence is found and the state tries to prosecute the person again for the same burglary.

Question: Is this allowed?

Scenario 9: Self-Incrimination / Miranda (5th Amendment)

A suspect is arrested and questioned while in custody but is **not informed** of the right to remain silent or to an attorney. The suspect confesses and the statement is used in court.

Question: Was the suspect's Fifth Amendment right violated?

Scenario 10: Eminent Domain / Just Compensation (5th Amendment)

The government takes private property to build a highway and offers compensation **below fair market value**.

Question: Does this violate the Fifth Amendment?

Teacher Answer Key (Accurate + Student-Friendly)

1) Speech in School — Depends (often unconstitutional if no substantial disruption)

Under *Tinker*, student speech is protected unless it causes (or is reasonably forecast to cause) a **substantial disruption** of school operations. If the shirt merely expresses criticism and isn't truly disruptive, suspension is likely unconstitutional.

Teacher note: If the message were lewd, school-sponsored, or tied to specific safety concerns, the analysis could change—but your scenario is classic *Tinker*.

2) Religion After School — Likely unconstitutional if other clubs are allowed

If the school opens classrooms to student clubs after school, it generally cannot exclude a religious club **because it's religious** (viewpoint discrimination in a limited public forum).

Teacher note: The key is **equal access**—school is not endorsing religion simply by allowing it on the same terms as other clubs.

3) Press / Mayor Threat — Not automatically a First Amendment violation, but could become one

A mayor can file a lawsuit if there is legitimate defamation—public officials must meet the “**actual malice**” standard to win.

However, using official power to intimidate or retaliate against the press can raise serious First Amendment concerns. (For class purposes: the threat alone is not always unconstitutional, but it can chill free press.)

4) Assembly / Permit Denial — Depends (can be constitutional if content-neutral and properly managed)

Government can apply **time, place, and manner** rules if they are:

- **Content-neutral,**
 - Serve a **significant government interest,**
 - Are **narrowly tailored,** and
 - Leave **alternative channels** for expression.
- If the park is truly at capacity and the city offers a reasonable alternate time/place, denial can be constitutional. If the city is just trying to avoid the protest (or gives no alternatives), it's likely unconstitutional.
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5) Second Amendment Ban on All Semi-Automatic Firearms — Highly contested; a total ban is legally vulnerable

Heller confirms an individual right but says it is **not unlimited**.

Bruen directs courts to evaluate modern gun laws using **text + history/tradition**.

A **total ban on an entire broad category** of commonly owned firearms is likely to face strong constitutional challenges (and litigation outcomes can vary by jurisdiction). For classroom purposes: “**Probably unconstitutional / very vulnerable**” is a fair answer, explained with *Heller/Bruen*.

6) Quartering Troops — Likely unconstitutional

The Third Amendment bars quartering soldiers in homes without consent in peacetime and allows it in wartime only “in a manner to be prescribed by law.”

Ordering citizens to house National Guard troops would almost certainly be unconstitutional under this amendment.

7) Warrantless Home Entry — Likely unconstitutional (unless true exigent circumstances)

Homes get the strongest Fourth Amendment protection; warrantless entry is generally unconstitutional **without consent or exigent circumstances** (e.g., immediate danger, hot pursuit, imminent destruction of evidence).

Loud music alone typically isn't enough to justify entry.

8) Double Jeopardy After Acquittal — Unconstitutional

After an acquittal, the state cannot retry the person for the **same offense**, even if new evidence appears. (That's the core protection of double jeopardy.)

9) Miranda / Self-Incrimination — Yes, rights were violated; statement usually suppressed

Under *Miranda*, custodial interrogation requires warnings; without them, the prosecution generally cannot use the statement in its case-in-chief.

Teacher note: There are advanced exceptions (e.g., impeachment), but the correct core answer is: **violation → statement likely inadmissible.**

10) Eminent Domain / Just Compensation — Taking for a highway is constitutional, but compensation must be “just”

Building a highway is a classic **public use**, so the taking itself is generally constitutional. The dispute is about **just compensation**, normally measured by **fair market value**.

If the offer is below fair market value, the owner can challenge the valuation in court.

Discussion Prompts (Optional)

- Why do school speech cases differ from adult speech cases? (*Tinker*)
- What's the difference between “government allowing” speech/religion and “government endorsing” it?
- Why is the home treated differently in Fourth Amendment law?
- Should “busy park” be a valid reason to deny a protest? Apply the 4-part test.