

FORM 10

INSTRUCTIONS FOR CONSTITUTIONAL OPINION FORM

Whenever we suggest that government adopt a public policy to deal with a problem, it is important that the policy we suggest

- serves one or more of the purposes of government set forth in our U.S. Constitution and
- does not ask government to do something prohibited by the U.S. Constitution.

The Constitutional Opinion Form includes some of the most important purposes our U.S. Constitution sets forth for our government. It also includes some of the most important limitations the Constitution places upon government. Use the form when you develop your proposed public policy. Be sure that your policy serves the purposes of government and does not violate the limits placed on government that are designed to protect individual rights.

This Constitutional Opinion Form should be included in Part 3 of the display and documentation sections of your portfolio. Use this form to prepare a summary statement for both parts of your portfolio. The statement should support your position that your proposed public policy serves the purposes of government and does not violate rights protected by the U.S. Constitution.

Purposes of government Explain which, if any, of the following purposes of government from the Declaration of Independence and the Preamble to the Constitution would be served by your proposed policy.

- Securing the unalienable rights of individuals, such as those to life, liberty, property, and the pursuit of happiness
- Establishing justice
- Providing for individual security and public order
- Protecting the people from harm from internal and external sources
- Providing for the general welfare (or the common good)

Limitations on government to protect individual rights The following are some of the basic rights of individuals and limitations placed on government by the U.S. Constitution and Bill of Rights that are designed to protect those rights. If your proposed policy might appear to interfere with one or more of these rights, justify your position by explaining why you think what you are proposing is reasonable and fair and would not violate the U.S. Constitution.

- **The right to freedom of religion** The government cannot make any laws that place unreasonable and unfair limits on a person's freedom to practice his or her religion.
- **The right to freedom of expression** The government cannot make any laws that place unreasonable and unfair limits on a person's right to express him- or herself in speech, writing, or by other means.
- **The right to due process of law (fair procedures)** The government cannot take a person's life, liberty, or property without giving that person a fair hearing in a court of law or before another authorized agency of government.
- **The right to privacy** Privacy is the right to be let alone. The government cannot invade the privacy of a person's home or interfere in other private matters without having a compelling reason for doing so.
- **The right to equality of opportunity** The government cannot unreasonably or unfairly discriminate against people on the basis of race, religion, age, ethnic group (national origin), or gender.