

1 **Griswold v Connecticut**

2 Excerpted from the Opinion Authored by Justice Douglas

3 June 7, 1965

4 Appellant Griswold is Executive Director of the Planned Parenthood League of
5 Connecticut. Appellant Buxton is a licensed physician and a professor ... They gave
6 information, instruction, and medical advice to *married persons* as to the means of
7 preventing **conception**. ... We think that appellants have **standing** to raise the
8 constitutional rights of the married people with whom they had a professional
9 relationship.

person bringing
case

10 ... The **association** of people is not mentioned in the Constitution nor in the Bill of
11 Rights. The right to educate a child in a school of the parents' choice -- whether public
12 or private or **parochial** -- is also not mentioned. Nor is the right to study any particular
13 subject or any foreign language. Yet the First Amendment has been construed to
14 include certain of those rights.

interpreted

15 ... The right of freedom of speech and press includes not only the right to **utter** or to
16 print, but the right to distribute, the right to receive, the right to read and freedom of
17 inquiry, freedom of thought, and freedom to teach... Without those peripheral rights,
18 the specific rights would be less secure.

related

19 In *NAACP v. Alabama*, we protected the "freedom to associate and privacy in one's
20 associations," noting that freedom of association was a peripheral First Amendment
21 right. ... In other words, the First Amendment has a penumbra where privacy is
22 protected from governmental intrusion....

gray area

23 ... The right of "association," like the right of belief, is more than the right to attend a
24 meeting; it includes the right to express one's attitudes or **philosophies** by membership
25 in a group or by **affiliation** with it or by other lawful means. Association in that context
26 is a form of expression of opinion, and, while it is not expressly included in the First
27 Amendment, its existence is necessary in making the **express** guarantees fully
28 meaningful.

29 ... specific guarantees in the Bill of Rights have penumbras, formed by emanations
30 from those guarantees that help give them life and substance. Various guarantees create
31 zones of privacy. The right of association contained in the penumbra of the First
32 Amendment is one, as we have seen. The Third Amendment, in its prohibition against
33 the quartering of soldiers "in any house" in time of peace without the consent of the
34 owner, is another facet of that privacy. The Fourth Amendment explicitly affirms the
35 "right of the people to be secure in their persons, houses, papers, and effects, against
36 unreasonable searches and seizures." The Fifth Amendment, in its **Self-Incrimination**
37 Clause, enables the citizen to create a zone of privacy which government may not force
38 him to surrender to his detriment. The Ninth Amendment provides: "The enumeration
39 in the Constitution, of certain rights, shall not be construed to deny or **disparage** others
40 retained by the people."

emitting,
radiating

listing

41 The Fourth and Fifth Amendments were described in *Boyd v. United States*, as
42 protection against all governmental invasions "of the **sanctity** of a man's home and the
43 privacies of life." We recently referred in *Mapp v. Ohio*, to the Fourth Amendment as
44 creating a "right to privacy, no less important than any other right carefully and
45 particularly reserved to the people."

46 ...The present case, then, concerns a relationship lying within the zone of privacy
47 created by several fundamental constitutional guarantees. And it concerns a law which,
48 in forbidding the use of contraceptives, rather than regulating their manufacture or sale,
49 seeks to achieve its goals by means having a maximum destructive impact upon that
50 relationship. Such a law cannot stand in light of the familiar **principle**...that a
51 governmental purpose to control or prevent activities constitutionally subject to state
52 **regulation** may not be achieved by means which sweep unnecessarily broadly and
53 thereby invade the area of protected freedoms.

birth control

54 We deal with a right of privacy older than the Bill of Rights -- older than our political
55 parties, older than our school system. Marriage is a coming together for better or for
56 worse, hopefully enduring, and intimate to the degree of being **sacred**. It is an
57 association that promotes a way of life, not causes; a harmony in living, not political
58 faiths; a **bilateral** loyalty, not commercial or social projects. Yet it is an association for
59 as **noble** a purpose as any involved in our prior decisions. *Reversed.*

60 **EXCERPTED FROM THE DISSENT BY JUSTICE STEWART**

61 Since 1879, Connecticut has had on its books a law which forbids the use of
62 contraceptives by anyone. I think this is an uncommonly silly law... But we are not
63 asked in this case to say whether we think this law is unwise, or even asinine. We are
64 asked to hold that it violates the United States Constitution. And that I cannot do.

ridiculously
stupid

65 In the course of its opinion, the Court refers to no less than six Amendments to the
66 Constitution... But the Court does not say which of these Amendments, if any, it
67 thinks is **infringed** by this Connecticut law.

68 As to the First, Third, Fourth, and Fifth Amendments, I can find nothing in any of them
69 to invalidate this Connecticut law... And surely, unless the solemn process of
70 constitutional **adjudication** is to descend to the level of a play on words, there is not
71 involved here any **abridgment** of the freedom of speech, or of the press; or the right of
72 the people peaceably to assemble, and to petition the Government for a **redress** of
73 grievances. No soldier has been quartered in any house. There has been no search, and
74 no seizure. Nobody has been compelled to be a witness against himself.

75 The Court also quotes the Ninth Amendment...But to say that the Ninth Amendment
76 has anything to do with this case is to turn somersaults with history. The Ninth
77 Amendment ... was framed by James Madison and adopted by the States simply to
78 make clear that the adoption of the Bill of Rights did not alter the plan that the *Federal*
79 Government was to be a government of express and limited powers, and that all rights
80 and powers not delegated to it were retained by the people and the individual States.
81 Until today, no member of this Court has ever suggested that the Ninth Amendment
82 meant anything else...

83 With all **deference**, I can find no such general right of privacy in the Bill of Rights, in
84 any other part of the Constitution, or in any case ever before decided by this Court.

85 ...it is not the function of this Court to decide cases on the basis of community
86 standards. We are here to decide cases "agreeably to the Constitution and laws of the
87 United States." It is the essence of judicial duty to **subordinate** our own personal
88 views, our own ideas of what legislation is wise and what is not.

Teacher Guide

Name of Text: Griswold v. Connecticut

Grade Level: This is meant to coincide with a U.S. Government curriculum. In the state of Nevada, U.S. Government is a 12th grade course. Text

Complexity:

- **Quantitative Measurement:** Fleisch-Kinkaid 11.4. / Lexile 1270L
- **Qualitative Measurements:** Complex structure, high language and vocabulary demands with Tier 2 and Tier 3 vocabulary, sophisticated themes, multiple perspectives, high knowledge of discipline specific content in U.S. government and Constitutional understanding
- **Reader & Task:** Analyzing and interpreting Supreme Court cases is a cognitively demanding exercise, as this type of text is structured in a non-traditional way and makes use of history, precedent, and appeals to logic to make an argument. This type of reading is not typical in earlier grades. In addition, this particular case sets critical precedent for future Supreme Court cases that affect the lives of Americans, including young people, making it an engaging topic. The precedent from this case is based on a conceptual understanding of a “penumbra of rights,” which is highly controversial and open to multiple interpretations. Students will need background knowledge in the area of American Government and Constitutional history to be able to deeply analyze this text and to complete the culminating writing activity. However, even without background, the following lesson would permit access and surface understanding for all students.

Question Composers: Angela Orr and Andrew Yoxsimer

Standards:

Nevada State Social Studies Standards C13.5, C14.2, C14.12

CCSS RHST.11-12.1, RHST.11-12.2, RHST.11-12.4, RHST.11-12.5, RHST.11-12.8, RHST.11-12.10, WHST.11-12.2, WHST.11-12.4, WHST.11-12.9; SL.11-12.1; L.11-12.1, L.11-12.2

Objectives: SWBAT - 1) Analyze a complex text and derive meaning from it while discussing the merits of the arguments presented with their peers and teacher. 2) Discuss with peers the implicit and explicit meanings of words, phrases, and sections of the text. 3) Be able to explain the differing viewpoints of Justices in this case on ways to interpret the constitution. 4) Conduct a short research project stemming from this reading.

Text Dependent Questions

Possible Answers and Textual Evidence

Teacher note: This text may be especially difficult for some language learners. Based on the knowledge of your students, think about the following:

1. Allow students an opportunity to hear the text read aloud by a fluent reader (support teacher, yourself, a recording of you reading) a day or two before class.
2. Consider making certain cognates for English/Spanish words transparent for students. Some examples from this text include: conception (line 7)/concepción; association (lines 9, 22, 24, 29, etc.)/asociación; and secure (lines 17, 33)/seguro. Note that “opinion” is a false cognate, because a judicial opinion in Spanish is veredicto.

What do you learn about this text from lines 1-8?

This is an orientation to the document. It establishes the date (1965). The author is Justice Douglas. Students should note that it is a court case between a people (Griswold and Buxton) and a state (Connecticut). Each of the appellants’ occupations is listed to demonstrate their standing to bring the issue for their clients, married people who want to prevent conception.

Teacher note: The answers to the following questions can be drawn from large areas of the Justices’ arguments. They do not necessarily focus only on specific paragraphs from the text. Use your professional judgment in determining if students have answered one of the later questions while addressing an earlier one. Also, bring attention to the logical progression of ideas so often used in Supreme Court opinions. For instance, Justice Douglas cannot go straight to the zone of privacy aspect of his argument without first outlining the precedents for penumbras.

Justice Douglas states that the “First Amendment has been construed to include certain” rights. Which rights does he mention?

What does the word “construed” tell us about the rights mentioned?

The heart of the argument to follow is that there are already rights acknowledged by the courts that are not specifically mentioned in the Constitution. It’s important that students understand this concept early in the piece.

- Association of people
- Right to educate a child in a school of the parents’ choice
- Study particular subjects or languages

Students might also mention rights listed further in the document including:

- *Right to distribute, receive, read*
- *Freedom of inquiry, thought, to teach*
- *Right of belief and expression of attitudes*
- *Belonging to a group (association)*

The teacher should probe students further, though, if they begin to list the right of freedom of speech and press, as these are rights specifically listed in the Bill of Rights.

The word construed is important, because the courts have had to “interpret” these rights as the language of the Constitution does not explicitly include them.

Text Dependent Questions	Possible Answers and Textual Evidence
<p>According to Justice Douglas, how do penumbras give “life and substance” to the explicitly stated rights?</p>	<p>There will likely be a range of answers. These rights are “peripheral,” not “express,” but these rights are needed to make the others “secure” (line 17). They will likely go back to NAACP v. Alabama (line 19) where the freedom to associate was linked with “privacy in one’s associations.” Association is more than just “the right to attend a meeting;” it includes the ability to express the attitudes and philosophies of the group. Students should note the sentence beginning on line 24 and ending in “its existence is necessary in making the express guarantees fully meaningful.” That is, without recognizing penumbras of certain rights, the government would infringe on the explicit rights, because the essence of the right would be meaningless.</p>
<p>Justice Douglas identifies “several fundamental constitutional guarantees” that create “zones of privacy.” What are these guarantees? How are they related to privacy?</p>	<p>Douglas’ argument in creating a penumbra of privacy and a zone of privacy rests on his ability to demonstrate that although the word “privacy” is not written in the Constitution, its essence is found in many other fundamental rights.</p> <ul style="list-style-type: none"> • Association in First Amendment • Prohibition of quartering of soldiers in 3rd Amendment • Right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures in the Fourth Amendment • No self-incrimination in the 5th Amendment • The entire 9th Amendment: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
<p>According to Justice Douglas in lines 43-50, what makes the particular law under consideration unconstitutional?</p>	<p>Marriage lies in the zone of privacy. The law is overly broad and has a “maximum destructive impact” on marriage because instead of regulating the manufacture or sale of contraceptives, the law does not allow married couples to practice birth control. State laws that unnecessarily “invade the area of protected freedoms” are unconstitutional because they are too broad.</p>
<p><i>Teacher note: The three questions that follow this note together focus on the unique structure of the dissenting opinion in this case. Help students use the next two questions to develop this understanding. Return to the bold question in this box if students do not fully comprehend the structural differences in the opinions.</i></p> <p><i>How does Justice Stewart structure his dissent to discredit the majority opinion? How is the structure of the dissent different than that of the majority opinion?</i></p> <p><i>Students should note that Justice Stewart begins his dissent in a flippant and casual tone when he calls the law in question silly. He then attacks the majority opinion’s use of Amendment 1, 3, 4, 5, 9, as nothing in the actual words of these amendments would invalidate the law. He leads the reader to understand that his job is to focus on the explicit, rather than on the implied, meaning of the words in the Constitution. In the final paragraph, Stewart returns to his</i></p>	

Text Dependent Questions

Possible Answers and Textual Evidence

comments about his personal views, but states that regardless of these views and “community standards of decency,” “it is the essence of the judicial duty to subordinate our personal views of what legislation is wise and what is not.”

The dissent differs structurally from the majority opinion, because the majority opinion seeks to logically unite the meanings of various amendments to establish an argument for the right of privacy, which is nowhere actually mentioned. The majority opinion is linear and makes use of many precedents in the case law to substantiate the decision.

<p>In lines 58-61, how does Justice Stewart explain his opinion of this case?</p>	<p>Justice Stewart describes the law on contraception as “uncommonly silly,” “unwise,” “asinine.” But he says that his job is not to assert whether the law is good but if it violates the Constitution. He believes this is something he cannot do.</p>
<p>Why does Justice Stewart dismiss Justice Douglas’ argument that zones of privacy emanate from the 1st, 3rd, 4th, 5th, and 9th Amendments?</p>	<p>He states that none of the actual rights listed in the amendments has been infringed by the Connecticut law. He goes into specifics of this in lines 67-71.</p> <p>He also rebukes Justice Douglas with the following: “And surely, unless the solemn proves of constitutional adjudication is to descend to the level of a play on words...” Douglas believes that Constitutional interpretation must rely upon interpreting the actual words and rights instead of inferring rights as penumbras.</p> <p>He also says that using the 9th Amendment to speak of privacy “is to turn somersaults with history,” as the original purpose of the 9th Amendment, and all of the case law precedent, never had anything to do with privacy.</p> <p>Students should cite lines 80-81 as the crux of the argument.</p>
<p>What is Justice Stewart’s view of the role of the Supreme Court?</p>	<p>Stewart believes the court should: “decide cases “agreeably to the Constitution and laws of the United States,” “judicial duty to subordinate our own personal views, our own ideas of what legislation is wise and what is not.”</p> <p>He does not believe the court should “decide cases on the basis of community standards.”</p>

Vocabulary

These words merit <u>LESS</u> time and attention (They are concrete and easy to explain, or describe events/ processes/ideas/concepts/experiences that are familiar to your students)			These words merit <u>MORE</u> time and attention (They are abstract, have multiple meanings, and/or are a part of a large family of words with related meanings. These words are likely to describe events, ideas, processes or experiences that most of your student will be unfamiliar with)		
Line #	Word	Definition	Line #	Word	Definition
7	conception	Beginning of pregnancy.	2	opinion	In law, a formal document written by a judge or court stating the reasons and principles of law that informed a particular decision on a case.
15	utter	To speak	7	standing	Rank; position; status.
34	facet	An angle, aspect, or phase, as of a problem or situation.	10	association	A group of people joined together for a common purpose or by a mutual interest.
36	self-incrimination	To show or testify as to one's involvement in a crime.	12	parochial	Of or concerning a church parish (a district having its own church and priest)
38	detriment	Harm, injury, or loss.	24	philosophies	A set of personal or cultural beliefs or values, or particular beliefs that service as a rule to live by.
39	disparage	To lower in esteem or rank; degrade.	25	affiliation	To be associated with or connected to (especially) an organization
51	regulation	A principle, rule, or law designed to regulate behavior or conduct.	27	express	Clear, precise, and fully stated; explicit.
55	sacred	Worthy of reverence; holy.	41	sanctity	The quality or state of being holy or sacred.
57	noble	Of high or excellent mind, character, or virtues; not motivated by low or petty concerns.	49	principle	A law, doctrine, or assumption on which action or behavior is based.
71	redress	Compensation or reparation; amends.	57	bilateral	Concerning or equally obligating two parties.
			58	reversed	In law, to revoke or cancel (a decision such as a verdict).
			66	infringed	To violate, break, or go beyond the limits of.
			69	adjudication	Something settled by a judge or judges or in a judicial procedure.

			70	abridgment	The act or process to lessen, curtail, or deprive.
			82	deference	Respectful or polite regard.
			86	subordinate	To treat as or put in a position of lesser rank or importance.

Writing Task:

In the dissent in *Griswold*, Justice Stewart makes a clear claim against the majority: “Unless the solemn process of constitutional adjudication is to descend to the level of a play on words, there is not involved here any abridgment of the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. No soldier has been quartered in any house. There has been no search, and no seizure. Nobody has been compelled to be a witness against himself.”

In approximately 300-400 words, explain how the Supreme Court majority in this case decided that it was appropriate to use the 1st, 3rd, 4th, 5th, and 9th Amendments to justify a penumbra of privacy and find in favor of *Griswold*. In other words, where did the justices “find” the right to privacy? (Your audience for this is other 12th grade students who have not yet learned about this case.)

Writing Checklist:

- ✓ In this informational piece, please make sure to cite the case opinion with at least two quotes and three paraphrases.
 - For each, remember to appropriately introduce and explain the quote or paraphrase.
- ✓ Consider the ways in which the justices on the majority used the case law on each amendment together in unison to produce the penumbra of privacy. Use a logical model to trace this argument rather than treating each amendment separately and creating a laundry list of evidence.
 - Use connecting and transition words and phrases in your writing.

Writing Sample:

Justice Potter Stewart’s dissent in the Supreme Court case, *Griswold v. Connecticut*, is biting. He believes that the majority on the Court overstepped their authority to decide cases based upon the Constitution, using instead modern community standards. But the majority opinion uses a persuasive line of reasoning to sidestep the words of the Constitution and rather to rule on the basis of a zone of privacy by stating, “specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance” (lines 29-30). In order to justify these penumbras, the Court explains how many of the amendments in the Bill of Rights suggest privacy, even though the word itself is not present. First, the Court explains that it has

previously found many rights to be construed by amendments, rather than found in them literally. For instance, it cites the precedent in the case, *NAACP v. Alabama* where “we protected the ‘freedom to associate and privacy in one’s associations,’ noting that freedom of association was a peripheral First Amendment right” (lines 19-20). Then, the court demonstrates that the 3rd, 4th, and 5th Amendments have elements of privacy in protecting a) people’s homes in times of peace from quartering soldiers (line 33), b) against unreasonable search and seizures (lines 35-36), and c) against self-incrimination. Finally, the Court uses the text of the 9th Amendment to vindicate their finding of a penumbra of privacy, as the 9th Amendment states, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people” (lines 38-40).

*(Teacher Note: The extension writing task that follows is a longer research project, which would allow students to follow case law over time and see the ways in which precedence is used by the courts. It would highlight important Supreme Court case law (e.g. *Roe v. Wade*, *Lawrence v. Texas*) as well as the strategies necessary for research and informational writing. Further guidance and support would be necessary for this portion. Teachers should employ this option only if they are familiar with this case law and will reference it in later teaching and learning.)*

Extension Writing:

Conduct a short research project to gather sufficient evidence to answer the following questions. Use appropriate sources that are both credible and accurate. Detail between three and four cases in your project.

How has the right to privacy established in *Griswold v. Connecticut* affected later Supreme Court jurisprudence? For what future cases was this case a major precedent? How has the controversy over the penumbra of privacy played out in Supreme Court case law since 1970?

Extension Writing Checklist: *Please refer to this checklist as you develop your short research project.*

- ✓ Introduce the project with a paragraph that explains the decision in *Griswold* and emphasizes the discussion of the penumbra of privacy.
- ✓ Identify two to three cases that use *Griswold* as a precedent for privacy (from 1970 to present). For each case:
 - Briefly describe the Constitutional question and main details of the case.
 - Describe how *Griswold* was used as precedent in the decision (or dissent/concurrence).
 - Evaluate the manner in which the precedent was used (used to support the argument, counter the argument, enlarged view of the penumbra of privacy, narrower view of the penumbra of privacy, etc.).
- ✓ Cite evidence (paraphrases and short quotations) to support your analysis of each case.
 - At least one piece of evidence should come from the Supreme Court Opinion.
 - Other sources used to support your argument (at least one per case) should be evaluated for credibility and cited appropriately.
- ✓ Reasoning is the most essential component of your analysis. Ensure that for every piece of evidence and conjecture you make, you provide details, elaboration, explanation, and make clear your thinking. Your reasoning will likely come from your understanding of *Griswold* from this close reading.

- ✓ Conclude with your own interpretation of the final question: How has the controversy over the penumbra of privacy played out in Supreme Court case law since 1970?
- ✓ See 4 point rubric for essential components including: purpose, focus, organization, development of language and elaboration of evidence, and proper grammar and conventions.

Sample Generic 4-point Informative-Explanatory Writing Rubric (Grade 6-11)

Score	Statement of Purpose/Focus and Organization		Development: Language and Elaboration of Evidence		Conventions
	Statement of Purpose/Focus	Organization	Elaboration of Evidence	Language and Vocabulary	
4	<p>The response is fully sustained and consistently and purposefully focused:</p> <ul style="list-style-type: none"> controlling idea or main idea of a topic is focused, clearly stated, and strongly maintained controlling idea or main idea of a topic is introduced and communicated clearly within the context 	<p>The response has a clear and effective organizational structure creating unity and completeness:</p> <ul style="list-style-type: none"> use of a variety of transitional strategies logical progression of ideas from beginning to end effective introduction and conclusion for audience and purpose strong connections among ideas, with some syntactic variety 	<p>The response provides thorough and convincing support/evidence for the controlling idea or main idea that includes the effective use of sources, facts, and details. The response achieves substantial depth that is specific and relevant:</p> <ul style="list-style-type: none"> use of evidence from sources is smoothly integrated, comprehensive, and concrete effective use of a variety of elaborative techniques 	<p>The response clearly and effectively expresses ideas, using precise language:</p> <ul style="list-style-type: none"> use of academic and domain-specific vocabulary is clearly appropriate for the audience and purpose 	<p>The response demonstrates a strong command of conventions:</p> <ul style="list-style-type: none"> few, if any, errors are present in usage and sentence formation effective and consistent use of punctuation, capitalization, and spelling
3	<p>The response is adequately sustained and generally focused:</p> <ul style="list-style-type: none"> focus is clear and for the most part maintained, though some loosely related material may be present some context for the controlling idea or main idea of the topic is adequate 	<p>The response has an evident organizational structure and a sense of completeness, though there may be minor flaws and some ideas may be loosely connected:</p> <ul style="list-style-type: none"> adequate use of transitional strategies with some variety adequate progression of ideas from beginning to end adequate introduction and conclusion adequate, if slightly inconsistent, connection among ideas 	<p>The response provides adequate support/evidence for the controlling idea or main idea that includes the use of sources, facts, and details.</p> <ul style="list-style-type: none"> some evidence from sources is integrated, though citations may be general or imprecise adequate use of some elaborative techniques 	<p>The response adequately expresses ideas, employing a mix of precise with more general language</p> <ul style="list-style-type: none"> use of domain-specific vocabulary is generally appropriate for the audience and purpose 	<p>The response demonstrates an adequate command of conventions:</p> <ul style="list-style-type: none"> some errors in usage and sentence formation may be present, but no systematic pattern of errors is displayed adequate use of punctuation, capitalization, and spelling
2	<p>The response is somewhat sustained and may have a minor drift in focus:</p> <ul style="list-style-type: none"> may be clearly focused on the controlling or main idea but is insufficiently sustained controlling idea or main idea may be unclear and somewhat unfocused 	<p>The response has an inconsistent organizational structure, and flaws are evident:</p> <ul style="list-style-type: none"> inconsistent use of transitional strategies with little variety uneven progression of ideas from beginning to end conclusion and introduction, if present, are weak weak connection among ideas 	<p>The response provides uneven, cursory support/evidence for the controlling idea or main idea that includes partial or uneven use of sources, facts, and details:</p> <ul style="list-style-type: none"> evidence from sources is weakly integrated, and citations, if present, are uneven weak or uneven use of elaborative techniques 	<p>The response expresses ideas unevenly, using simplistic language:</p> <ul style="list-style-type: none"> use of domain-specific vocabulary that may at times be inappropriate for the audience and purpose 	<p>The response demonstrates a partial command of conventions:</p> <ul style="list-style-type: none"> frequent errors in usage may obscure meaning inconsistent use of punctuation, capitalization, and spelling
1	<p>The response may be related to the topic but may provide little or no focus:</p> <ul style="list-style-type: none"> may be very brief may have a major drift focus may be confusing or ambiguous 	<p>The response has little or no discernible organizational structure:</p> <ul style="list-style-type: none"> few or no transitional strategies are evident frequent extraneous ideas may intrude 	<p>The response provides minimal support/evidence for the controlling idea or main idea that includes little or no use of sources, facts, and details:</p> <ul style="list-style-type: none"> use of evidence from the source material is minimal, absent, in error, or irrelevant 	<p>The response expression of ideas is vague, lacks clarity, or is confusing:</p> <ul style="list-style-type: none"> uses limited language or domain-specific vocabulary may have little sense of audience and purpose 	<p>The response demonstrates a lack of command of conventions:</p> <ul style="list-style-type: none"> errors are frequent and severe and meaning is often obscure
0	A response gets no credit if it provides no evidence of the ability to (fill in with any key language from the intended target).				