

Chapter 5 Civil Liberties

1. The Bill of Rights refers to
 - A) the Preamble to the Constitution.
 - B) Article IV.
 - C) the first ten amendments to the Constitution.
 - D) the first eleven amendments to the Constitution.
 - E) the first five amendments to the Constitution.
2. Before the Fourteenth Amendment was added to the Constitution, the civil liberties protections contained in the Bill of Rights were
 - A) universally applied to the states.
 - B) rarely applied to the states.
 - C) limited by *Barron v. Baltimore*.
 - D) limited by *Plessy v. Ferguson*.
 - E) limited by *Gitlow v. New York*.
3. The Fourteenth Amendment has been interpreted by the U.S. Supreme Court to _____ many of the protections of the Bill of Rights by applying them to states.
 - A) negate
 - B) expand upon
 - C) limit
 - D) incorporate
 - E) none of the above
4. The Supreme Court ruled that states were not completely free to limit forms of political expression in
 - A) *Near v. Minnesota*.
 - B) *Gitlow v. New York*.
 - C) *Palko v. Connecticut*.
 - D) *Pointer v. Texas*.
 - E) *Cantwell v. Connecticut*.
5. The process by which the Supreme Court has chosen to apply the specific guarantees in the Bill of Rights to the states is called
 - A) due process.
 - B) the inclusion doctrine.
 - C) selective establishment.
 - D) selective incorporation.
 - E) the exclusion doctrine.
6. Religious rights, including the right to exercise religion freely and the protection against the establishment of an official religion, are protected by the _____ Amendment.
 - A) First
 - B) Second
 - C) Third
 - D) Fifth
 - E) Eighth

7. The establishment clause has been said to
 - A) call for the adoption of an official American religion.
 - B) erect a wall of separation between church and state.
 - C) inhibit citizens' basic religious rights.
 - D) provide citizens with the opportunity to obtain federal dollars to create or build churches, temples, or other houses of worship.
 - E) provide an "absolute" right to freedom of religious expression by all citizens.

8. Where secular law conflicts with religious beliefs, freedom of religion is
 - A) suppressed.
 - B) guaranteed by the Second Amendment.
 - C) allowed, but only after a court order is obtained allowing that freedom.
 - D) always upheld.
 - E) sometimes denied.

9. The Supreme Court uses the _____ test in dealing with religious establishment cases.
 - A) "I know it if I see it"
 - B) *Lemon* test
 - C) *Engel* test
 - D) smell test
 - E) equal access

10. In the case of *Zelman v. Simmons-Harris*, a school voucher program that allowed parents to send their kids to the school of their choice was found to be
 - A) constitutional, even though it favored Jewish schools over others.
 - B) unconstitutional because it favored Jewish schools over others.
 - C) constitutional because it was anti-religion.
 - D) unconstitutional because it violated the free expression clause.
 - E) constitutional because it was neutral toward religion.

11. Thomas Jefferson is famous for
 - A) being the second president of the United States.
 - B) writing the U.S. Constitution.
 - C) believing that there needed to be a wall of separation between church and state.
 - D) arguing that slavery should be protected by the Constitution as a religious right.
 - E) authoring the entire Bill of Rights.

12. Over the years, the U.S. Supreme Court has adopted a/an _____ approach when dealing with issues involving freedom of speech and of the press.
 - A) laissez-faire
 - B) illogical
 - C) strict interpretation
 - D) restrained
 - E) hierarchical

13. The judicial doctrine that government cannot prohibit speech or publication before the fact is called
- A) an *a priori* limitation.
 - B) prior restraint.
 - C) selective incorporation.
 - D) the prohibition clause.
 - E) the anti-prejudicial restriction.
14. In *The New York Times v. United States*, the Supreme Court ruled that
- A) libel and slander were constitutionally protected forms of speech.
 - B) actual malice must be proved to support a claim of libel made by a public figure.
 - C) prior restraint, in this case, was unconstitutional.
 - D) false or negligent speech was not protected by the First Amendment.
 - E) newspaper reporters must divulge their confidential sources of information.
15. The Supreme Court first ruled that symbolic speech was protected by the First Amendment in
- A) *Stromberg v. California*.
 - B) *Schenck v. U.S.*
 - C) *Tinker v. Des Moines Independent Community School*.
 - D) the 1989 flag burning case.
 - E) *Nebraska Press Association v. Stuart*.
16. In *Chaplinsky v. New Hampshire*, the Supreme Court ruled _____ was/were not protected by the First Amendment.
- A) obscenity in books
 - B) libel
 - C) fighting words
 - D) slander
 - E) child pornography on the Internet
17. In _____ the Supreme Court ruled that material can only be considered obscene if it is utterly without redeeming social importance.
- A) *Roth v. U.S.*
 - B) *Chaplinsky v. New Hampshire*
 - C) *Near v. Minnesota*
 - D) *The People v. Larry Flynt*
 - E) *Reno v. American Civil Liberties Union*
18. Warrantless searches are
- A) patently unconstitutional.
 - B) always unreasonable, since they are conducted without court approval.
 - C) the concerns of the federal government, not state or local governments.
 - D) constitutional only under certain circumstances.
 - E) always constitutional, regardless of situations or circumstances.

19. The Second Amendment was added to the Constitution to
- A) make sure that every citizen was armed.
 - B) make it impossible for Congress to disarm state militias.
 - C) guarantee that hunters could hunt.
 - D) allow the vice president to shoot his hunting partner without fear of arrest.
 - E) insure that citizens could forcibly overthrow an oppressive government.
20. Under the _____ Amendment, the police may search things in plain view, the person arrested, and things under the arrestee's immediate control.
- A) Eighth B) Fifth C) Sixth D) Third E) Fourth
21. In 1966, the Supreme Court ruled that individuals arrested must be informed of their constitutional rights in
- A) *Mapp v. Ohio*.
 - B) *Smith v. Massachusetts*.
 - C) *Weeks v. U.S.*
 - D) *McCleskey v. Zant*.
 - E) *Miranda v. Arizona*.
22. The standard that illegally seized evidence cannot not be used at trial is known as the
- A) due process clause.
 - B) procedural rights rule.
 - C) probable cause rule.
 - D) *Mapp* rule.
 - E) exclusionary rule.
23. *Gideon v. Wainwright* involved the issue of
- A) self-incrimination.
 - B) double jeopardy.
 - C) search and seizure.
 - D) trial by jury.
 - E) right to counsel.
24. The right to a speedy and public trial by an impartial jury is guaranteed by the _____ Amendment.
- A) Sixth
 - B) Seventh
 - C) Eighth
 - D) Tenth
 - E) Fourteenth
25. Lawyers may reject potential jurors for any reason EXCEPT
- A) a juror's political views.
 - B) their race or sex.
 - C) their race, sex, or sexual orientation.
 - D) their race, sex, or religion.
 - E) their personal relationships with the defendant, plaintiff, or judge.

26. The Eighth Amendment prohibits
- A) unreasonable searches and seizures.
 - B) cruel and unusual punishment.
 - C) trial without an attorney.
 - D) self-incrimination.
 - E) all of the above
27. In 1976, the Supreme Court ruled that a death penalty statute was constitutional because new laws had been passed to ensure that sentencing was not arbitrary. This was the case of
- A) *Gideon v. Wainwright*.
 - B) *Bowers v. Hardwick*.
 - C) *Mapp v. Ohio*.
 - D) *Furman v. Georgia*.
 - E) *Gregg v. Georgia*.
28. In *Griswold*, the Supreme Court ruled that the First, Third, Fourth, Fifth, and Fourteenth Amendments cast penumbras, thereby creating
- A) zones of privacy.
 - B) a constitutional right to abortion.
 - C) the Bill of Rights.
 - D) civil liberties.
 - E) areas of personal life subject to governmental regulation or control.
29. During the 1970s, the Supreme Court found that _____ was protected by the right to privacy implied from guarantees in the Bill of Rights and the Fourteenth Amendment.
- A) an absolute right to abortion
 - B) a woman's right to information on contraception
 - C) the right of married couples to have access to information on birth control
 - D) an absolute right to disseminate birth control information to minors
 - E) a woman's right to terminate a pregnancy under certain conditions
30. In *Lawrence v. Texas*, the U.S. Supreme Court ruled that
- A) the Boy Scouts could prevent homosexuals from becoming troop leaders.
 - B) there was a homosexual agenda in the United States.
 - C) a Texas law criminalizing sexual behavior was unconstitutional.
 - D) a Texas law criminalizing sexual behavior not only was unconstitutional but also violated fundamental privacy rights.
 - E) gay marriages represented an issue best left to the states.