Chapter 4: Civil Liberties

1. If a person were imprisoned in the United States without an open trial before a judge, this action would
   1. infringe upon the principle of selective incorporation.
   2. constitute an ex post facto law.
   3. undermine the Lemon test.
   4. violate the right of habeas corpus.
   5. defy the exclusionary rule.
2. The constitutional basis for the nationalization of the Bill of Rights is
   1. the First Amendment.
   2. the Tenth Amendment.
   3. the Fourteenth Amendment.
   4. Plessy v. Ferguson.
   5. Roe v. Wade.
3. Which of the following is not a liberty protected by the Bill of Rights?
   1. the free exercise of religion
   2. freedom from unreasonable searches and seizures
   3. guarantee of due process of the law
   4. equal protection of the laws
   5. freedom of speech
4. The process by which the Supreme Court has expanded specific parts of the Bill of Rights to protect citizens against state and federal actions is called
   1. habeas corpus.
   2. selective incorporation.
   3. the takings clause.
   4. dual federalism.
   5. cooperative federalism.
5. Which provision of the Bill of Rights has not been nationalized?
   1. the right to a grand jury
   2. the right against double jeopardy
   3. the right to a lawyer
   4. freedom from cruel and unusual punishment
   5. the right to counsel in any criminal trial
6. Which of the following rights is not found in the original, unamended Constitution?
   1. guarantee of habeas corpus
   2. prohibition of ex post facto laws
   3. prohibition against cruel and unusual punishment
   4. guarantee of trial by jury in the state where the crime was committed
   5. prohibition of bills of attainder
7. The wall of separation between church and state is best found in what clause of the Constitution?
   1. the free exercise clause
   2. the establishment clause
   3. the equal protection clause
   4. the wall of separation clause
   5. the full faith and credit clause
8. In Lemon v. Kurtzman, the Supreme Court ruled that government action toward religion is
   1. permissible only if it is secular in purpose, neither promotes nor inhibits religion, and does not lead to excessive entanglement with religion.
   2. permissible only if it promotes religious organizations that have a large number of members.
   3. permissible only if it promotes religious organizations that have a small number of members.
   4. permissible only if it inhibits religious organizations who espouse anti-American beliefs.
   5. never permissible.
9. The Supreme Court case concerning smoking peyote during Native Americans’ religious rituals demonstrates that the Court’s key problem in ruling on religious freedom is to determine
   1. the difference between religious beliefs and conduct that is based on religious beliefs.
   2. which religions are serious and which are not.
   3. which religious organizations are really illegal operations.
   4. who is a true believer and who is not.
   5. how much religious organizations can be taxed for their ceremonial practices.
10. Freedom of speech and of the press have a special place in American democracy because
    1. free and open debate is an essential mechanism for determining the quality and validity of competing ideas.
    2. they are the only liberties explicitly mentioned in the Bill of Rights.
    3. they were the last provisions in the Bill of Rights to be incorporated through the due process clause of the Fourteenth Amendment.
    4. they have never been restricted by any law in the history of the United States.
    5. they were the only liberties explicitly mentioned in Article I of the Constitution.
11. In the 1976 decision Buckley v. Valeo, the Supreme Court articulated the principle that
    1. spending by or on behalf of a candidate for office is protected speech.
    2. libel is protected by the First Amendment, as long as the person libeled is a public figure.
    3. burning draft cards is a protected symbolic act, but only if it is done in public.
    4. the Espionage Act of 1917 was unconstitutional.
    5. government can regulate speech if the speech contains an incitement to imminent lawless action.
12. The rights to assembly and petition are guaranteed by the same amendment guaranteeing
    1. free speech.
    2. due process.
    3. privacy.
    4. the right to bear arms.
    5. equal protection of the laws.
13. Members of Congress have frequently proposed a constitutional amendment to make flag burning a crime because
    1. state laws that make flag burning a crime are too lenient.
    2. state laws that make flag burning a crime are too harsh.
    3. the only way to overturn the Supreme Court’s ruling that flag burning is protected speech is through a constitutional amendment.
    4. the Supreme Court has ruled that flag burning is a crime and that the Constitution should be updated to reflect this reality.
    5. the Constitution must be made consistent with all of the state laws that also make flag burning a crime.
14. When New York Times reporter Judith Miller was jailed in 2005, it illustrated that
    1. the press has no constitutional right to withhold information in court.
    2. prior restraint can still be allowed in cases of national security.
    3. journalists are held to a higher standard of libel than average citizens.
    4. parodies are not protected speech.
    5. journalists can be punished for reporting inaccurate information on political stories.
15. Which of the following best reflects the Supreme Court’s position on commercial speech, such as advertisements?
    1. Commercial speech receives no First Amendment protection.
    2. Advertisements receive limited First Amendment protection.
    3. Advertisements receive as much First Amendment protection as anything else written in the newspaper.
    4. Commercial speech regulations depend on the commerce clause, not the Bill of Rights.
    5. The Supreme Court has never issued a ruling on the extent to which commercial speech receives First Amendment protection.
16. The Supreme Court’s 2010 ruling in McDonald v. Chicago was significant because
    1. it applied the Second Amendment to state governments for the first time.
    2. it rejected the idea that the Second Amendment applies to state governments.
    3. it concluded that the Second Amendment applies only to state governments and not to the federal government.
    4. it banned assault rifles in the United States.
    5. it upheld the state of Illinois’s restrictions on gun ownership by former felons.
17. The Fourth Amendment protects against
    1. cruel and unusual punishment.
    2. unreasonable searches and seizures.
    3. self-incrimination.
    4. quartering military troops in private homes.
    5. prior restraint.
18. The controversy over suspicionless drug tests at school and in the workplace pits the government’s war on drugs against the right
    1. against self-incrimination.
    2. against profiling.
    3. to take drugs.
    4. to privacy from unwarranted searches.
    5. to a jury trial.
19. What is a grand jury?
    1. the name for the juries used in federal courts
    2. a jury that determines whether there is enough evidence to justify a trial
    3. a jury that determines the sentence after guilt has been proven
    4. a jury that determines whether the rights of the accused have been violated
    5. a jury that is composed of a large number of jurors
20. The right against \_\_\_\_\_\_ prevents persons from being tried twice for the same crime.
    1. self-incrimination
    2. double jeopardy
    3. exclusion
    4. unreasonable seizures
    5. cruel and unusual punishment
21. The takings clause states that government may not take private property
    1. for public use.
    2. without prior notification.
    3. without just compensation.
    4. without giving it back in due time.
    5. for any reason.
22. The term eminent domain describes
    1. the power of the government to take private property for public use.
    2. the right of individuals not to have their private property taken by the government.
    3. the power of the Supreme Court to declare the meaning and scope of all civil liberties.
    4. the power of the federal government to seize land owned and managed by states, in the public interest.
    5. the power of state governments to ignore a law enacted by the federal government.
23. The case of Gideon v. Wainwright established the right
    1. to counsel in felony cases.
    2. against self-incrimination.
    3. to be warned of your rights at the time of arrest.
    4. against suspicionless searches and seizures.
    5. to an open trial before a judge.
24. The Eighth Amendment prohibits
    1. double jeopardy.
    2. cruel and unusual punishment.
    3. denial of a lawyer in felony trials.
    4. the violation of habeas corpus.
    5. unlawful searches and seizures.
25. Since 1973, the right to an abortion has been
    1. upheld and expanded.
    2. upheld but narrowed in scope.
    3. overturned by the Supreme Court.
    4. unchanged because the Supreme Court has not heard another case involving abortion.
    5. repealed by a constitutional amendment.