CHAPTER 4: Civil Liberties

MULTIPLE CHOICE

1. __________ are limitations on government action, setting forth what the government cannot do.
   a. Bills of attainder
   b. Civil rights
   c. The Miranda warnings
   d. Ex post facto laws
   e. Civil liberties
   
   ANS: E  REF: 74

2. Many of our liberties were added by the __________, ratified in 1791.
   a. ex post facto laws
   b. writs of habeas corpus
   c. Bill of Rights
   d. bills of attainder
   e. Miranda warnings

   ANS: C  REF: 74

3. A(n) __________ is an order requiring that an official bring a specified prisoner into court and show the judge why the prisoner is being held in jail.
   a. ex post facto law
   b. writ of habeas corpus
   c. bill of attainder
   d. warrant based on probable cause
   e. exclusionary rule

   ANS: B  REF: 74

4. A bill of attainder
   a. is a legislative act that inflicts punishment on particular persons without granting them the right to a trial.
   b. punishes individuals for committing an act that was legal when the act was committed.
   c. requires an official to bring a specified prisoner into court and show the judge why the person is being kept in jail.
   d. prohibits double jeopardy.
   e. prohibits cruel and unusual punishments.

   ANS: A  REF: 74

5. A(n) __________ punishes individuals for committing an act that was legal when the act was committed.
   a. bill of attainder
   b. “National Security Letter”
   c. writ of habeas corpus
   d. ex post facto law
   e. warrant based on probable cause

   ANS: D  REF: 74

6. The Bill of Rights became part of the Constitution in
7. The first eight amendments to the Constitution
   a. reserve certain rights and powers to the people and to the states.
   b. grant the people specific rights and liberties.
   c. prohibit the states from coining money, negotiating treaties with foreign countries, and regulating interstate commerce.
   d. grant states the power to enact laws and to establish courts to protect the rights of their citizens.
   e. establish the powers of the executive branch.

ANS: B  REF: 75

8. A key function of the Bill of Rights is to
   a. protect the rights of government.
   b. preserve the will of the majority against the actions of the minority.
   c. protect the rights of those in the minority against the will of the majority.
   d. specify what the government must do to ensure equal protection under the law for all Americans.
   e. delegate power to the Supreme Court to have the final say on how the Constitution should be interpreted.

ANS: C  REF: 75

9. For many years, the courts assumed that the Bill of Rights limited only the actions of
   a. the state governments.
   b. the national government.
   c. local governments.
   d. individuals.
   e. state or local governments.

ANS: B  REF: 75

10. In __________, the Supreme Court decided that the Bill of Rights did not apply to state laws.
    a. Barron v. Baltimore (1833)
    b. Gitlow v. New York (1925)
    c. Everson v. Board of Education (1947)
    d. Mapp v. Ohio (1961)
    e. McDonald v. Chicago (2010)

ANS: A  REF: 75

11. The Fourteenth Amendment was added to the Constitution in
    a. 1776.
    b. 1787.
    c. 1791.
    d. 1868.
    e. 1925.

ANS: D  REF: 75
12. The due process clause of the Fourteenth Amendment reads, in part, as follows:
   a. “No government shall deny any person liberty or the pursuit of happiness without due process of law.”
   b. “No State shall deprive any citizen the right to seek a bill of attainder without due process of law.”
   c. “Due process is guaranteed to all citizens of the United States.”
   d. “No State shall … deprive any person of life, liberty, or property, without due process of law.”
   e. No local government shall…deny to any citizen within its jurisdiction the due process of law.

ANS: D  REF: 75

13. ________ due process requires that any governmental decision to take life, liberty, or property be made equitably.
   a. Procedural
   b. Programmatic
   c. Strategic
   d. Substantive
   e. Operational

ANS: A  REF: 75

14. The First Amendment to the Constitution
   a. addresses the right to bear arms.
   b. states that “Congress shall make no law … abridging the freedom of speech.”
   c. guarantees the right to a speedy and public trial.
   d. addresses the right of trial by jury.
   e. states that “Congress shall protect the right to privacy of all persons.”

ANS: B  REF: 76

15. “… the right of the people to keep and bear Arms …” is found in the ________ to the U.S. Constitution.
   a. Second Amendment
   b. Third Amendment
   c. Fifth Amendment
   d. Eighth Amendment
   e. Tenth Amendment

ANS: A  REF: 76

16. The protection against “unreasonable searches and seizures” is found in the
   a. Third Amendment.
   b. Fourth Amendment.
   c. Fifth Amendment.
   d. Eighth Amendment.
   e. Tenth Amendment.

ANS: B  REF: 76

17. The ________ provides the right to have the “Assistance of Counsel” in criminal prosecutions.
   a. Fifth Amendment
   b. Sixth Amendment
18. The prohibition of “cruel and unusual punishments” is included in the
a. Fourth Amendment.
b. Fifth Amendment.
c. Sixth Amendment.
d. Eighth Amendment.
e. Tenth Amendment.
ANS: D REF: 76

19. The reserved powers of the states are derived from the
a. Second Amendment.
b. Third Amendment.
c. Seventh Amendment.
d. Ninth Amendment.
e. Tenth Amendment.
ANS: E REF: 76

20. If a law or other governmental action limits a fundamental right, it will be held to violate __________ due process, unless it promotes a compelling or overriding state interest.
a. procedural
b. programmatic
c. strategic
d. substantive
e. operational
ANS: D REF: 77

21. Starting in __________, the Supreme Court gradually began using the due process clause to say that states could not abridge a civil liberty that the national government could not abridge.
a. 1880
b. 1925
c. 1953
d. 1964
e. 1971
ANS: B REF: 77

22. The Supreme Court has used the __________ clause to __________ the protections guaranteed by the national Bill of Rights into the liberties protected under the Fourteenth Amendment.
a. due process; incorporate
b. equal protection; weave
c. full faith and credit; absorb
d. supremacy; merge
e. necessary and proper; wrap
ANS: A REF: 77
23. The Supreme Court was particularly active during the _________ in broadening its interpretation of the due process clause to ensure that states and localities could not infringe on civil liberties protected by the Bill of Rights.
   a. 1880s
   b. 1920s
c. 1950s
d. 1960s
e. 1980s
ANS: D REF: 77

24. The right to bear arms described in the Second Amendment was incorporated in
   a. 1868.
b. 1925.
c. 1949.
d. 1965.
e. 2010.
ANS: E REF: 77

25. The _________ prohibits Congress from passing laws “respecting an establishment of religion, or prohibiting the free exercise of thereof.”
   a. First Amendment
   b. Fourth Amendment
c. Sixth Amendment
d. Ninth Amendment
e. Tenth Amendment
ANS: A REF: 78

26. The freedom of _________ is the first freedom mentioned in the Bill of Rights.
   a. assembly
   b. speech
c. religion
d. petitioning the government
e. press
ANS: C REF: 78

27. In all, _________ of the thirteen colonies had established official religions by the time of the American Revolution.
   a. three
   b. five
c. seven
d. nine
e. eleven
ANS: D REF: 78

28. Thomas Jefferson wanted the establishment clause of the First Amendment to be a
   a. mechanism by which the government would establish an official religion.
b. “bridge connecting government and religion.”
c. guarantee that the states would have the right to choose which religions they would establish within their own borders.
d. “barrier between government and the freedom of expression.”
e. “wall of separation between church and state.”

ANS: E  REF:  78

29. The establishment clause
   a. forbids the government from establishing an official religion.
   b. requires religion and government to be enemies.
   c. prohibits the government from supporting religion in general.
   d. prohibits religion from being a part of public life.
   e. bans government officials from taking an oath of office in the name of God.

ANS: A  REF:  79

30. In Everson v. Board of Education (1947), the Supreme Court
   a. upheld a New Jersey law that allowed the state to pay for bus transportation of students who attended parochial schools.
   b. ruled that the state of New Jersey could no longer require the teaching of evolution in the public schools.
   c. held that the First Amendment prohibits clergy of different religions from serving in each branch of the armed forces.
   d. held that all government aid to parochial schools is constitutional under the First Amendment.
   e. held that all government aid to parochial schools is prohibited under the First Amendment.

ANS: A  REF:  80

31. In Everson v. Board of Education (1947), the Supreme Court
   a. held that Congress could no longer open its sessions with prayers.
   b. set the precedent that all forms of state aid to church-related schools are forbidden under the Constitution.
   c. affirmed the position that all public references to God are prohibited.
   d. held that government officials may not take an oath of office in the name of God.
   e. both affirmed the importance of separating church and state and set the precedent that not all forms of government aid to church-related schools are forbidden under the Constitution.

ANS: E  REF:  80

32. In Engel v. Vitale (1962), the Supreme Court
   a. upheld an Alabama law authorizing a daily one-minute period of silence for meditation and voluntary prayer.
   b. ruled that the State Board of Regents in New York had acted unconstitutionally by composing a prayer to be used in public school classrooms at the start of each day.
   c. held that individuals cannot pray in public schools, and teachers may no longer wish their students a “Merry Christmas.”
   d. held that public schools are barred from teaching about religion.
   e. ruled that the State Board of Regents in New York had acted constitutionally when composing a prayer to be used in public school classrooms, because the prayer was nondenominational.

ANS: B  REF:  80

33. In Stone v. Graham (1980), the Supreme Court ruled that
   a. a Kentucky law requiring that the Ten Commandments be posted in all public schools violated the establishment clause.
b. an Alabama law authorizing a one-minute period of silence for voluntary prayer in the public schools was constitutional.
c. because the State Board of Regents in New York had written a nondenominational prayer, it could be used in the public school classrooms at the start of each day.
d. student-led prayer, using the school’s public address system, before public school sporting events was constitutional.
e. churches or other religious groups cannot run schools.

ANS: A REF: 80

34. The Supreme Court has ruled that public schools
   a. can endorse prayer by setting aside a moment for silent meditation and voluntary prayer.
   b. cannot sponsor religious activities.
   c. are barred from teaching about religion.
   d. are allowed to determine for themselves the number of religious exercises they will sponsor in any given year.
   e. can be required by state law to post the Ten Commandments in classrooms.

ANS: B REF: 81

35. The Supreme Court
   a. upheld, in Epperson v. Arkansas (1968), an Arkansas law prohibiting the teaching of evolution.
   b. has held that state laws forbidding the teaching of evolution in the public schools violate the establishment clause.
   c. upheld, in Edwards v. Aguillard (1987), a Louisiana law requiring that the biblical story of the creation be taught along with evolution.
   d. has refused to hear any cases involving evolution and creationism.
   e. ruled, in a 2005 case from Dover, Pennsylvania, that the concept of “intelligent design is a science, and therefore can be taught in the public schools.

ANS: B REF: 81

36. The Supreme Court uses the Lemon test in cases involving
   a. searches and seizures.
   b. the establishment clause.
   c. symbolic speech.
   d. libel.
   e. obscenity.

ANS: B REF: 82

37. In __________, the Supreme Court outlined a three-part test to determine whether government aid to parochial schools violates the establishment clause.
   b. Miller v. California (1973)
   c. Lemon v. Kurtzman (1971)
   d. Roe v. Wade (1973)
   e. Schenck v. United States (1919)

ANS: C REF: 82

38. Since 1971, the Supreme Court has used a test to determine whether government aid to parochial schools is constitutional. To be constitutional, the
   a. aid cannot be for a secular purpose.
b. primary effect of the aid must inhibit religion.
c. aid must be for a clearly religious purpose.
d. aid must avoid an “excessive government entanglement with religion.”
e. primary effect of the aid must advance religion.

ANS: D    REF: 82

39. The free exercise clause of the First Amendment
a. has been used by the Supreme Court to uphold public aid to parochial schools for the
salaries of teachers and for field trips.
b. was used by the Supreme Court in 1878 to uphold the right of a Mormon to engage in
polygamy, because the practice was encouraged by the teachings of his religion.
c. has been interpreted by the Supreme Court to mean that the right to hold any belief is
absolute, but the right to practice one’s beliefs may have some limits.
d. means that individuals can act in any way they want on the basis of their religious beliefs.
e. means that public schools can act freely to incorporate religious exercises into school
functions, so long as those exercises are supported by a majority of those who live in the
school district.

ANS: C    REF: 82

40. Title VII of the Civil Rights Act of 1964 requires employers to accommodate their employees’
religious practices unless such accommodation causes an employer to suffer a(n)
a. “undue hardship.”
b. “loss of productivity.”
c. “irreversible loss of business.”
d. “strike by other employees.”
e. “breakdown of employee morale.”

ANS: A    REF: 83

41. Burning the American flag as a gesture of protest is an example of
a. obscenity.
b. symbolic speech.
c. slander.
d. libel.
e. seditious speech.

ANS: B    REF: 83 | 84

42. Seditious speech
a. is a published report of a falsehood that tends to injure a person’s reputation or character.
b. urges resistance to lawful authority or advocates overthrowing the government.
c. is the public utterance of a false statement that holds a person up for contempt, ridicule,
or hatred.
d. is best defined as cyberbullying.
e. is obscenity on the Internet.

ANS: B    REF: 84

43. Under the __________, the government may restrict expression if that expression would cause a
dangerous condition, actual or imminent, that Congress has the power to prevent.
a. clear and present danger test
b. Lemon test
c. preferred-position doctrine
44. The current Supreme Court doctrine for assessing the constitutionality of subversive speech is the
a. “I know it when I see it” test.
b. “Bong Hits 4 Jesus” test.
c. “shouting fire in a theatre” test.
d. imminent lawless action test.
e. dangerous tendency rule.
ANS: D REF: 84 | 85

45. Commercial speech
a. is not protected by the First Amendment.
b. is considered slander.
c. receives more protection under the First Amendment than regular speech.
d. is protected by the First Amendment, but not as fully as regular speech.
e. cannot be restricted by the government.
ANS: D REF: 85

46. If the *Daily Gossip* publishes something about a person that is untrue, with the intent of injuring that
person’s reputation, and actual harm results, the *Daily Gossip* has engaged in
a. hate speech.
b. slander.
c. libel.
d. symbolic speech.
e. obscenity.
ANS: C REF: 85

47. When Supreme Court justice Potter Stewart stated, “I know it when I see it,” he was referring to
a. obscenity.
b. libel.
c. symbolic speech.
d. double jeopardy.
e. probable cause.
ANS: A REF: 85

48. Which of the following is not part of the test the Supreme Court developed in *Miller v. California*
(1973) to determine if a book or film is legally obscene?
a. The average person applying contemporary community standards finds that the work taken
as a whole appeals to the prurient interest.
b. The work taken as a whole lacks serious literary or artistic value.
c. The work depicts or describes, in a patently offensive way, a form of sexual conduct
specifically prohibited by an antiobscenity law.
d. The work taken as a whole is offensive or disturbing.
e. The work taken as a whole lacks serious political or scientific value.
ANS: D REF: 85 | 86

49. In 2003, the Supreme Court held that
a. the Communications Decency Act of 1996 was constitutional.
b. the Child Online Protection Act of 1998 was constitutional.
c. a school principal’s decision to suspend a high school student who unfurled a banner reading “Bong Hits 4 Jesus” at an event off the school premises was unconstitutional.
d. no restraints may be placed on the freedom of expression of students at the high school level.
e. the Children’s Internet Protection Act (CIPA) of 2000 was constitutional.

ANS: E  REF: 86

50. The Children’s Internet Protection Act (CIPA) of 2000
   a. requires schools and libraries to use Internet filtering software to protect children from pornography or risk losing federal funds for technology upgrades.
b. was held by the Supreme Court to violate the First Amendment.
c. imposed criminal penalties on those who distribute material that is “harmful to minors” on the Internet.
d. made it a crime to transmit “indecent” or “patently offensive” speech online to minors.
e. makes it a crime to use hate speech on the Internet.

ANS: A  REF: 86

51. According to the __________, any law that limits the freedom of speech or the press—freedoms essential to a democracy—should be presumed unconstitutional unless the government can show that the law is absolutely necessary.
   a. clear and present danger test
   b. incorporation doctrine
   c. preferred-position doctrine
   d. bad tendency rule
   e. Lemon test

ANS: C  REF: 87

52. Supreme Court justice Louis Brandeis stated in 1928 that the right to __________ is “the most comprehensive of rights and the right most valued by civilized men.”
   a. trial by jury
   b. counsel
   c. confront witnesses
   d. be free from censorship
   e. privacy

ANS: E  REF: 88

53. The Supreme Court has held that a right to privacy is implied by other constitutional rights guaranteed in
   a. the Sixth, Seventh, and Eighth Amendments.
b. Article I of the Constitution.
c. the Declaration of Independence.
d. the First, Third, Fourth, Fifth, and Ninth Amendments.
e. the Magna Carta.

ANS: D  REF: 88

54. In __________, the Supreme Court held that the “right to privacy … is broad enough to encompass a woman’s decision to terminate a pregnancy,” subject to certain regulations.
   a. Roe v. Wade (1973)
b. Miller v. California (1973)

ANS: A  REF: 89

55. In 2007,
   a. the U.S. Supreme Court held that all state laws placing restrictions on the abortion decision, such as laws requiring counseling, waiting periods, and parental notification, were unconstitutional.
   b. the U.S. Supreme Court upheld the constitutionality of the 2003 Partial Birth Abortion Ban Act.
   c. in *Stenberg v. Carhart*, the U.S. Supreme Court upheld a Nebraska statute banning “partial-birth” abortions.
   d. the U.S. Supreme Court overturned *Roe v. Wade*.
   e. the Partial Birth Abortion Ban Act was vetoed by President George W. Bush.

ANS: B  REF: 89

56. In 1997 the Supreme Court
   a. held that the liberty protected by the Constitution includes the right to commit suicide.
   b. ruled that state laws permitting assisted suicide are unconstitutional.
   c. held that state laws banning physician-assisted suicide are inherently unconstitutional.
   d. upheld the states’ rights to ban assisted suicide, but did not hold that state laws permitting assisted suicide were unconstitutional.
   e. held that physician-assisted suicide violated the Eighth Amendment prohibition of cruel and unusual punishments.

ANS: D  REF: 89

57. The Sixth Amendment
   a. prohibits cruel and unusual punishments.
   b. guarantees the right to counsel at various stages in some criminal proceedings.
   c. includes a protection against self-incrimination.
   d. prohibits double jeopardy.
   e. establishes the exclusionary rule.

ANS: B  REF: 92

58. The Fifth Amendment
   a. includes a requirement that no warrant for a search or an arrest be issued without probable cause.
   b. guarantees a speedy trial and a trial by jury.
   c. includes a protection against self-incrimination.
   d. includes a protection from unreasonable searches and seizures.
   e. includes a right for criminal defendants to confront witnesses.

ANS: C  REF: 92

59. ________ require(s) that illegally obtained evidence not be admissible in court.
   a. *The Miranda* warnings
   b. The exclusionary rule
   c. Probable cause
   d. *Double jeopardy*
   e. *National Security Letters*
60. *The Miranda* warnings
   a. are criminal procedural rules that require illegally obtained evidence to be excluded from a criminal trial.
   b. put a criminal suspect on notice that he or she may not request a speedy trial.
   c. are issued when the federal government believes that a terrorist attack is imminent.
   d. are a series of statements informing criminal suspects, on their arrest, of their constitutional rights.
   e. are given to criminal suspects when they have been charged with double jeopardy.

ANS: D

ESSAY

1. How has the Supreme Court ensured that states and localities do not infringe on civil liberties protected by the Bill of Rights?

ANS: Answers may vary.

2. Why is it not surprising that the freedom of religion was the first freedom mentioned in the Bill of Rights? Is religious liberty protected around the globe?

ANS: Answers may vary.

3. How high is the “wall of separation” between church and state? How has the Supreme Court ruled in cases involving the attempts of school districts and state legislatures to include religious activities in public schools?

ANS: Answers may vary.

4. Under the *Lemon* test, what criteria must be met for government aid to parochial schools to be considered constitutional with respect to the establishment clause? How has the test been applied in specific cases?

ANS: Answers may vary.

5. What does the free exercise clause of the First Amendment mean? How has Title VII of the Civil Rights Act of 1964 affected free exercise of religion in the workplace? How do provisions in the Affordable Care Act raise questions regarding the freedom of religion?

ANS: Answers may vary.

6. The First Amendment is designed to protect the freedom to express all ideas, including those that may be unpopular. Not all speech, however, is protected. Discuss the approaches that have been used by the Supreme Court to define limits on expression.

ANS:
7. How difficult has it been for the federal government to regulate speech on the Internet?

ANS:
Answers may vary.

8. Four decades after the Supreme Court’s decision in *Roe v. Wade* (1973), abortion remains a controversial issue. How has the Court ruled in cases involving legislative restrictions on abortion?

ANS:
Answers may vary.

9. Describe some of the laws and programs that were instituted after the terrorist attacks of September 11, 2001, which raised questions about privacy rights. To what extent have these policies been revised in the years following 9/11?

ANS:
Answers may vary.

10. Why do criminal suspects have rights? Discuss some of the constitutional safeguards for criminal defendants set forth in the Bill of Rights.

ANS:
Answers may vary.