

**Unit 3: Civil Liberties and Rights**  
TEST B

1. The Bill of Rights, our first ten amendments to the U.S. Constitution, proclaims to the world that our experiment in self-government is rooted in personal freedom and equality. Yet these freedoms and commitments are ever uncertain and changing. This can be explained for all of the following reasons EXCEPT
- a. Times change, viewpoints change
  - b. They were written in vague terms
  - c. The Supreme Court is checked by referendums
  - d. Members of the government change

2. Civil liberties are not mere platitudes or empty promises. Civil liberties form the bedrock of our civil society. It behooves us to familiarize ourselves with the language of our basic most fundamental rights as protected in our constitution's Bill of Rights. Where would you find this language:

*A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.*

- a. First Amendment
- b. Second Amendment
- c. Fourth Amendment
- d. Fifth Amendment

3. Civil liberties are not mere platitudes or empty promises. Civil liberties form the bedrock of our civil society. It behooves us to familiarize ourselves with the language of our basic most fundamental rights as protected in our constitution's Bill of Rights. Where would you find this language:

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

- a. First Amendment
- b. Second Amendment
- c. Fourth Amendment
- d. Fifth Amendment

4. Civil liberties are not mere platitudes or empty promises. Civil liberties form the bedrock of our civil society. It behooves us to familiarize ourselves with the language of our basic most fundamental rights as protected in our constitution's Bill of Rights. Where would you find this language:

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

- a. Fifth Amendment
- b. Sixth Amendment
- c. Eighth Amendment
- d. Tenth Amendment

5. Civil liberties are not mere platitudes or empty promises. Civil liberties form the bedrock of our civil society. It behooves us to familiarize ourselves with the language of our basic most fundamental rights as protected in our constitution's Bill of Rights. Where would you find this language:

*[No] person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

- a. Fifth Amendment
  - b. Sixth Amendment
  - c. Eighth Amendment
  - d. Tenth Amendment
6. Former chief justice Charles Evans Hughes said, "We are under a Constitution, but the Constitution is what the judges say it is." Yet the other branches help to define our rights as well. All of the following are ways our government continually interprets our civil liberties EXCEPT
- a. Executive agencies enforce laws differently
  - b. Congress' budget authority prioritizes certain rights
  - c. The Supreme Court asserts judicial review
  - d. State governments today are not required to follow the Bill of Rights
7. In legal terms, what does the exclusionary rule mean?
- a. Illegally obtained evidence cannot be used in court
  - b. Certain words are not protected by the First Amendment
  - c. State governments are not required to follow portions of the Bill of Rights
  - d. Cars are not protected by the castle doctrine
8. Criminal due process, just treatment, is a fundamental guarantee found in our Bill of Rights. Throughout our history there have been a number of landmark court cases that have defined the meaning of these rights. Which of the following court cases applied the exclusionary rule to the states?
- a. Mapp v. Ohio
  - b. Miranda v. Arizona
  - c. Gideon v. Wainwright
  - d. Tinker v. Des Moines
9. The government cannot compel confessions. Furthermore, the Supreme Court held that any suspect put in custody by authorities must first be informed of these rights. Which of the following court cases made this police practice almost cliché?
- a. Mapp v. Ohio
  - b. Miranda v. Arizona
  - c. Gideon v. Wainwright
  - d. Tinker v. Des Moines

10. In legal terms, what does the Fifth Amendment's taking clause, eminent domain, protect?
- Protects our private property from being taken without fair payment
  - Protects marital partners from testifying in court against each other
  - Protects police by allowing them to legally take a blood test after a traffic accident
  - Protects veterans of foreign wars from being held without legal counsel
11. The government must provide legal counsel, even to those who cannot afford it. Which of the following court cases applied this Sixth Amendment right to an attorney to all fifty states?
- Mapp v. Ohio
  - Miranda v. Arizona
  - Gideon v. Wainwright
  - Tinker v. Des Moines
12. Prosecutors typically offer a reduced sentence if the accused agree to accept guilty to a lesser offense. The intent of these agreements, making up more than 90% of all convictions, is to reduce the heavy workload of the court system. This ultimately means fewer trials and more defendants doing time for their offences. What are these agreements called?
- Legal pacts
  - Pragmatic treaties
  - Clandestine agreements
  - Plea bargains
13. The freedom of speech gets preferential treatment by the courts. It is our most sacred right. Yet even freedom of speech has its limits. All of the following are court defined limits on free speech EXCEPT
- Cannot publish obscene materials
  - Cannot knowingly publish lies
  - Cannot yell "fire in a crowded movie theater"
  - Cannot speak negatively about "the troops"
14. The reach of the First Amendment has extended into symbolic speech. In this Supreme Court case students were affirmed in their wearing of black armbands in protest of war.
- Tinker v. Des Moines
  - New York Times v. U.S.
  - Engel v. Vitale
  - Wisconsin v. Yoder
15. Prior restraint or censorship of the press must pass over a high bar. Freedom of the press is seen as an important tenet to representative democracy. Yet freedom of the press can be limited in certain circumstances. The government can use prior restraint when confronted by national security issues according to this Supreme Court case
- Tinker v. Des Moines
  - New York Times v. U.S.
  - Engel v. Vitale
  - Wisconsin v. Yoder

16. There are two religion clauses found in our First Amendment. The free exercise clause protects our individual choices to practice the religion of our choosing. The establishment clause
- Protects the tax-free status of religious organizations
  - Protects us from state-sponsored religion
  - Protects us from frivolous and phony religions
  - Protects religious denominations from merging without the consent of their followers
17. In this case the court ruled a government-directed prayer in school as unconstitutional
- Tinker v. Des Moines
  - New York Times v. U.S.
  - Engel v. Vitale
  - Wisconsin v. Yoder
18. The government generally cannot infringe upon our right to worship the way we please. In this case a small group of Amish parents and their right to “free exercise” triumphed over the wishes of a larger community. In this case an Amish community’s religious beliefs trumped the state’s compulsory education laws.
- Tinker v. Des Moines
  - District of Columbia v. Heller
  - Engel v. Vitale
  - Wisconsin v. Yoder
19. The Bill of Rights was included in our constitution to reflect our collective commitment to individual liberty. Even when faced with difficult policy choices, the rights of the people still carry the day. A contemporary example would be found in the current interpretation of the Second Amendment. As interpreted today, this amendment allows
- Individuals to own handguns, even in crime filled urban areas
  - The police to confiscate anything that even looks like a gun to protect neighborhoods
  - Military veterans to sell their government issued weapons as collectors-items
  - Local governments to pass strict gun control laws
20. Basic rights of the people can often conflict with government’s fundamental role to keep us safe and secure. Personal liberties and collective security can be at odds with each other. This has become all the more apparent after the events of September 11, 2001. Post 9/11 we now
- Demand government to protect our liberties with even greater scrutiny
  - Demand more security and protection, often in contradiction to personal liberties
  - Allow more political refugees asylum in order to deescalate global tensions
  - Allow greater tolerance to religious differences, and not just to Christian groups

21. All of the following examples demonstrate how our constitution presciently prepared our government to address tensions between individual freedom and public safety EXCEPT
- Congress was empowered in Article One to “provide for the common defense.”
  - The President was given implicitly energetic powers to deal against foreign agents.
  - Judicial review empowers the Supreme Court to legitimize public safety policies
  - State militias have always served as mercenaries in foreign wars
22. The Supreme Court in *Schenck v. United States* (1919)
- Protected minority rights by ruling against conscription, compulsory military service
  - Protected majority rights by ruling against student protests in public schools
  - Limited speech when it posed a “clear and present danger”
  - Limited religious activities when in conflict with patriotic observances
23. Individual rights and privileges that had once been excluded by state governments are now preserved and protected by agents of the national government. The application of the Bill of Rights to the states is called
- Ex Post Facto
  - Bill of Attainder
  - Selective Incorporation
  - Habeas Corpus
24. Early on in our history the U.S. Supreme Court recognized that the Bill of Rights DID NOT apply to the states. The precedent for this interpretation was found in the case
- Barron v. Baltimore
  - Gitlow v. New York
  - Roe v. Wade
  - McDonald v. Chicago
25. In this case the U.S. Supreme Court applied the right to “bear arms” to the states for the first time. Most state gun control laws were ruled unconstitutional.
- Barron v. Baltimore
  - Gitlow v. New York
  - Roe v. Wade
  - McDonald v. Chicago
26. This critical amendment, with its “due process” clause, provided the means by which the U.S. Supreme Court applied the Bill of Rights to the states
- Fifth Amendment
  - Tenth Amendment
  - Fourteenth Amendment
  - Twenty-Second Amendment

27. The Supreme Court upheld a state's limitation on free speech in this case, the first case in which the national government applied Bill of Rights language to local governments.
- Barron v. Baltimore
  - Gitlow v. New York
  - Roe v. Wade
  - McDonald v. Chicago
28. Some have called the application of the Bill of Rights to the states a second revolution. This is because
- This policy had a dramatic impact on the balance of power
  - This policy redirected our priorities from rights to protections
  - State power now was on equal footing with national power
  - The Supreme Court now overshadows all other branches
29. The Supreme Court extended a woman's right to choose an abortion, based upon privacy rights, in all fifty states in this case
- Barron v. Baltimore
  - Gitlow v. New York
  - Roe v. Wade
  - McDonald v. Chicago
30. The text from Section 1 of the Fourteenth Amendment states:
- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*
- The natural consequence of this section was to
- Strengthen the power of the national government
  - Strengthen the power of state and local governments
  - Minimize the authority of the Bill of Rights
  - Reverse our commitment from civil liberties to civil rights
31. The Incorporation Doctrine resulted in the national government and its courts now being the final arbitrator of our rights and privileges superseding all state and local laws. This Doctrine was first established in 1925 in the case
- Mapp v. Ohio
  - Gitlow v. New York
  - Gideon v. Wainwright
  - Roe v. Wade

32. Historically, federal authority was immaterial when determining when, where and how state law enforcement officials engaged in searches and seizures of private property. In this case the Supreme Court, using the authority of the “due process” clause of the Fourteenth Amendment, applied the Court interpreted provisions of the Fourth Amendment to the States.
- Mapp v. Ohio
  - Gitlow v. New York
  - Gideon v. Wainwright
  - Roe v. Wade
33. Little by little the Supreme Court applied or incorporated the Bill of Rights to the States using the due process clause of the Fourteenth Amendment. In this case the Supreme Court applied the Sixth Amendment right to counsel not just to defendants in federal trials but in state trials as well.
- Mapp v. Ohio
  - Gitlow v. New York
  - Gideon v. Wainwright
  - Roe v. Wade
34. The Selective Incorporation Doctrine goes beyond the mere application of the Bill of Rights to the States. Any and all rights, as defined by Congress and the Courts, have been equally applied to state governments. Here the best example is the extension of privacy rights. Though not specifically mentioned in the Constitution’s Bill of Rights the right to privacy was extended to include a women’s right to choose an abortion in this case
- Mapp v. Ohio
  - Gitlow v. New York
  - Gideon v. Wainwright
  - Roe v. Wade
35. The Fourteenth Amendment’s “due process” clause was a gamechanger as it became the means for the incorporation doctrine. This amendment’s “equal protection” clause became a gamechanger for the extension and expansion of great civil rights for all.
- Ninth Amendment
  - Tenth Amendment
  - Fourteenth Amendment
  - Fifteenth Amendment
36. Civil liberties protect \_\_\_\_\_ and civil rights protect \_\_\_\_\_.
- individual rights; group rights
  - group rights; individual rights
  - original rights; new rights
  - new rights; original rights

37. Social movements throughout history have ignited policy changes. This community organizer and leader fought for greater equality. His words, like these, continues to inspire civil rights around the globe: *Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.*
- Martin Luther King, Jr.
  - A. Philip Randolph
  - Huey Newton
  - Barak Obama
38. Betty Friedan and others founded this advocacy group for the purpose of fighting for the civil rights of women
- World Feminist Federation
  - National Organization of Women
  - American Association of Respected People
  - Global Equality Now
39. Historians and social scientists have written about “America’s dilemma.” What are they talking about?
- Tax policies tend to advantage the rich
  - We protect civil liberties in theory, but not in fact
  - The American Dream is now limited due to a population explosion
  - Living up to our claim that “all men are created equal.”
40. Historically African Americans have suffered gross inequalities. These laws segregated and relegated African Americans to second-class citizens. Work was difficult to find. They were not permitted to join in society as equal partners.
- Anti-Defamation
  - Jim Crow
  - Ex Post Facto
  - Black covenants
41. In the case Plessy v. Ferguson the U.S. Supreme Court upheld racial mistreatment. In this case the court affirmed segregation by using the following language
- Separate but equal
  - Separate is inherently unequal
  - Not in my back yard
  - Separate is none of your business
42. The early civil rights movement in the U.S. found its greatest success using this branch of government.
- Legislative
  - Executive
  - Judicial
  - State and local governments



43. This landmark decision set in motion an end to de jure segregation. The law of the land would no longer permit a racially divided society. Schools could no longer segregate on the basis of race.
- Gitlow v. New York
  - Brown v. Board of Education
  - Gideon v. Wainwright
  - Wisconsin v. Yoder
44. De jure segregation has all but been eliminated, though de facto segregation still exists. De jure segregation is \_\_\_\_\_ while de facto segregation is \_\_\_\_\_.
- Segregation by law; segregation by choice
  - Segregation in cities; segregation in rural areas
  - Segregation involving race; segregation involving sexual preference
  - Segregation in the U.S.; segregation around the world
45. Political pressure combined with a heavy dose of personal courage helped to pass the Civil Rights Act of 1964. Its primary outcome was to
- End discrimination in public accommodations
  - Integrate public schools
  - Make voting easier for marginalized minority groups
  - Assure greater representation in Congress for the historically disenfranchised
46. Political pressure combined with a heavy dose of personal courage helped to pass the Voting Rights Act of 1965. Its primary outcome was to
- End discrimination in public accommodations
  - Integrate public schools
  - Make voting easier for marginalized minority groups
  - Assure greater representation in Congress for the historically disenfranchised
47. These public programs were put in place, in the late 1960s, to offer racial minorities a chance to catch up for past discrimination. Opponents see such preferential treatment as nothing less than reverse discrimination. Our fight for equality continues.
- NOW
  - Title IX
  - Affirmative Action
  - C.O.R.E.
48. African-Americans were not the only marginalized groups to win political victories in the wake of the civil rights movement. One of the more notable victories occurred for women. This legislation prohibited any form of discrimination on the basis of gender in any education program or activity.
- NOW
  - Title IX
  - Affirmative Action
  - C.O.R.E.

49. A limited government, like ours, is not fitted to make dramatic changes in a hurry. Our pursuit of civil rights for all continues to face political, legal and institutional hurdles. This institutional hurdle, in particular, often delays and complicates the extension of civil rights. Dual sovereignty puts many cooks in the kitchen.
- Federalism
  - Bicameral legislature
  - Life terms for court justices
  - Energetic presidents
50. In the case *Regents of California v. Bakke* (1978) the Court opinion stated that race conscious policies adopted as a remedy for proven discrimination were
- Permissible under the Civil Rights Act and the Constitution
  - Impermissible under the “equal protection” clause of the Constitution
  - Tolerable but only when applied to African Americans
  - Acceptable but only in states that fought for the Confederacy
51. The Supreme Court in more recent years has seemingly shown their lack of patience with affirmative action policies. Little by little the Court has weakened previous precedent. The Court has applied a “strict scrutiny” test to programs seeking diversity. What does this suggest about our collective commitment to pursuing civil rights?
- In the end, time discovers truth
  - Affirmative action was influenced by a radical movement, centrists now prevail
  - The arc of history will always move toward greater equality and justice for all
  - Citizen-state interactions and constitutional interpretation is a dynamic force
52. This recent landmark civil rights victory extended same-sex marriage rights into all fifty states
- Bowers v. Hardwick*
  - Obergefell v. Hodges*
  - Fisher v. Texas*
  - Gratz v. Bollinger*
53. The story of civil liberties and civil rights in our history was dramatically advanced with the passage of the
- Tenth Amendment
  - Fourteenth Amendment
  - Equal Rights Amendment
  - Patriot Act
54. This political science concept, created through a series of court opinions, made most of our fundamental liberties efficacious in all fifty states.
- Affirmative Action
  - Selective Incorporation Doctrine
  - Ex Post Facto
  - Bill of Attainder

55. Over time who has taken greater responsibility to safeguard minority rights in American life?

- a. The national government
- b. State governments
- c. Local governments
- d. Private militia groups

56. The following is excerpted from a landmark Supreme Court case. Name the case

*"First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate..."*

- a. Engel v. Vitale
- b. Wisconsin v. Yoder
- c. Brown v. Board of Education
- d. Tinker v. Des Moines

57. The following is excerpted from a landmark Supreme Court case. Name the case

*We must not forget that, in the Middle Ages, important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. There can be no assumption that today's majority is 'right,' and the Amish and others like them are "wrong." A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different...*

- a. Engel v. Vitale
- b. Wisconsin v. Yoder
- c. Brown v. Board of Education
- d. Tinker v. Des Moines

58. The following is excerpted from a landmark Supreme Court case. Name the case

*We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal...*

- a. Engel v. Vitale
- b. Wisconsin v. Yoder
- c. Brown v. Board of Education
- d. Tinker v. Des Moines

59. The following is excerpted from a landmark Supreme Court case. Name the case

*We think that, by using its public-school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity...*

- a. Engel v. Vitale
- b. Wisconsin v. Yoder
- c. Brown v. Board of Education
- d. Tinker v. Des Moines

60. Former chief justice Charles Evans Hughes said, "We are under a Constitution, but the Constitution is what the judges say it is." With respect to civil liberties and civil rights, this means

- a. That our fundamental freedoms are ever changing
- b. That our fundamental freedoms are like toothpaste, once out you cannot put it back in
- c. That our fundamental freedoms can only get better and better
- d. That our fundamental freedoms are rooted in law, not politics