

3.8 Amendments: Due Process and the Rights of the Accused

Explain the extent to which states are limited by the due process clause from infringing upon individual rights.

1. Some have called the passage of the Fourteenth Amendment as equivalent to having a second constitutional convention. The national government assumed more authority over state and local governments. What governing principles were advanced with the passage of the Fourteenth Amendment?

- a. Due process and equal protection
- b. Eminent domain and separation of powers
- c. Federalism and popular sovereignty
- d. Equal protection and direct election of Senators

2. The extension of the Bill of Rights to the States is called

- a. Full faith and credit
- b. Selective incorporation
- c. Privileges and immunities
- d. Judicial review

3. The Bill of Rights from the beginning only protected our civil liberties from being infringed by the national government. This Supreme Court decision made clear that the rights contained in the first ten amendments did not apply to the states.

- a. Marbury v. Madison (1803)
- b. McCulloch v. Maryland (1819)
- c. Gibbons v. Ogden (1824)
- d. Barron v. Baltimore (1833)

4. Where in the U.S. Constitution would you find: *“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.”*

- a. Fourteenth Amendment
- b. Sixteenth Amendment
- c. Eighteenth Amendment
- d. Twenty-Second Amendment

5. In this court case the Supreme Court of the United States for the first time applied free speech to the States.

- a. Marbury v. Madison (1803)
- b. Dred Scott v. Sandford (1857)
- c. Gitlow v. New York (1925)
- d. Brown v. Board of Education (1954)

6. Today virtually all of our civil liberties as guaranteed in the Bill of Rights have been applied to the States. What legal principle has the Supreme Court used to apply the Bill of Rights to the States?

- a. Due process
- b. Equal protection
- c. Eminent domain
- d. Exclusionary rule

7. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases used the incorporation doctrine to extend the right to an attorney in State cases?

- a. Mapp v. Ohio (1961)
- b. Gideon v. Wainwright (1963)
- c. Griswold v. Connecticut (1965)
- d. Miranda v. Arizona (1966)

8. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases defined privacy as a fundamental legal protection found implicitly in the Bill of Rights?

- a. Mapp v. Ohio (1961)
- b. Gideon v. Wainwright (1963)
- c. Griswold v. Connecticut (1965)
- d. Miranda v. Arizona (1966)

9. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases extended privacy rights to include a woman's right to choose an abortion?

- a. Mapp v. Ohio (1961)
- b. Gideon v. Wainwright (1963)
- c. Griswold v. Connecticut (1965)
- d. Roe v. Wade (1973)

10. What resulted from "selective incorporation"?

- a. Little by little the Bill of Rights were applied to the states
- b. Little by little the presidency grew in power
- c. Little by little the Articles of Confederation were changed
- d. Little by little the new constitution was ratified