

3.6 Amendments: Balancing Individual Freedom with Public Order and Safety
Explain how the Supreme Court has attempted to balance claims of individual freedom with laws and enforcement procedures that promote public order and safety.

1. Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of

- a. The civil liberties of individuals and the civil liberties of corporations
- b. Government's promise to secure order and the civil liberties of individuals
- c. The U.S. government and the power of foreign governments
- d. Government and the civil rights of government employees

2. All of the following amendments provide constitutional protection to the rights of the accused EXCEPT

- a. First Amendment
- b. Fourth Amendment
- c. Sixth Amendment
- d. Eighth Amendment

3. Where in the U.S. Constitution would you find: *"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."*

- a. First Amendment
- b. Third Amendment
- c. Fourth Amendment
- d. Sixth Amendment

4. The Bill of Rights contains many diverse protections. In addition to political rights like speech and press they also protect us from oppressive police powers. All of the following is protected in the Bill of Rights EXCEPT:

- a. Protected from being filmed by police
- b. Secure against unreasonable searches and seizures
- c. Right to an attorney
- d. Free from cruel and unusual punishments

5. 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 incorporated the exclusionary rule?

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

6. Privacy rights would appear to be one of our basic freedoms. In our lifetime our privacy rights have been compromised due to fear of further terrorist attacks. Congress has formally compromised our individual privacy rights through the passage of

- a. Dodd-Frank
- b. Federal Property Reform Act
- c. The Patriot and USA Freedom Acts
- d. Inspector General Empowerment Act

7. Among other things the Bill of Rights protects private property. Yet governments can take private property for “public use” as long as “fair compensation” is given. This Fifth Amendment protection is called

- a. Necessary and Proper
- b. Ex Post Facto
- c. Exclusionary Rule
- d. Eminent Domain

8. Alexander Hamilton wrote in Federalist 51:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Which of the following statements best summarizes Hamilton’s argument?

- a. Both the citizens and the government need to be checked and limited
- b. Governments primary job is to check its citizens in order to secure order
- c. The object of government is to create angels
- d. People depend on the government but the government does not depend on the people

9. The police entered Tom’s apartment without a legal warrant based upon an informant’s tip that illegal drugs were present. Drugs were found. At trial the judge agreed with Tom’s attorney who claimed the evidence was inadmissible. What legal principle did the judge base her opinion on?

- a. The establishment clause
- b. The exclusionary rule
- c. Eminent domain
- d. Ex Post Facto Laws

10. “Pleading the Fifth” has become almost cliché. Which of the following best exemplifies this practice?

- a. Despite pressure from the police, Tom remained silent during questioning.
- b. Officer Friendly must first obtain a legal warrant to enter Tom’s house.
- c. Tom was provided an attorney even though he could not afford one.
- d. Tom’s execution was granted a stay due to his persuasive arguments.

11. A look at recent court precedent regarding capital punishment would support the following quotes:

- a. “Government is accountable to Darwin not to Newton,” Woodrow Wilson.
- b. “The evils we experience flow from the excess of democracy,” Elbridge Gerry.
- c. “Government even in its best state is but a necessary evil,” Thomas Paine.
- d. “Politics is the art of the possible,” Anonymous.

12. When more and more state legislatures limit capital punishment what principle of our government is exemplified?

- a. Separation of powers
- b. Checks and balances
- c. Federalism
- d. Limited government