

3.7 Selective Incorporation

Explain the implications of the doctrine of selective incorporation.

1. The Selective Incorporation Doctrine shifted responsibility to the national government in a dramatic way. This power grab has resulted in all of the following EXCEPT

- a. Individual rights and liberties have been more thoroughly protected
- b. The Bill of Rights is now efficacious in each individual state
- c. State criminal codes were replaced by federal criminal codes
- d. The national government has become stronger

2. Before being selectively incorporated, the Second Amendment

- a. Could not prevent states from passing restrictive gun control laws
- b. Could not adequately arm militias
- c. Did not apply to citizens
- d. Did not prevent Congress from passing restrictive gun control laws

3. The arc of American government is a story characterized by

- a. Centralization
- b. De-centralization
- c. Centrifugal tendencies
- d. Increasing state and regional power

4. 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 the Second Amendment's right "to bear arms" to the states using the due process clause of the Fourteenth Amendment?

- a. Mapp v. Ohio (1961)
- b. Gideon v. Wainwright (1963)
- c. McDonald v. Chicago (2010)
- d. District of Columbia v. Heller (2008)

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 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)

6. Due to the incorporation doctrine federal Courts have been able to further define the meaning of our fundamental freedoms like our exercise of religious liberty. In the case *Oregon v. Smith* (1990) the Court ruled that

- a. Free exercise did not apply to unorthodox expressions of faith
- b. Free exercise did not protect the ceremonial use of peyote in job discrimination
- c. The establishment clause protected opening legislative sessions in prayer
- d. The establishment clause defended "In God We Trust" on our currency

7. Some have called the passage of the Fourteenth Amendment as equivalent to having a second constitutional convention. Why?

- a. Many of the earlier amendments were rendered null and void
- b. The legislative branch forfeited its "law making" power to the Supreme Court
- c. The commerce clause was elevated in its authority over state and local governments
- d. The national government assumed more authority over state and local governments.

8. 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)

9. 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)

10. 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