

Unit 3: Civil Liberties and Civil Rights

TEST A

1. Civil liberties are constitutionally established guarantees and freedoms that protect citizens, opinions and property against arbitrary government interference. Which of the following would be an example of arbitrary governmental interference?

- a. Governments limiting the use of obscenity
- b. A court approval of a legal search warrant
- c. A law establishing a religious test for civic participation
- d. Meat inspection laws

2. In the Bill of Rights you would find the following language: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.* These words would be found in the

- a. The First Amendment
- b. The Second Amendment
- c. The Fourth Amendment
- d. The Sixth Amendment

3. The Bill of Rights were added to our U.S. Constitution primarily to

- a. Ease a political dispute at the Constitutional convention
- b. Protect individual liberties and rights
- c. Demonstrate the malleability of the U.S. Constitution
- d. Expose the Anti-Federalists as frauds

4. In the Bill of Rights you would find the following language: *The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.* These words would be found in the

- a. The Fourth Amendment
- b. The Fifth Amendment
- c. The Eighth Amendment
- d. The Tenth Amendment

5. Former chief justice of the Supreme Court Charles Evans Hughes once said, "We are under a Constitution, but the Constitution is what the judges say it is." Which of the following best exemplifies what chief justice Hughes meant.

- a. The precedent found in Marbury v. Madison
- b. Presidential action to raise tariffs
- c. The passage of the Voting Rights Act of 1965
- d. Policy experimentation as a result of federalism

6. 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

7. All of the following types of protections can be found in the Bill of Rights EXCEPT

- a. Political rights
- b. Religious rights
- c. Police powers
- d. Suffrage extensions

8. "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.

9. The Supreme Court held that any suspect put in custody by authorities must first be informed of their rights in this case:

- a. *Mapp v. Ohio* (1961)
- b. *Riley v. California* (2014)
- c. *Miranda v. Arizona* (1966)
- d. *Roe v. Wade* (1973)

10. *Gideon v. Wainwright* (1963) made certain the right to an attorney. The government must provide legal counsel not only in federal cases but also in state cases. This landmark case was rooted in the

- a. The Fourth Amendment
- b. The Fifth Amendment
- c. The Sixth Amendment
- d. The Tenth Amendment

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

13. The first Congress added a Bill of Rights to the original Constitution. The Bill of Rights was added to increase the loyalty of the people. What fundamental worry did the Bill of Rights address?

- a. A national government that was too strong
- b. A central government that was too weak
- c. A national government that could not tax
- d. State governments with not enough power

14. The primary goal of the Bill of Rights when it was ratified was to

- a. Limit the power of the central government
- b. Increase the power of the central government
- c. Divide power between federal and state governments
- d. Itemize the peoples' fundamental liberties

15. Which of the following civil liberties have been granted a preferred position by the U.S. Supreme Court?

- a. Freedom of speech
- b. Freedom of press
- c. Freedom of religion
- d. Freedom of assembly

16. The U.S. Supreme Court in *District of Columbia v. Heller (2008)* argued:

Undoubtedly some think that the Second Amendment is outmoded in a society where our standing army is the pride of our Nation, where well-trained police forces provide personal security, and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of this Court to pronounce the Second Amendment extinct.

What was the pragmatic effect of this court precedent?

- a. The 2nd Amendment still allows for strict prohibitions against private gun ownership
- b. The 2nd Amendment does not endorse violence but it does mandate a strong standing army
- c. The 2nd Amendment empowers state militias only
- d. The 2nd Amendment extends the right to own handguns to individuals

17. Two clauses of the First Amendment deal with our religious liberty. They are

- a. Free exercise and establishment
- b. Free exercise and separation
- c. Separation and establishment
- d. Prohibition and establishment

18. 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

19. 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)

20. 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 Management Reform Act
- c. The Patriot and USA Freedom Acts
- d. Inspector General Empowerment Act

21. There has always been tension over what constitutes our individual liberties. Our freedoms have never been absolute. Courts have recognized limits. For example, the Court case *Roth v. United States* (1957) protected free speech but not

- a. Obscenity
- b. Overt criticism of the president
- c. Symbolic speech
- d. Adult entertainment

22. 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

23. 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

24. 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

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

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

26. 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)

27. 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)

28. 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.

29. 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

30. 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

31. 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)

32. In this court case the Supreme Court of the United States for the first time applied free speech to the States.
- Marbury v. Madison (1803)
 - Dred Scott v. Sandford (1857)
 - Gitlow v. New York (1925)
 - Brown v. Board of Education (1954)
33. 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?
- Mapp v. Ohio (1961)
 - Gideon v. Wainwright (1963)
 - Griswold v. Connecticut (1965)
 - Roe v. Wade (1973)
34. What resulted from "selective incorporation"?
- Little by little the Bill of Rights were applied to the states
 - Little by little the presidency grew in power
 - Little by little the Articles of Confederation were changed
 - Little by little the new constitution was ratified
35. In addition to advancing personal liberties, the Fourteenth Amendment has often been used to support social movements as well. If personal liberties were advanced by "due process," social movements were advanced by
- "Eminent domain"
 - "Equal protection"
 - "Habeas corpus"
 - "Estoppel" protections
36. _____ protects individuals and their individual rights. _____ protects groups and their equal treatment.
- Civil liberties; civil rights
 - Civil rights; civil liberties
 - Civil liberties; eminent domain
 - Civil rights; eminent domain
37. Our form of democratic-republicanism upholds majority rules while putting in place protections for minority rights. When rights are extended to minority groups as a whole it is often referred to as
- Civil rights
 - Social contracts
 - Collective bargaining
 - Civil societies

38. Civil rights has been extended in a number of Supreme Court landmark cases. In which case would you read the following opinion:

“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system...

We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.”

- a. Gibbons v. Ogden (1824)
- b. Dred Scott v. Sandford (1857)
- c. Plessy v. Ferguson (1896)
- d. Brown v. Board of Education (1954)

39. Which of the following acts of the U.S. Congress outlawed discrimination in public accommodations based upon race?

- a. Brown v. Board of Education (1954)
- b. The Civil Rights Act of 1964
- c. The Voting Rights Act of 1965
- d. Baker v. Carr (1962)

40. African-Americans were not the only marginalized groups to win political victories in the wake of the civil rights movement. Title IX of the Education Amendments in 1972

- a. Prohibited any form of discrimination on the basis of age in educational activities
- b. Prohibited any form of discrimination on the basis of religion in educational activities
- c. Prohibited any form of discrimination on the basis of gender in educational activities
- d. Prohibited any form of discrimination on the basis of ethnicity in educational activities

41. Martin Luther King, Jr.’s essay *Letter from a Birmingham Jail* (1963) inspired many to fight for greater equality. King’s personal message in this essay can be distilled down to

- a. “We hold these truths to be self evident that all men are equal.”
- b. “Injustice anywhere is a threat to justice everywhere.”
- c. “Racism is still with us.”
- d. “I am for violence if non-violence means we continue postponing a solution.”

42. Women as well saw their liberties improved during the civil rights movement thanks in part to a number of outspoken leaders. Betty Friedan and others founded the advocacy group

- a. The National Organization of Women (NOW)
- b. The U.S. Chamber of Commerce
- c. The American Federation of Labor (AFL)
- d. Americans for Democratic Action (ADA)

43. Public policy promoting civil rights is influenced by citizen-state interactions and constitutional interpretation over time. There have been times when the state coercively acted to prevent full equality. In this case the U.S. Supreme Court ruled that “separate but equal” was constitutionally protected.

- a. *Barren v. Baltimore* (1833)
- b. *Plessy v. Ferguson* (1896)
- c. *Brown v. Board of Education* (1954)
- d. *Roe v. Wade* (1973)

44. The early civil rights movement in the 1950s found its greatest successes

- a. In the courts
- b. Through legislative action
- c. Via federal mandates
- d. By way of executive action

45. Segregation, discrimination and prejudice in places of commerce would no longer be accepted due to this historic piece of legislation:

- a. The European Recovery Program (1948)
- b. Civil Rights Act of 1964
- c. The Voting Rights Act of 1965
- d. The Motor Voter Bill (1993)

46. 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 with this law that prohibited any form of discrimination on the basis of gender in any education program or activity.

- a. The Voting Rights Act of 1965
- b. The Equal Rights Amendment
- c. NOW
- d. Title IX of the Education Amendments of 1972

47. Which of the following best explains the role federalism plays on the extension of civil rights?

- a. Federalism often accelerates the extension of civil rights
- b. Federalism often delays and complicates the extension of civil rights
- c. Federalism often plays no role in the extension of civil rights
- d. Federalism explains why the civil rights movement was successful

48. Dissenting in *Plessy v. Ferguson* (1896) Justice Harlan wrote:

Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved....

What founding document best matches the sentiments of Justice Harlan?

- a. Mayflower Compact
- b. Declaration of Independence
- c. Federalist Papers
- d. Constitution of the United States

49. This “civil rights policy premised on the concept of group rather than individual rights, which seeks equality of results rather than equality of opportunity.”

- a. Eminent domain
- b. Affirmative action
- c. Devolution
- d. Plea bargain

50. Affirmative action programs were put in place to offer racial minorities a chance to catch up for past discrimination. Which of the following would be an example of a constitutionally protected affirmative action program?

- a. Racial quotas on university campuses
- b. Reserved seats on the United States Supreme Court for black judges
- c. Congressional districts drawn to assure African-American representatives
- d. Race used as one factor in determining promotion in police and fire departments