

TEST BANK



POLITICS IN AMERICA

Thomas R. Dye *and* Bartholomew H. Sparrow



EIGHTH EDITION

Test Bank

Volume II
Chapters 14-25

to accompany

Dye ♦ Sparrow ♦ Gibson ♦ Robison

Politics in America

Eighth Edition

For National, Texas, and Alternate Editions

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Chapter 14 – Politics and Personal Liberty

14.1 - The questions in this section appear only in this printed Test Bank and in the Computerized Test Bank.

Multiple Choice Questions:

1. When democracy is defined only as a _____, widespread popular participation and rule by majority, it offers little protection for individual liberty.

A) law-making structure
B) decision-making process
C) community-oriented process
D) individual-based structure
E) family-focused process

Answer: B

Bloom's level: Knowledge

Page reference: 489

2. To the authors of the Declaration of Independence, governments and constitutions existed

A) to make government more secure.
B) to make individual liberty more secure.
C) to create a stronger leader.
D) to create individual rights.
E) to create social programs.

Answer: B

Bloom's level: Knowledge

Page reference: 489

3. _____, or a recognition of the dignity of all individuals and the equality under law, must be included in democracy

A) Traditional morals
B) Biblical values
C) Family values
D) Substantive values
E) Societal morals

Answer: D

Bloom's level: Knowledge

Page reference: 489

4. The purpose of the Constitution is
- A) to limit governmental power over the individual.
 - B) to increase governmental power over the economy.
 - C) to limit governmental power over business.
 - D) to increase governmental power over the individual.
 - E) to limit governmental power over the economy.
- Answer: A
Bloom's level: Knowledge
Page reference: 490
5. The original intent of the Bill of Rights was to limit the powers of
- A) state governments.
 - B) the federal government.
 - C) individuals and interest groups.
 - D) government at all levels.
 - E) the President.
- Answer: B
Bloom's level: Knowledge
Page reference: 490
6. Beginning in the 1920s, the Supreme Court handed down a long series of decisions that gradually incorporated almost all of the protections of the Bill of Rights into the “liberty” guaranteed against state actions by
- A) Article I of the Constitution.
 - B) the First Amendment.
 - C) the Due Process Clause of the Fourteenth Amendment.
 - D) the Suffrage Provision of the Nineteenth Amendment.
 - E) the Fourth Amendment.
- Answer: C
Bloom's level: Knowledge
Page reference: 490
7. Which two colonies provided full religious freedom?
- A) Maryland and Delaware
 - B) Maryland and Rhode Island
 - C) Delaware and Rhode Island
 - D) Rhode Island and New York
 - E) Pennsylvania and New York
- Answer: B
Bloom's level: Knowledge
Page reference: 490

8. Which colony established the Church of England as the official church?

- A) South Carolina
- B) North Carolina
- C) Maryland
- D) Delaware
- E) Virginia

Answer: E

Bloom's level: Knowledge

Page reference: 490

9. Which of the following does the first amendment not protect?

- A) speech
- B) unreasonable searches
- C) assembly
- D) press
- E) free exercise of religion

Answer: B

Bloom's level: Knowledge

Page reference: 491

10. What is the topic of the Thirteenth Amendment?

- A) women's suffrage
- B) prohibition
- C) presidential term limits
- D) slavery
- E) equal protection of all people

Answer: D

Bloom's level: Knowledge

Page reference: 495

11. The Free Exercise Clause is found in the

- A) preamble of the Constitution.
- B) Fifth Amendment.
- C) Second Amendment.
- D) First Amendment.
- E) Tenth Amendment.

Answer: D

Bloom's level: Knowledge

Page reference: 493

12. The prohibition on government from restricting religious beliefs or practices is known as the

- A) Free Exercise Clause.
- B) Free Practice Clause.
- C) No Interference Clause.
- D) Religious Clause.
- E) Establishment Clause.

Answer: A

Bloom's level: Knowledge

Page reference: 491, 493

13. In interpreting religious freedom, the Supreme Court has distinguished between

- A) religion and denomination.
- B) behavior and safety.
- C) faith and belief.
- D) faith and practice.
- E) practice and denomination.

Answer: D

Bloom's level: Knowledge

Page reference: 493

14. The Supreme Court heard a case dealing with the Amish involving

- A) access to medical facilities
- B) refusing blood transfusions
- C) refusing to salute the US flag
- D) practicing polygamy
- E) refusing to allow children to attend school beyond the 8th grade

Answer: E

Bloom's level: Knowledge

Page reference: 494

15. Santeria, a mix of voodoo and Catholicism, won the right to do what?

- A) handle snakes in religious services
- B) sacrifice animals in religious services
- C) practice polygamy
- D) practice human sacrifice-
- E) be exempt from mandatory vaccinations

Answer: B

Bloom's level: Knowledge

Page reference: 494

16. The Supreme Court upheld an Oregon law prohibiting peyote, which is smoked in
- A) Santeria.
 - B) Voodoo.
 - C) Hoodoo.
 - D) Native American religions.
 - E) Shinto.
- Answer: D
Bloom's level: Knowledge
Page reference: 494
17. The FIRST meaning of the “prohibition against the ‘establishment’ of religion” is that it merely
- A) restricts churches from becoming involved in government.
 - B) eliminated state interference in establishing church doctrines.
 - C) prohibits the government from officially recognizing and supporting a national church.
 - D) prohibits prayer in public schools.
 - E) prohibits state governments from officially recognizing a state church.
- Answer: C
Bloom's level: Knowledge
Page reference: 495
18. The Supreme Court has upheld _____ for churches on the grounds that the role of religious organizations as charitable associations are needed in society.
- A) free rent
 - B) tax exemptions
 - C) adjusted mortgages
 - D) free printing
 - E) tax credits on bibles
- Answer: B
Bloom's level: Knowledge
Page reference: - 496
19. The Supreme Court's most controversial interpretation of the No Establishment Clause (*Engle v. Vitale*) involved the question of prayer and
- A) a Christmas nativity scene on public property.
 - B) an opening prayer each day in Congress.
 - C) the motto of “In God We Trust” on U.S. coinage.
 - D) Bible-reading ceremonies conducted by public schools.
 - E) prayers before high school football games.
- Answer: D
Bloom's level: Knowledge
Page reference: - 497

20. In which of these Supreme Court cases did the court decide on the constitutionality of Bible-reading ceremonies in public schools?

- A) Engle v. Vitale
- B) Roe v. Wade.
- C) Abington Township v. Schempp
- D) Marbury v. Madison
- E) Gitlow v. New York

Answer: C

Bloom's level: Knowledge

Page reference: - 497

21. Which state instituted a program in which families were provided tuition aid to send their children to the school of their choice? The Supreme Court ruled this was constitutional in 2002, even if the children went to religious-affiliated schools.

- A) Ohio
- B) Wisconsin
- C) Michigan
- D) Indiana
- E) Illinois

Answer: A

Bloom's level: Knowledge

Page reference: - 498

22. In 2000, the Supreme Court ruled that student-led _____ were unconstitutional.

- A) cheers
- B) pledges
- C) Bible readings
- D) meetings
- E) invocations

Answer: E

Bloom's level: Knowledge

Page reference: - 497

23. Deciding if an expression creates a serious and immediate danger is a standard used by the courts to determine whether speech may be restricted, otherwise known as the

- A) dangerous speech doctrine.
- B) "up close and personal" doctrine.
- C) clear and present danger doctrine.
- D) preferred position.
- E) priority doctrine.

Answer: C

Bloom's level: Comprehension

Page reference: - 498

24. What percentage of Americans support the words “under God” in the pledge of allegiance?

- A) 48 percent
- B) 56 percent
- C) 64 percent
- D) 72 percent
- E) 84 percent

Answer: E

Bloom’s level: Knowledge

Page reference: - 499

25. Any speech or writing is presumed constitutional unless the government

- A) passes legislation declaring such words unconstitutional.
- B) determines that the words have been plagiarized.
- C) proves that a serious and immediate danger would ensue if the speech were allowed.
- D) decides that the words would threaten the legitimacy of the court system.
- E) decides the words have a priority position.

Answer: C

Bloom’s level: Comprehension

Page reference: 500

26. Which Supreme Court justice coined the phrase “clear and present danger”?

- A) John Jay
- B) John Marshall
- C) Thurgood Marshall
- D) Oliver Wendell Holmes
- E) Samuel Alito

Answer: D

Bloom’s level: Knowledge

Page reference: 500

27. According to Supreme Court Justice Louis D. Brandeis, there are two elements to clear and present danger: the

- A) seriousness of expression and the immediacy of the danger from the speech.
- B) seriousness of expression and the malice of the words.
- C) immediacy of the danger from the speech and the reaction of the public.
- D) malice of the words and the reaction of the public.
- E) reaction of the public and the seriousness of expression.

Answer: A

Bloom’s level: Knowledge

Page reference: 499-500

28. Where does the burden of proof rest concerning cases of clear and present danger?

- A) with the defendant
- B) with the government
- C) with the judge
- D) with the jury
- E) with the press

Answer: B

Bloom's level: Knowledge

Page reference: 500

29. Actions other than speech itself, but protected by the First Amendment because they constitute political expression, are called

- A) action freedom.
- B) symbolic action.
- C) symbolic speech.
- D) demonstrative speech.
- E) demonstrative action.

Answer: C

Bloom's level: Comprehension

Page reference: 501

30. In an early case, the Supreme Court fashioned a fighting words doctrine that prohibited some words that

- A) "might be construed by some as pornographic in nature."
- B) "ordinary men know are likely to cause a fight."
- C) "are inherently derogatory in reference to the Constitution."
- D) "are likely to offend certain religious beliefs."
- E) "pose a clear and present danger."

Answer: B

Bloom's level: Comprehension

Page reference: 501

31. The Supreme Court ruled that cities cannot outlaw posting _____ signs on property.

- A) campaign
- B) "For Sale"
- C) "Sold"
- D) "Beware of dog"
- E) "No solicitors"

Answer: B

Bloom's level: Knowledge

Page reference: 503

32. The Supreme Court has ruled that advertising is the “dissemination of information” and that advertising communication, also called _____, is constitutional.

- A) commercial communication
- B) commercial speech
- C) advertising speech
- D) advertising communication
- E) communicative advertisement

Answer: B

Bloom’s level: Comprehension

Page reference: 503

33. In libel cases dealing with public officials, the Supreme Court has ruled that the officials must prove that the statements about them are not only FALSE and damaging, but also

- A) detrimental to their political careers.
- B) harmful to their families and reputations.
- C) done to improve an opponent’s campaign.
- D) made with actual malice.
- E) intended to libel.

Answer: D

Bloom’s level: Comprehension

Page reference: 504

34. _____ have/has never been protected by the First Amendment against subsequent punishment.

- A) Speech and assembly
- B) Libel and slander
- C) Free press and expression
- D) Religious beliefs and petition
- E) Gun ownership

Answer: B

Bloom’s level: Comprehension

Page reference: 504

35. The _____ is responsible for regulating the contents of advertising on radio and television.

- A) Federal Commercial Commission
- B) Federal Trade Commission
- C) Federal Communications Commission
- D) Federal Advertising Commission
- E) Federal Commerce Commission

Answer: C

Bloom’s level: Knowledge

Page reference: 504

36. In which case did the Supreme Court find a right to privacy in the Constitution?

- A) Griswold v. Connecticut
- B) Roe v. Wade
- C) Engle v. Vitale
- D) Gideon v. Wainwright
- E) Gitlow v. New York

Answer: A

Bloom's level: Comprehension

Page reference: 504

37. In striking down a Connecticut law prohibiting the use of contraceptives in 1965, the U.S. Supreme Court found a _____ in the Constitution.

- A) freedom of religion
- B) freedom of expression
- C) right of privacy
- D) writ of habeas corpus
- E) loophole

Answer: C

Bloom's level: Knowledge

Page reference: 504

38. In Roe v. Wade the Supreme Court decided that it could not justify any restriction on abortion in the first _____ months of pregnancy.

- A) 2
- B) 3
- C) 4
- D) 5
- E) 6

Answer: B

Bloom's level: Knowledge

Page reference: 505

39. Which procedure involves the partial delivery of the fetus feet first, then vacuuming out the brain and crushing the skull to ease removal?

- A) abortion
- B) first term abortion
- C) second term abortion
- D) late term abortion
- E) partial birth abortion

Answer: E

Bloom's level: Knowledge

Page reference: 505

40. In which Supreme Court case was a law banning homosexual sodomy struck down?

- A) Buckley v. Valeo
- B) Lawrence v. Texas
- C) Gitlow v. New York
- D) Gideon v. Wainwright
- E) Marbury v. Madison

Answer: B

Bloom's level: Knowledge

Page reference: 506

41. The most high profile court case concerning physician-suicide was the conviction of

- A) Dr. Howard Dean.
- B) Dr. Estelle Gitlow.
- C) Dr. Jack Kevorkian.
- D) Dr. Ann Miller.
- E) Dr. Sandra O'Connor.

Answer: C

Bloom's level: Knowledge

Page reference: 506

42. The Supreme Court has ruled that there is no constitutional right to

- A) suicide.
- B) physician-assisted suicide.
- C) a DNR.
- D) a living will.
- E) patient-doctor confidentiality.

Answer: B

Bloom's level: Knowledge

Page reference: 507

43. What percentage of Americans is opposed to gay marriage?

- A) 25 percent
- B) 33 percent
- C) 50 percent
- D) 66 percent
- E) 75 percent

Answer: D

Bloom's level: Knowledge

Page reference: 507

44. In this decision, the Supreme Court redefined “community standards” to “local community standards” regarding obscenity.
- A) Gideon v. Wainwright
 - B) Lawrence v. Texas
 - C) Gitlow v. New York
 - D) Roth v. United States
 - E) Miller v. California
- Answer: E
Bloom’s level: Knowledge
Page reference: 508
45. The effect of the Supreme Court’s “Miller Standards” has been to increase the likelihood of conviction in
- A) physician-assisted suicide cases.
 - B) libel/slander cases.
 - C) cases involving public officials.
 - D) obscenity-pornography cases.
 - E) sexual assault cases.
- Answer: D
Bloom’s level: Knowledge
Page reference: 508
46. In 1982 the Supreme Court ruled on a case that made child pornography easier to deem obscene because
- A) it was not necessary to show that the sexual depiction of children is obscene.
 - B) everything with children in a state of undress was obscene.
 - C) the standards for obscenity were increased.
 - D) the standards for obscenity were relaxed.
 - E) the penalties were increased.
- Answer: A
Bloom’s level: Knowledge
Page reference: 510
47. What topic was covered in the secret government documents in the *New York Times v. United States* case?
- A) Watergate
 - B) the Vietnam War
 - C) the Kennedy assassination
 - D) J. Edgar Hoover’s secret files
 - E) the Cold War
- Answer: B
Bloom’s level: Knowledge
Page reference: 510

48. The media interpreted the *New York Times v. United States* decision as a
- A) lucky break for the New York Times.
 - B) an unusual response to the situation.
 - C) blanket protection to publish anything they wish.
 - D) a cautionary tale of newspapers gaining too much power.
 - E) business as usual.

Answer: C

Bloom's level: Knowledge

Page reference: 510

49. What type of media was the no-prior-restraint-doctrine originally supposed to help?
- A) internet media
 - B) television media
 - C) radio media
 - D) print media
 - E) film media

Answer: D

Bloom's level: Knowledge

Page reference: 509

50. Which of the following is a government approved requirement for prior submission of films to official censors?
- A) the censor must see the final cut of the film
 - B) the burden of proof that the film is obscene rests with the censor
 - C) the film must meet quality standards
 - D) the producers of the film must take full responsibility for the cost to evaluate the film
 - E) the director of the film must face consequences from a censor

Answer: B

Bloom's level: Knowledge

Page reference: 511

51. Which of the following is not a current rating from the motion picture industry?
- A) G
 - B) PG
 - C) PG-13
 - D) R
 - E) X

Answer: E

Bloom's level: Knowledge

Page reference: 511

52. Which congressional act has led many states to pass shield laws?
- A) Privacy Act
 - B) Privacy Protection Act
 - C) Protection Act
 - D) Citizen Surveillance Act
 - E) Antitrust Act
- Answer: B
Bloom's level: Knowledge
Page reference: 511
53. The laws found in some states that specifically protect reporters from giving testimony in criminal cases are called
- A) press laws.
 - B) source orders.
 - C) shield laws.
 - D) gag order.
 - E) source protection.
- Answer: C
Bloom's level: Knowledge
Page reference: 511
54. What political party was the subject of a Supreme Court case concerning membership registration in the 1960s?
- A) the Republican Party
 - B) the Democratic Party
 - C) the Socialist Party
 - D) the Prohibition Party
 - E) the Communist Party
- Answer: E
Bloom's level: Knowledge
Page reference: 512
55. Which type of groups are free to limit participation to persons who subscribe to their views?
- A) discrimination groups
 - B) freedom groups
 - C) expressive groups
 - D) parochial groups
 - E) membership groups
- Answer: C
Bloom's level: Knowledge
Page reference: 512

56. Which city's St. Patrick's Day parade was protected by the Supreme Court from being forced by law to include the "Irish-American Gay, Lesbian and Bisexual Group"?

- A) Chicago
- B) Boston
- C) New York
- D) Pittsburg
- E) Detroit

Answer: B

Bloom's level: Knowledge

Page reference: 512

57. Why did the Supreme Court strike down California's blanket primary law, which allowed participation in party primary elections to all registered voters?

- A) they were afraid the parties would attempt to sabotage each other
- B) they believed the current primary system would provide greater benefits to the parties
- C) they believed that primaries were to be handled at the discretion of the parties
- D) they believed it would be a greater disadvantage to third parties
- E) they believed the parties should not be forced to associate with those who do not share their beliefs

Answer: E

Bloom's level: Knowledge

Page reference: 512

58. The Supreme Court has generally upheld reasonable use of public property for assembly, but it has not forced _____ property owners to accommodate speeches or assemblies.

- A) corporate
- B) small business
- C) personal
- D) private
- E) shared

Answer: D

Bloom's level: Knowledge

Page reference: 513

59. What is the difference between a “fixed buffer zone” and a “floating buffer zone”?
- A) Fixed buffer deals with a business entrance and floating buffer deals with police.
 - B) Fixed buffer deals with a business entrance and floating buffer deals with individuals.
 - C) Fixed buffer deals with individuals and a floating buffer deals with a business entrance.
 - D) Fixed buffer deals with police and floating buffer deals with individuals.
 - E) There is no difference.

Answer: B

Bloom's level: Knowledge

Page reference: 513

60. Authorities may place restrictions on the right to peacefully protest, parade, or demonstrate, in order to
- A) discourage unsavory people from invading their communities.
 - B) reduce the needed number of police and traffic officials.
 - C) preserve public order, smooth traffic flow, and peace and quiet.
 - D) keep the status quo of the neighborhoods.
 - E) reduce public protest.

Answer: C

Bloom's level: Knowledge

Page reference: 512-513

61. What type of compensation must government provide for the property obtained using the takings clause?
- A) Fair
 - B) Just
 - C) Proactive
 - D) Market
 - E) Standard

Answer: B

Bloom's level: Knowledge

Page reference: 514

62. Which of the following does not constitute public use?
- A) Schools
 - B) Highways
 - C) Malls
 - D) Public buildings
 - E) Public memorials

Answer: C

Bloom's level: Knowledge

Page reference: 514

63. How was eminent domain commonly used in urban renewal projects?

- A) To eliminate slums
- B) To build affordable housing
- C) To build schools
- D) To build hospitals
- E) To build parks

Answer: A

Bloom's level: Knowledge

Page reference: 514

64. The Supreme Court has placed a limit on _____ by stating “the sovereign may not take the property of A for the sole purpose of transferring it to another party B, even if A is paid just compensation.”

- A) the takings clause
- B) property rights
- C) property control
- D) eminent domain
- E) real estate development

Answer: D

Bloom's level: Knowledge

Page reference: 514

65. The Supreme Court has ruled that _____ is unconstitutional if the only party benefitting from it was another private party.

- A) the takings clause
- B) property rights
- C) property control
- D) eminent domain
- E) real estate development

Answer: D

Bloom's level: Knowledge

Page reference: 514

66. Which of the following is not a way by which the government can restrict the owner's use of private property?

- A) Zoning ordinances
- B) Environmental regulations
- C) Building codes
- D) Housing codes
- E) Increased property taxes

Answer: E

Bloom's level: Knowledge

Page reference: 515

67. Has the Supreme Court addressed how far government can go in regulating land use without compensating the owner?
- A) Yes, the Court decided an owner should be compensated after the property loses 25% of its value.
 - B) No, it has not ruled on the topic.
 - C) Yes, the Court decided an owner should be compensated after the property loses 50% of its value.
 - D) No, the Court has only ruled on what happens when a property loses all of its value.
 - E) Yes, the Court decided an owner should be compensated after the property loses 75% of its value.

Answer: D

Bloom's level: Knowledge

Page reference: 515

68. What was the main reason for the inclusion of Second Amendment in the Bill of Rights?
- A) To be prepared for war with the Indians
 - B) To avoid being helpless to resist tyranny
 - C) To hunt
 - D) To protect ones home from intruders
 - E) To be armed at all times

Answer: B

Bloom's level: Knowledge

Page reference: 515

69. What was the acceptance process of the Second Amendment?
- A) There was mild controversy
 - B) It was ignored by state constitutions
 - C) There was little controversy
 - D) The people were enthusiastic
 - E) The states did not want their citizens armed

Answer: C

Bloom's level: Knowledge

Page reference: 515

70. -The Brady Law includes
- A) a ban on all assault weapons
 - B) a ban on all handguns
 - C) a required safety course for gun ownership
 - D) a limit on the number of guns any one person can own
 - E) a 5-day waiting period to purchase a handgun

Answer: E

Bloom's level: Knowledge

Page reference: 516

71. Which of the following is not part of the federal gun control laws?
- A) a ban on interstate and mail-order sales of handguns
 - B) a requirement that all firearms dealers be licensed by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives
 - C) Firearm Owner Identification Card
 - D) Requirements that manufacturers record the serial number of all firearms and that dealers record all sales
 - E) Restrictions of private ownership of automatic weapons and military weapons
- Answer: C
Bloom's level: Knowledge
Page reference: - 516
72. What percentage of Americans believes the government should require gun owners to register their guns?
- A) 45 percent
 - B) 55 percent
 - C) 65 percent
 - D) 75 percent
 - E) 85 percent
- Answer: D
Bloom's level: Knowledge
Page reference: 516
73. Some constitutional scholars believe that the _____ amendment protects only the collective right of the states to form militias.
- A) First Amendment
 - B) Second Amendment
 - C) Third Amendment
 - D) Fourth Amendment
 - E) Fifth Amendment
- Answer: B
Bloom's level: Knowledge
Page reference: 517
74. In 1946, the Supreme Court declared that the military had no right to substitute military courts for ordinary courts in _____ during WWII, even though it was in an active theater of war.
- A) Guam
 - B) Hawaii
 - C) Florida
 - D) Texas
 - E) California
- Answer: B
Bloom's level: Knowledge
Page reference: 517

75. Which amendment includes protection against cruel and unusual punishment?
- A) First Amendment
 - B) Second Amendment
 - C) Third Amendment
 - D) Fourth Amendment
 - E) Eighth Amendment
- Answer: E
Bloom's level: Knowledge
Page reference: 518
76. Which of the following is not an example of a proposed victim's right?
- A) To be informed of and not excluded from critical proceedings
 - B) To be heard at proceedings involving a release from custody
 - C) To an order of restitution from the convicted offender
 - D) To have the safety of the victims considered in determining a release from custody
 - E) To have a speedy trial and swift conviction
- Answer: E
Bloom's level: Knowledge
Page reference: 519
77. What are the only two times the Constitution permits arrests without a warrant?
- A) when a crime is committed in front of an officer and when an arrest is supported by probable cause
 - B) when a crime is committed in front of an officer and when an officer has been hurt
 - C) when an arrest is supported by probable cause and when an officer has been hurt
 - D) when an arrest is supported by probable cause and when there has been a sexual assault
 - E) when there has been a sexual assault and when an officer has been hurt
- Answer: A
Bloom's level: Knowledge
Page reference: 523
78. Which of the following people are not subject to "reasonable drug testing" according to the Supreme Court?
- A) Railroad workers
 - B) Candidates for public office
 - C) College athletes
 - D) Federal law enforcement agents
 - E) Teachers in charge of students
- Answer: B
Bloom's level: Knowledge
Page reference: 522

79. Like the guarantee of habeas corpus, protection against bills of attainder and ex post facto laws were considered so fundamental to individual liberty that they

A) have been added to the Constitution via the Sixth Amendment.

B) are required to be included in state constitutions.

C) were included in the original text of the Constitution.

D) were written into the Bill of Rights.

E) were included in the Declaration of Independence.

Answer: C

Bloom's level: Knowledge

Page reference: 492

80. Protection against double jeopardy is derived from the

A) First Amendment

B) Second Amendment

C) Third Amendment

D) Fourth Amendment

E) Fifth Amendment

Answer: E

Bloom's level: Knowledge

Page reference: 528

81. Which amendment deals with excessive bail?

A) Fourth

B) Sixth

C) Eighth

D) Tenth

E) Thirteenth

Answer: C

Bloom's level: Knowledge

Page reference: 525

82. Which amendment guarantees a "right to counsel"?

A) First

B) Second

C) Fifth

D) Sixth

E) Seventh

Answer: D

Bloom's level: Knowledge

Page reference: 527

83. Although the U.S. Constitution includes fifteen specific guarantees of the rights of the accused,

- A) most of the rights are unenforceable.
- B) it behooves the accused to waive their rights.
- C) once a date for a pretrial hearing is set the accused lose all of their rights.
- D) it makes no mention of victim's rights.
- E) there are different interpretations of each right.

Answer: D

Bloom's level: Knowledge

Page reference: 519

84. "Unreasonable" drug testing violates the

- A) First Amendment.
- B) Second Amendment.
- C) Fourth Amendment.
- D) Sixth Amendment.
- E) Eighth Amendment.

Answer: C

Bloom's level: Knowledge

Page reference: 522

85. Freedom from self-incrimination was originally designed to prevent persons from

- A) fleeing from the authorities.
- B) faking their own lives after arrest.
- C) being tortured into confessions of guilt.
- D) blaming the crime on others.
- E) lying under oath.

Answer: C

Bloom's level: Knowledge

Page reference: 523

86. The standard phrase in today's culture for "I refuse to answer that question on the grounds that it might tend to incriminate me" is

- A) "I stand corrected."
- B) "Anything said may be used against you."
- C) "I take the Fifth."
- D) "I want to call my attorney."
- E) "I know my rights."

Answer: C

Bloom's level: Knowledge

Page reference: 523

87. *Gideon v. Wainwright*, *Escobedo v. Illinois*, and *Miranda v. Arizona* are landmark cases of the 1960s that

- A) reduced the rights of the accused.
- B) strengthened the rights of the accused.
- C) increased the power of the legal officials.
- D) addressing minority rights.
- E) increased the rights of the victim.

Answer: B

Bloom's level: Knowledge

Page reference: 525

88. Initially applied in only federal cases, in *Mapp v. Ohio* (1961) the Supreme Court extended the _____ to all criminal cases in the United States.

- A) cautionary rule
- B) prevention rule
- C) exclusionary rule
- D) inclusion rule
- E) double jeopardy rule

Answer: C

Bloom's level: Knowledge

Page reference: 525

89. The Eighth Amendment says only that “_____ bail shall not be required.”

- A) temporary
- B) monetary
- C) excessive
- D) personal
- E) unreasonable

Answer: C

Bloom's level: Knowledge

Page reference: 525

90. Pretrial release on bail can be denied on the basis of which the following reasons?

- A) the seriousness of the sentence
- B) the trustworthiness of the victim
- C) when public safety is threatened
- D) the defendant's race or ethnicity
- E) the victim's race or ethnicity

Answer: C

Bloom's level: Knowledge

Page reference: 526

91. Which of the following guarantees is found in the Sixth Amendment?

- A) the right to a speedy and public trial
- B) the right to ignore witnesses against the accused
- C) protection from double jeopardy
- D) the right of the victim to be represented by counsel
- E) the right of the victim to have a say in the sentencing

Answer: A

Bloom's level: Knowledge

Page reference: 492

92. In a judicial proceeding, the burden of proof “beyond a reasonable doubt” rests with the

- A) accused.
- B) plaintiff.
- C) defense.
- D) prosecution.
- E) judge.

Answer: D

Bloom's level: Knowledge

Page reference: 527

93. Perhaps the most heated debate in criminal justice policy today concerns

- A) cost of litigation.
- B) mistrials.
- C) jury tampering.
- D) capital punishment.
- E) sexual assault.

Answer: D

Bloom's level: Knowledge

Page reference: 528

94. After many states rewrote their death penalty laws in the 1970s, some states mandate the death penalty for murders committed during which of the following crimes?

- A) Robbery
- B) Rape
- C) Hijacking
- D) Kidnapping
- E) All of the above

Answer: E

Bloom's level: Knowledge

Page reference: 530

95. Some states call for two trials, the first deals with guilt or innocence, the second deals with _____ and _____ factors.

- A) aggravating, insulting
- B) insulting, mitigating
- C) aggravating, mitigating
- D) mitigating, brutal
- E) brutal, aggravating

Answer: C

Bloom's level: Knowledge

Page reference: 530

96. In 1976, the Supreme Court reaffirmed that *Furman v. Georgia* struck down the death penalty only where it was invoked in a

- A) "vindictive manner."
- B) "arbitrary and capricious manner."
- C) "aggravating and mitigating manner."
- D) "vengeful manner."
- E) "racist manner."

Answer: B

Bloom's level: Knowledge

Page reference: 530

97. In *Furman v. Georgia* (1972), the Supreme Court ruled that capital punishment, as then imposed, violated the Eighth and Fourteenth Amendments' requirements concerning

- A) fair trial and equal protection of the laws.
- B) cruel and unusual punishment, and equal protection.
- C) the due process clause and right to counsel.
- D) cruel and unusual punishment, and the due process of law.
- E) fair trial and due process of law.

Answer: D

Bloom's level: Knowledge

Page reference: 530

98. After the *Furman* decision, many states rewrote their death penalty laws, requiring two trials to be held

- A) one to review the reliability of evidence and another to try the accused.
- B) one to interview the witnesses and the second to recommend sentencing.
- C) one to determine guilt or innocence and another to determine the penalty.
- D) one to select the jury and another to determine the penalty.
- E) one to select the jury and another to determine guilt

Answer: C

Bloom's level: Knowledge

Page reference: 530

99. Which of the following states does not have a death penalty?

- A) Wisconsin
- B) Illinois
- C) Indiana
- D) Ohio
- E) Kentucky

Answer: A

Bloom's level: Knowledge

Page reference: 531

100. What part of the Constitution was added after the Philadelphia Convention in 1787?

- A) The Preamble
- B) Article I
- C) Article II
- D) Article III
- E) The Bill of Rights

Answer: E

Bloom's level: Knowledge

Page reference: 532

101. The Bill of Rights was not included at first because the founders believed it to be

- A) redundant.
- B) understood.
- C) unnecessary.
- D) implied.
- E) obvious.

Answer: C

Bloom's level: Knowledge

Page reference: 532

102. Who is the most famous author of the Bill of Rights?

- A) Alexander Hamilton
- B) John Jay
- C) John Adams
- D) James Madison
- E) Benjamin Franklin

Answer: D

Bloom's level: Knowledge

Page reference: 532

True/False Questions:

1. According to James Madison, the object of the Constitution is to preserve popular government and protect individuals from unjust majorities.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 490
2. In *Gitlow v. New York* (1925), the Supreme Court ruled that freedom of speech and of the press are not fundamental personal rights.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 490
3. The Supreme Court struck down a Florida law attempting to outlaw Santeria's practice of sacrificing animals during religious ceremonies.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 494
4. In *Abington School District v. Schempp*, the Court officially stated that the study of the Bible violated the First Amendment.
Answer: FALSE
Bloom's level: Knowledge
Page reference: - 497
5. In times of perceived national crisis, the courts have been willing to permit some government restriction of speech, press, and assembly.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 500
6. Symbolic speech, unlike speech itself, can be banned if offensive.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 501
7. Commercial speech is advertising communications given only partial protections under the First Amendment of the Constitution.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 503-504

8. In the *Griswold* case, a number of different amendments were used in an attempt to establish a constitutional right to privacy.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 504
9. In 2003, Congress passed a law banning all partial birth abortions.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 506
10. *Roth v. United States* was the Supreme Court's first attempt at defining obscenity.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 514
11. Congress has been unsuccessful in banning "indecent" material from the internet.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 508
12. The U.S. Supreme Court found portions of the 1996 Communications Decency Act to be an unconstitutional limit on freedom of speech.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 509
13. Prior restraint occurs when the government restricts publication of a magazine, newspaper or book on grounds of a legal violation prior to the actual publication of the work.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 509
14. *Near v. Minnesota* dealt with a newspaper printing government secrets that the government wanted to cover up.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 509
15. The Federal Communications Commission was created in 1968 to monitor television stations.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 511

16. Freedom of assembly was an important component of organizing the National Association of Colored People.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 512
17. The takings clause, in the First Amendment, states that the government cannot take private property without compensation.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 513
18. Public use traditionally qualifies as something like a school, highway, public building, public memorial or other facilities open to the general public.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 514
19. The second amendment claims that the people have the right to bear arms, however it also stipulates that they do so only in a militia.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 515, 517
20. The Sixth Amendment guarantees the right to a speedy trial.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 518
21. The Seventh Amendment is concerned with victims' rights.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 518
22. The police do not need a warrant to search your home - they do not even need your permission.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 521
23. Each year only about 20 percent of criminal cases in the United States are plea-bargained.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 527

24. The death penalty was outlawed in 1971.

Answer: FALSE

Bloom's level: Knowledge

Page reference: 530

Short Answer Questions:

1. What was James Madison's role in the Bill of Rights? How did he view the Constitution?

Bloom's level: Comprehension

Page reference: - 532

2. What is the difference between the Establishment Clause and the Free Exercise Clause?

Bloom's level: Comprehension

Page reference: - 493-495

3. Explain the Supreme Court's interpretation on holding prayer in public schools.

Bloom's level: Comprehension

Page reference: - 497

4. Do we have a constitutional right to burn the U.S. flag? Why or why not?

Bloom's level: Comprehension

Page reference: 501

5. Explain your interpretation of political correctness versus free speech on campuses.

Bloom's level: Comprehension

Page reference: 502-503

6. Discuss *Roe v. Wade* and its impact on the abortion issue.

Bloom's level: Comprehension

Page reference: - 504-505

7. Discuss the Supreme Court's definitions of obscenity (the Roth Standards and the Miller Standards). How would you define it?

Bloom's level: Comprehension

Page reference: 508-509

8. Define child pornography. Has the Internet changed the Court's view?

Bloom's level: Comprehension

Page reference: 510

9. Discuss the film ratings system. Does this system actually censor films or is it just a precaution for viewers?
Bloom's level: Application
Page reference: 512
10. Describe the different aspects of the freedom of assembly. Give an example of each aspect.
Bloom's level: Comprehension
Page reference: 512-513
12. What is the difference between eminent domain and takings? What qualifies as public use? Is there any way to fight eminent domain?
Bloom's level: Comprehension
Page reference: 513-5515
13. What is the public opinion on gun control laws? Is the public in favor of restricting gun ownership?
Bloom's level: Comprehension
Page reference: 516
14. How can the issue of wiretapping be addressed by using the right to privacy? What is the legal justification for wiretapping?
Bloom's level: Comprehension
Page reference: 521-522
15. Why do you believe *Furman v. Georgia* was relegated to only saying that the death penalty was cruel in some cases, but not all?
Bloom's level: Application
Page reference: 530

Essay Questions:

1. Explain the difference between democracy as a decision-making process and democracy including substantive values. How are the two combined in the United States? Be sure to give specific examples.
Bloom's level: Application
Page reference: 489-490
2. The phrase "separation of church and state" does not appear in the Constitution. Where did the phrase originate and how has it been incorporated into American rhetoric?
Bloom's level: Application
Page reference: 495

3. Discuss *Lawrence v. Texas* and its impact on the issue of homosexual rights in America. How do proponents of gay marriage attempt to use the Constitution as a legal basis?
Bloom's level: Comprehension
Page reference: 506
4. How has the advancement of technology affected the interpretation of what is obscene? Do you believe this interpretation will become stricter over time?
Bloom's level: Application
Page reference: - 507-509
5. Discuss the evolution of freedom of the press, noting “no prior restraint” doctrine and “special rights.”
Bloom's level: Application
Page reference: - 509-511
6. The 1994 law passed by Congress guaranteeing access to abortion clinics was in response to a “buffer zone.” What was this buffer zone and why was the new federal law passed?
Bloom's level: Comprehension
Page reference: 513
7. The Supreme Court has yet to rule on the legality of government restrictions on property that devalues the property. Do you believe that this will be resolved in favor of the citizen or the government?
Bloom's level: Comprehension
Page reference: - 515
8. After reading the case for and against restricting gun ownership, what is your opinion? Do you believe it is every American’s right to own a gun, or is the second amendment addressing issues of a militia?
Bloom's level: Application
Page reference: - 515-517
9. What three Supreme Court cases strengthened the Fifth Amendment in the 1960s? How have these rulings changed the landscape of the American legal system?
Bloom's level: Application
Page reference: 525
10. Do you support or oppose the death penalty? Why or why not?
Bloom's level: Application
Page reference: - 528-531

14.2 - The questions in this section also appear in the student Study Guide available with the textbook.

Multiple Choice Questions:

1. According to the Declaration of Independence, the right to individual liberty found in the
 - A) English Common Law
 - B) Constitution
 - C) human condition
 - D) Bill of Rights
 - E) Magna Carta

Answer: C

Bloom's level: Comprehension

Page reference: 489

2. The U.S. Constitution limits governmental power over the individual, meaning that it
 - A) restricts federal government control over the states.
 - B) provides guarantees of equal results from opportunities given.
 - C) places personal liberty beyond the reach of government.
 - D) protects the rights of the majorities against the demands of the minorities.
 - E) protects the civil rights of select individuals.

Answer: C

Bloom's level: Application

Page reference: 490

3. Which colony established Puritanism as its official religion?
 - A) Rhode Island
 - B) Delaware
 - C) Massachusetts
 - D) New York
 - E) Maryland

Answer: C

Bloom's level: Comprehension

Page reference: 490

4. According to more recent Supreme Court rulings, the government can outlaw religious practices that
 - A) are not found in mainstream religions.
 - B) the majority of people would find offensive.
 - C) threaten health, safety, or welfare.
 - D) involve non-Protestant rituals.
 - E) are not similar to Jewish traditions.

Answer: C

Bloom's level: Comprehension

Page reference: 493-494

5. In 1954, Congress added which of these phrases to the pledge of allegiance?
- A) “one nation”
 - B) “in God we trust”
 - C) “for which we stand”
 - D) “under God”
 - E) “with liberty and justice for all”

Answer: D

Bloom's level: Knowledge

Page reference: - 499

6. The First Amendment's guarantees of speech, press, and assembly are broadly interpreted to mean
- A) freedom of assembly.
 - B) symbolic freedom.
 - C) freedom of conversation.
 - D) freedom of expression.
 - E) freedom of choice.

Answer: D

Bloom's level: Comprehension

Page reference: 506

7. Many college and university speech regulations would not withstand a judicial challenge because they
- A) ban speech protected by the constitution.
 - B) usually result in unequal punishments.
 - C) include language which is badly outdated.
 - D) do not consider all possible offensive language.
 - E) do not take diverse student backgrounds into consideration.

Answer: A

Bloom's level: Application

Page reference: 503

8. The Supreme Court upheld the law banning partial birth abortion because the procedure
- A) may be harmful to the mother.
 - B) is a controversial legal issue.
 - C) is unpopular with most doctors.
 - D) is a manipulation of the woman.
 - E) endangers a viable fetus at that point.

Answer: E

Bloom's level: Application

Page reference: 506

9. Which of the following terms was included in the Roth definition of obscenity?

- A) average person
- B) contemporary person
- C) community opinion
- D) - prurient interests
- E) church opinion

Answer: D

Bloom's level: Comprehension

Page reference: 508

10. Prior restraint is dangerous to the free expression of ideas, since it allows the government to censor a work prior to publication, and forces the defendants to

- A) find other means to express their ideas.
- B) prove that their material should not be censored.
- C) sue the government in order to publish.
- D) secure witnesses for their defense.
- E) write new, less controversial material.

Answer: B

Bloom's level: Application

Page reference: 509

11. The right to form and join organizations and associations is included in the

- A) cooperative freedom.
- B) freedom to vote.
- C) freedom of petition.
- D) freedom of assembly.
- E) freedom of expression.

Answer: D

Bloom's level: Comprehension

Page reference: 512

12. Which political party did the Supreme Court feel that city authorities in Skokie, Illinois acted unconstitutionally towards by prohibiting it from holding a march?

- A) American Nazi Party
- B) Socialist Party
- C) Communist Party
- D) Green Party
- E) Progressive Party

Answer: A

Bloom's level: Comprehension

Page reference: 513

13. The government's authority to take property for public use, with just compensation, if the owner does not want to sell, is known as

- F) the takings clause.
- G) eminent domain.
- H) a zoning rule.
- I) encroachment.
- J) the seizure clause.

Answer: B

Bloom's level: Comprehension

Page reference: 514

14. One view of the Second Amendment is that it confers on Americans an _____ Constitutional right, similar to the First Amendment applies to speech or press.

- A) explicit
- B) singular
- C) beneficial
- D) individual
- E) popular

Answer: D

Bloom's level: Comprehension

Page reference: 517

15. What percentage of Americans believe there should be background checks on people who want to purchase a gun?

- A) over 90 percent
- B) 60-90 percent
- C) 40-60 percent
- D) 20-40 percent
- E) under 10 percent

Answer: A

Bloom's level: Comprehension

Page reference: 516

16. Which type of court is unable to issue writs of *habeas corpus* to federal officials?

- A) Federal Courts
- B) State Courts
- C) Appellate Courts
- D) Supreme Courts
- E) Circuit Courts

Answer: B

Bloom's level: Comprehension

Page reference: 517

17. Where in the constitution are victims' rights located?

- A) the Preamble
- B) Article I
- C) the Bill of Rights
- D) the 10th Amendment
- E) (they are not in the constitution)

Answer: E

Bloom's level: Knowledge

Page reference: 519

18. A jury charged only with determining whether sufficient evidence exists to support indictment of an individual on a felony charge is called a

- A) grand jury.
- B) petit jury.
- C) trial jury.
- D) jury of evidence.
- E) appellate jury.

Answer: A

Bloom's level: Knowledge

Page reference: 523

19. Which of the following is not a reason a person is spared from the death penalty?

They are

- A) under the age of 18
- B) mentally retarded
- C) granted a stay of execution
- D) presenting new evidence
- E) awaiting an appeal of the case

Answer: C

Bloom's level: Comprehension

Page reference: 530-531

True/False Questions:

1. Incorporation is the application of most of the Bill of Rights to the states through language in the 14th Amendment.

Answer: TRUE

Bloom's level: Comprehension

Page reference: 490

2. According to the Supreme Court, the Free Exercise Clause does not include the right to practice polygamy.

Answer: TRUE

Bloom's level: Comprehension

Page reference: 493-494

3. The Supreme Court ruled that states could distribute tax credits but they could not be used for religious schools.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 496
4. The burden of proof rests on the defendant to justify any form of speech, writing, or assembly that may be construed by the courts as unconstitutional.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 500
5. The Supreme Court has allowed the government some restriction of speech during times of perceived national crises.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 500
6. Homosexual sodomy is not legal in the United States.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 506
7. Obscene materials of all kinds are permissible under the First Amendment.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 507
8. Just like newspapers and magazines, broadcasts are not subject to government regulation.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 511
9. In 1994, Congress passed a federal law guaranteeing access to abortion clinics, arguing that the federal government should act to guarantee a recognized constitutional right.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 513
10. The greatest threat arising from the "war on drugs" is the loss of personal liberty that accompanies efforts to "take the profit out of crime."
Answer: TRUE
Bloom's level: Comprehension
Page reference: 529

Short Answer/Essay Questions:

1. Explain what the original intent of the Bill of Rights was.
Bloom's level: Comprehension
Page reference: 490
2. Describe the role the Lemon Test plays in “establishment” of religion cases.
Bloom's level: Application
Page reference: 495
3. Explain how physician-assisted suicide and the case of Dr. Jack Kevorkian relates to discussions on the right to privacy.
Bloom's level: Application
Page reference: 506-507
4. The government has been facing difficult problems with the Internet and justice problems. What has the Supreme Court ruled in terms of limiting what can be posted online?
Bloom's level: Comprehension
Page reference: 509-510
5. Explain how “enemy detainees” differ from traditional prisoners of war.
Bloom's level: Comprehension
Page reference: 520
6. Describe the First Amendment's protections for freedom of religion. Distinguish between an “establishment of religion” and “free exercise.”
Bloom's level: Application
Page reference: 490-494
7. Identify the limits the Supreme Court has placed on freedom of speech. Be sure to include a discussion of the “clear and present danger” doctrine.
Bloom's level: Application
Page reference: 498-503
8. List and explain some of the protections for the accused found in the Constitution and Bill of Rights. Do you believe that these protections unduly favor the accused? Should there be protections for victims? Why or why not?
Bloom's level: Application/Evaluation
Page reference: 517-531

14.3 - These questions also appear in MyPoliSciLab, the Website that accompanies the textbook.

Pre-Test Questions:

1. The primary reason that people form governments is to
 - A) avoid the brutal life of a lawless society
 - B) create social programs
 - C) establish sovereignty
 - D) build infrastructure
 - E) bond together in a communityAnswer: A
Bloom's level: Knowledge
Page reference: 489

2. The application of the Bill of Rights to the states through the Fourteenth Amendment is called
 - A) alignment.
 - B) devolution.
 - C) dealignment.
 - D) evolution.
 - E) incorporation.Answer: E
Bloom's level: Comprehension
Page reference: 490

3. Which of the following is prohibited by the eighth amendment?
 - A) jury trials in civil cases
 - B) lack of a speedy trial
 - C) excessive bail
 - D) accused by informed of charges
 - E) establishment of religionAnswer: C
Bloom's level: Comprehension
Page reference: 492

4. The purpose of the free exercise clause is to prohibit the federal government from restricting
 - A) religious beliefs and practices.
 - B) freedom of speech and press.
 - C) freedom of assembly.
 - D) commercial enterprise.
 - E) criminal behaviors.Answer: A
Bloom's level: Comprehension
Page reference: 493

5. The wall-of-separation doctrine comes from which Founding Father?
A) Thomas Jefferson
B) James Madison
C) John Adams
D) Alexander Hamilton
E) Benjamin Franklin
Answer: A
Bloom's level: Comprehension
Page reference: 495
6. In which case did the U.S. Supreme Court create the “clear and present danger” doctrine?
A) Gideon v. Wainwright
B) Roe v. Wade
C) Engle v. Vitale
D) Gitlow v. New York
E) Griswold v. Connecticut
Answer: D
Bloom's level: Application
Page reference: 498
7. Which activity is protected under the “symbolic speech” doctrine?
A) flag burning
B) cross burning
C) intimidation
D) disciplining students
E) death threats.
Answer: A
Bloom's level: Comprehension
Page reference: 507
8. The 1973 abortion issue case, that turned out to be one of the most controversial cases in the Supreme Court's history, was
A) *Roe v. Wade*
B) *Texas v. Johnson*
C) *Bowers v. Hardwick*
D) *Roth v. United States*
E) *Buckley v. Valeo*
Answer: A
Bloom's level: Knowledge
Page reference: 504-505

9. The Supreme Court ruled against gay marriage in which case?

- A) Lawrence v. Texas
- B) Buckley v. Valeo
- C) Gitlow v. New York
- D) Marbury v. Madison
- E) None of the above

Answer: E

Bloom's level: Comprehension

Page reference: 506

10. Government restrictions prior to actual publication of a work is called

- A) prior publication.
- B) publication restriction.
- C) prior restraint.
- D) publication restraint.
- E) prior publication

Answer: C

Bloom's level: Comprehension

Page reference: 509

11. Radio and television broadcasters are most different from print journalists in that they are

- A) not capable of libel or slander.
- B) more virtuous in their motives.
- C) licensed by the federal government.
- D) licensed by the state government.
- E) required to reveal their sources.

Answer: C

Bloom's level: Application

Page reference: 511

12. Where is the freedom of assembly and petition located in the Constitution?

- A) Preamble to the Constitution
- B) Article I
- C) Article II
- D) Article III
- E) Bill of Rights

Answer: E

Bloom's level: Comprehension

Page reference: 512

13. The Supreme Court ruled that the _____ were not obliged to accept gay members into their organization.

- A) YMCA
- B) Girl Scouts
- C) Boy Scouts
- D) 4H
- E) Future Farmers of America

Answer: C

Bloom's level: Comprehension

Page reference: 512

14. Which level of government does the “takings” clause apply to?

- A) Federal Government
- B) State Government
- C) County Government
- D) City Government
- E) All levels of government

Answer: E

Bloom's level: Comprehension

Page reference: 513

15. Contemporary militia groups see their roots in the

- A) Second World War.
- B) First World War.
- C) Civil War.
- D) Revolutionary War.
- E) Vietnam War.

Answer: D

Bloom's level: Comprehension

Page reference: 515-517

16. The writ of habeas corpus was considered so fundamental to the framers of the U.S. Constitution that they included it in the

- A) Declaration of Independence.
- B) Article I of the Constitution.
- C) U.S. Bill of Rights.
- D) Preamble of the Constitution.
- E) Article II of the Constitution.

Answer: B

Bloom's level: Comprehension

Page reference: 517

17. Which amendment includes the protection against self-incrimination?

- A) First Amendment
- B) Second Amendment
- C) Third Amendment
- D) Fourth Amendment
- E) Fifth Amendment

Answer: E

Bloom's level: Comprehension

Page reference: 518

18. Foreign detainees from the war on terror are being held at Guantanamo Bay in which Latin American country?

- A) Honduras
- B) Mexico
- C) Cuba
- D) Jamaica
- E) Belize

Answer: C

Bloom's level: Knowledge

Page reference: 520

19. A legislative act inflicting punishment without a judicial trial is called a(n)

- A) bill of attainder.
- B) ex post facto law.
- C) writ of habeas corpus.
- D) search warrant.
- E) due process.

Answer: A

Bloom's level: Comprehension

Page reference: 521

20. A court order permitting law enforcement officials to search a location in order to seize evidence of a crime is a(n)

- A) writ of assistance.
- B) ex post facto law.
- C) writ of habeas corpus.
- D) search warrant.
- E) double jeopardy order.

Answer: D

Bloom's level: Comprehension

Page reference: 521

21. A rule of law that evidence found in an illegal search may not be admitted at trial is called

- A) Plea bargaining
- B) The right to counsel
- C) Reasonable bail
- D) The exclusionary rule
- E) Double jeopardy

Answer: D

Bloom's level: Comprehension

Page reference: 525

22. If a jury cannot reach a unanimous decision in a criminal case, judges declare a

- A) double jeopardy.
- B) divided jury.
- C) hung jury.
- D) retrial.
- E) mistrial

Answer: C

Bloom's level: Knowledge

Page reference: 527

23. Which of the following federal agencies does not deal directly with the war on drugs?

- A) FBI
- B) DEA
- C) Customs Service
- D) Treasury Department
- E) State Department

Answer: E

Bloom's level: Comprehension

Page reference: 529

24. The Bill of Rights includes the first fifteen amendments to the U.S. Constitution.

Answer: FALSE

Bloom's level: Knowledge

Page reference: 489

25. Belief in God and church attendance are more widespread in the United States than in any other advanced industrialized nation.

Answer: TRUE

Bloom's level: Comprehension

Page reference: 490

26. In 1954, Congress added the words “under God” after “one nation” in the pledge of allegiance.
Answer: TRUE
Bloom’s level: Comprehension
Page reference: 499
27. The Supreme Court has generally ruled that commercial speech is not protected by the First Amendment.
Answer: FALSE
Bloom’s level: Comprehension
Page reference: 503
28. Estelle Griswold founded Planned Parenthood in 1965.
Answer: FALSE
Bloom’s level: Knowledge
Page reference: 504
29. The Supreme Court has upheld local ordinances that ban nudity in public places.
Answer: TRUE
Bloom’s level: Comprehension
Page reference: 509
30. The film censorship system in the United States follows a ratings system, ranging from G to NC-17.
Answer: TRUE
Bloom’s level: Knowledge
Page reference: 511
31. Marches held by the American Nazi Party are protected by the Constitution.
Answer: TRUE
Bloom’s level: Comprehension
Page reference: 513
32. Eminent domain is the action of a government to take property for public use with just compensation, even if the owner does not wish to sell
Answer: TRUE
Bloom’s level: Comprehension
Page reference: 514
33. Ninety-two percent of Americans believe that there should be a ban on people carrying concealed weapons
Answer: FALSE
Bloom’s level: Comprehension
Page reference: 516

34. Once suspects waive their rights to counsel and to remain silent, they have to answer any and all questions asked of them by law enforcers.

Answer: FALSE

Bloom's level: Comprehension

Page reference: 523

35. Opponents of the death penalty believe it violates the Sixth Amendment.

Answer: FALSE

Bloom's level: Comprehension

Page reference: 528

Post-Test Questions:

1. People create laws and governments to protect their freedom, but laws and governments themselves restrict freedom. This is the

A) irony of anarchy.

B) dichotomy of democracy.

C) classic dilemma of free government.

D) struggle of socialism.

E) paradigm of democracy.

Answer: C

Bloom's level: Comprehension

Page reference: 489

2. In constitutional law, the application of most of the Bill of Rights to the states and all of their subdivisions through the Fourteenth Amendment is termed

A) free exercise.

B) incorporation.

C) establishment.

D) separation.

E) cooperation.

Answer: B

Bloom's level: Comprehension

Page reference: 490

3. Which of the following issues is not covered by the Fifth Amendment?

A) searches without warrants

B) double jeopardy

C) self-incrimination

D) due process of law

E) government taking property

Answer: A

Bloom's level: Comprehension

Page reference: 491

4. Religious _____ are protected absolutely, but with regard to religious _____, the Supreme Court has generally upheld governmental restrictions with enacted for secular purposes.
- A) practices, beliefs
 - B) doctrines, practices
 - C) beliefs, doctrines
 - D) beliefs, practices
 - E) practices, dogma
- Answer: D
Bloom's level: Application
Page reference: 493
5. The three-part test for determining what constitutes an “establishment of religion,” and thus violates the First Amendment, is called the
- A) Apple Test.
 - B) Lemon Test.
 - C) Eden Test.
 - D) Garden Test.
 - E) Park Test.
- Answer: B
Bloom's level: Comprehension
Page reference: 495
6. The tendency of courts to give preference to First Amendment rights of speech, press, and assembly when faced with conflicts is called the
- A) priority position.
 - B) primary position.
 - C) first-class position.
 - D) preferred position.
 - E) present position.
- Answer: D
Bloom's level: Comprehension
Page reference: 500
7. In 2003 the Supreme Court ruled that _____ was meant to intimidate and was therefore not protected as symbolic speech by the First Amendment.
- A) flag burning
 - B) prank phone calls
 - C) satire
 - D) cross burning
 - E) hanging nooses
- Answer: D
Bloom's level: Comprehension
Page reference: 501

8. What phrase best describes the Supreme Court's stance on the use of profanity when expressing an idea?
- A) if it's not malicious it's okay
 - B) it falls under freedom of speech
 - C) four letter words are banned
 - D) I'll know it when I see it
 - E) one man's vulgarity maybe another's lyric

Answer: B

Bloom's level: Application

Page reference: 502

9. Which Supreme Court case resulted in upholding the states' right to protect any fetus that reached the point of "viability"?
- A) Roe v. Wade
 - B) Gitlow v. New York
 - C) Planned Parenthood v. Casey
 - D) Gideon v. Wainwright
 - E) Buckley v. Valeo

Answer: C

Bloom's level: Comprehension

Page reference: 505

10. The constitutional clause that is causing problems in the debate on gay marriage is the
- A) Due Process Clause
 - B) Establishment Clause
 - C) Free Exercise Clause
 - D) Full Faith and Credit Clause
 - E) Interstate Commerce Clause

Answer: D

Bloom's level: Comprehension

Page reference: 506

11. The first Supreme Court obscenity case, dealing with the distribution of pornographic magazines through the mail, was
- A) Gideon v. Wainwright
 - B) Lawrence v. Texas
 - C) Gitlow v. New York
 - D) Roth v. United States
 - E) Miller v. California

Answer: D

Bloom's level: Comprehension

Page reference: 508

12. The Supreme Court decision in *New York Times v. United States* was important because it upheld the right of newspapers to
- A) participate in muckraking.
 - B) print libelous material.
 - C) publish classified documents.
 - D) publish state secrets.
 - E) publish unsubstantiated rumors.
- Answer: C
Bloom's level: Comprehension
Page reference: 510

13. The Supreme Court's original stance on the protection of film under the First Amendment was that film was
- A) protected as symbolic speech.
 - B) protected as freedom of expression.
 - C) viewed as strictly business and not protected.
 - D) seen as obscene and not protected.
 - E) better protected by the Fifth Amendment.
- Answer: C
Bloom's level: Comprehension
Page reference: 511

14. What civil rights organization was harassed by the state of Alabama over its membership lists?
- A) National Association for the Advancement of Colored People
 - B) Black Panthers
 - C) South Christian Leadership Conference
 - D) Ku Klux Klan
 - E) Rainbow Coalition
- Answer: A
Bloom's level: Comprehension
Page reference: 512

15. Which amendment contains the "takings clause," which recognizes government authority to take property from private owners for public use?
- A) Third Amendment
 - B) Fourth Amendment
 - C) Fifth Amendment
 - D) Sixth Amendment
 - E) Eighth Amendment
- Answer: C
Bloom's level: Comprehension
Page reference: 513

16. When violent crime rates are compared in jurisdictions with restrictive gun laws to crime rates in jurisdictions with loose gun laws we find that
- A) there appears to be no difference between the two
 - B) more restrictive gun laws result in a drop in crime rates
 - C) more restrictive gun laws result in an increase in crime rates
 - D) looser gun laws have resulted in a drop in crime rates
 - E) looser gun laws have resulted in an increase in crime rates

Answer: A

Bloom's level: Application

Page reference: 516

17. A court order directing public officials who are holding a person in custody to bring that person into court and explain the reasons for their confinement is known as a(n)

- A) bill of attainder.
- B) ex post facto law.
- C) writ of habeas corpus.
- D) search warrant.
- E) search and seizure law.

Answer: C

Bloom's level: Comprehension

Page reference: 517

18. Which amendment includes protection against unreasonable searches and seizures?

- A) First Amendment
- B) Second Amendment
- C) Third Amendment
- D) Fourth Amendment
- E) Fifth Amendment

Answer: D

Bloom's level: Comprehension

Page reference: 518

19. Which congressional act allowed secret court sessions and personal surveillance without notification?

- A) Domestic Intelligence Surveillance Act of 1978
- B) Foreign Intelligence Surveillance Act of 1978
- C) National Security Act of 1978
- D) Terrorist Intelligence Surveillance Act of 1978
- E) Undercover Surveillance Act of 1978

Answer: B

Bloom's level: Comprehension

Page reference: 522

20. A retroactive law that works against the accused is known as a(n)
A) bill of attainder.
B) ex post facto law.
C) writ of habeas corpus.
D) search warrant.
E) double jeopardy.
Answer: B
Bloom's level: Comprehension
Page reference: 521
21. The determination by a grand jury that sufficient evidence exists to warrant trial of an individual on a felony charge results in the issuance of a(n)
A) writ of assistance.
B) search warrant.
C) indictment.
D) no bill.
E) acquittal.
Answer: C
Bloom's level: Comprehension
Page reference: 523
22. A grant to an individual of immunity from prosecution on a particular charge in return for testimony by that individual that might otherwise be self-incriminating is
A) plea bargaining.
B) immunity from prosecution.
C) prosecution protection.
D) exclusionary rule.
E) witness protection.
Answer: B
Bloom's level: Comprehension
Page reference: 525
23. The Constitution provision against "double jeopardy" protects against
A) the prosecution of anyone under the age of twenty-one
B) multiple prosecutions for the same offense
C) any criminal trial for an individual whose life may be in jeopardy
D) multiple prosecutions for any one individual
E) prosecutable self-incrimination
Answer: B
Bloom's level: Comprehension
Page reference: 528

24. Substantive values include recognition of the dignity of all individuals and their equality under the law.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 489
25. Rhode Island and Maryland were the only two colonies that provided for full religious freedom.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 490
26. Libel and slander have never been protected under the First Amendment.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 504
27. The Supreme Court has ruled that Medicaid must pay for abortions.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 505
28. The Supreme Court has held that there is an important distinction between actual and virtual child pornography in that virtual child pornography does not directly involve the exploitation or abuse of children.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 510
29. The motion picture industry currently has some First Amendment freedoms.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 511
30. Freedom of assembly is absolute; the Supreme Court has never ruled in favor of placing restrictions on it.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 512
31. Zoning ordinances, environmental regulations and housing codes are examples of ways the government can devalue a person's property without actually taking it.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 515

32. Some people interpret the second amendment only as a grant of power to the states to maintain the National Guard.

Answer: TRUE

Bloom's level: Knowledge

Page reference: 517

33. A writ of habeas corpus is a court order directing public officials who are holding a person in custody to bring the prisoner into court and explain the reasons for confinement.

Answer: TRUE

Bloom's level: Comprehension

Page reference: 517

34. Cross burning is fully and completely protected under the Constitution.

Answer: FALSE

Bloom's level: Comprehension

Page reference: 501

35. The Supreme Court, in the case of *Furman v. Georgia*, stated that the death penalty was unconstitutional.

Answer: FALSE

Bloom's level: Comprehension

Page reference: 530

Chapter Exam Questions:

1. To the authors of the Declaration of Independence, individual liberty was

- A) derived from governments.
- B) derived from constitutions.
- C) a recent invention.
- D) inherent in the human condition.
- E) a construction of political thinkers.

Answer: D

Bloom's level: Comprehension

Page reference: 489

2. The two clauses in the Constitution that concern religion are the

- A) Establishment Clause and the Clear and Present Danger Clause.
- B) Clear and Present Danger Clause and the Free Exercise Clause.
- C) Establishment Clause and the Free Exercise Clause.
- D) Free Exercise Clause and the Due Process Clause.
- E) Due Process Clause and the Clear and Present Danger Clause.

Answer: C

Bloom's level: Application

Page reference: 490

3. The Supreme Court's interpretation of the No Establishment Clause, that laws may not have as their purpose aid to one religion or all religions, is called the
- A) separate but equal doctrine.
 - B) religious separation clause.
 - C) religious wall clause.
 - D) wall of separation doctrine.
 - E) free exercise clause.

Answer: D

Bloom's level: Comprehension

Page reference: 495

4. Concerning cases of clear and present danger, the burden of proof rests with the
- A) defendant.
 - B) government.
 - C) judge.
 - D) jury.
 - E) press.

Answer: B

Bloom's level: Knowledge

Page reference: 500

5. Who was the defendant in the Supreme Court case that ruled that laws against birth control were unconstitutional?
- A) Lucretia Mott
 - B) Elizabeth Cady Stanton
 - C) Gloria Steinem
 - D) Estelle Griswold
 - E) Betty Friedan

Answer: D

Bloom's level: Comprehension

Page reference: 504

6. Which of the following congressional acts did the Supreme Court find unconstitutional because it restricted the First Amendment?
- A) Internet Obscenity Act of 1996
 - B) Communications Decency Act of 1996
 - C) Internet Communication Act of 1996
 - D) Internet Decency Act of 1996
 - E) Communications Obscenity Act of 1996

Answer: B

Bloom's level: Comprehension

Page reference: 509

7. *Near v. Minnesota* was a landmark 1st Amendment decision affirming the
- A) freedom of speech.
 - B) freedom of assembly.
 - C) clear and present danger doctrine.
 - D) no-prior restraint doctrine.
 - E) freedom of expression.
- Answer: D
Bloom's level: Comprehension
Page reference: 509
8. Which two organizations were ordered by the Supreme Court not to discriminate based on gender?
- A) Rotary club and the Moose lodge
 - B) Moose lodge and the Freemasons
 - C) Freemasons and the Rotary club
 - D) United States Jaycees and the Rotary club
 - E) United States Jaycees and the Freemasons
- Answer: D
Bloom's level: Comprehension
Page reference: 513
9. Why is the takings clause included in the Constitution? In order to
- A) explicitly lay out the powers of Congress.
 - B) give it legitimacy.
 - C) give it constitutional protection.
 - D) give it permanence.
 - E) make it clear to citizens.
- Answer: C
Bloom's level: Comprehension
Page reference: 514
10. The Federal Gun Control Act of 1968 was a direct response to which assassination?
- A) Martin Luther King Jr.
 - B) Robert F. Kennedy
 - C) Malcolm X
 - D) John F. Kennedy
 - E) Abraham Lincoln
- Answer: B
Bloom's level: Comprehension
Page reference: 516

11. One of the oldest and most revered rights in English common law is the
- A) bill of attainder.
 - B) ex post facto law.
 - C) writ of habeas corpus.
 - D) search warrant.
 - E) common law marriage.
- Answer: C
Bloom's level: Application
Page reference: 517
12. Protection against self-incrimination is a provision of the
- A) Second Amendment.
 - B) Fifth Amendment.
 - C) Sixth Amendment.
 - D) Eighth Amendment.
 - E) Tenth Amendment.
- Answer: B
Bloom's level: Comprehension
Page reference: 523
13. The practice of allowing defendants to plead guilty to lesser crimes than those with which they were originally charged in return for reduced sentences is known as
- A) double jeopardy.
 - B) bargain basement justice.
 - C) plea bargaining.
 - D) equal justice.
 - E) witness protection.
- Answer: C
Bloom's level: Comprehension
Page reference: 527
14. The death penalty has been challenged as a violation of the Equal Protection Clause of the Fourteenth Amendment because of the
- A) inequity in the accused's ability to pay for counsel.
 - B) racial bias in the application of the punishment.
 - C) gender bias in the administration of justice.
 - D) disproportion of young males among the accused.
 - E) new forensic evidence clearing the accused.
- Answer: B
Bloom's level: Comprehension
Page reference: 531

15. The Supreme Court has ruled that the _____ bias in the application of the death penalty is not a reason to stop using it altogether.
A) age
B) gender
C) income
D) race
E) education
Answer: D
Bloom's level: Comprehension
Page reference: 531
16. The Free Exercise Clause prohibits the federal government from establishing a state religion.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 493
17. Although the First Amendment is absolute in its wording, the Supreme Court has never been willing to interpret the phrase "Freedom of Speech" as a protection of all speech.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 498
18. Oliver Wendell Holmes was the author of the "clear and present danger doctrine."
Answer: TRUE
Bloom's level: Knowledge
Page reference: 498
19. The Supreme Court has held that the burning of the U.S. flag is unconstitutional.
Answer: FALSE
Bloom's level: Knowledge
Page reference: 501
20. There is no constitutional right to physician-assisted suicide
Answer: TRUE
Bloom's level: Knowledge
Page reference: 507
21. Obscene materials have been easily defined by the Supreme Court.
Answer: FALSE
Bloom's level: Comprehension
Page reference: 508

22. Freedom of assembly is being tested by opponents of abortion.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 513
23. Seventy-five percent of Americans believe that gun owners should be required to register their gun with the government.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 516
24. A bill of attainder is a legislative act inflicting punishment with judicial trial, forbidden under Article I of the Constitution.
Answer: TRUE
Bloom's level: Knowledge
Page reference: 521
25. One critique of the death penalty is that it is imposed racially, as most of the people executed are African American.
Answer: TRUE
Bloom's level: Comprehension
Page reference: 531

