

Quiz # 15 – Chapters 5 / 6 Civil Liberties and Civil Rights

1. The use of dogs to sniff high school lockers for drugs has been determined by the Supreme Court to be
 - a. unconstitutional.
 - b. constitutional under all circumstances.
 - c. constitutional if parental permission is obtained.
 - d. constitutional if supervised by a federal agent.
 - e. constitutional if incident to a reasonable search.

2. A person treating the U.S. flag contemptuously is
 - a. subject to conviction in federal court.
 - b. subject to conviction in state court.
 - c. subject to conviction in state and federal court.
 - d. protected by Fourth Amendment rights.
 - e. protected by the right to exercise free speech.

3. Conflicts in civil liberties often arise because
 - a. majoritarian politics is ineffective in resolving crises.
 - b. the *U.S. Constitution* is vague on issues of individual rights.
 - c. the *Bill of Rights* lists several competing rights.
 - d. policy entrepreneurs rarely operate in civil rights area.
 - e. the Supreme Court has refused to play a leading role in the interpretation of the First Amendment.

4. Senator Joseph McCarthy became a powerful policy entrepreneur by claiming that
 - a. the Japanese posed a West Coast security threat.
 - b. hippies were undermining Christianity.
 - c. communists had infiltrated the government.
 - d. homosexuals were transmitting AIDS to heterosexuals.
 - e. secular humanists were indoctrinating educators.

5. Usually, the Supreme Court has reacted to wartime curtailments of civil liberties by
 - a. upholding them.
 - b. rejecting them.
 - c. upholding them at first, limiting them later.
 - d. rejecting them at first, reinstating them later.
 - e. avoiding rulings on constitutionality and consigning such issues to the lower federal courts.

6. The *Bill of Rights* has come to apply to the states through the interpretation of
 - a. the Fourteenth Amendment.
 - b. the Tenth Amendment.
 - c. the commerce clause.
 - d. Article III.
 - e. the necessary and proper clause.

7. The Espionage and Sedition acts that were passed in 1917 and 1918 placed restrictions on publications that
 - a. advocated the overthrow of the government by force or violence.
 - b. made any defamatory statements about the president or other member of government.
 - c. advocated the crossing of state lines or use of interstate commerce to incite a riot.
 - d. advocated treason, insurrection, or forced resistance.
 - e. made and defamatory statements about military personnel or war strategy.

8. In the early 1920s, the Supreme Court upheld the conviction of Charles T. Schenck under the Espionage Act because
- he was an illegal alien.
 - he had published documents that were vital to national security.
 - his actions presented a clear and present danger.
 - his actions threatened the security of the nation.
 - he had not intentionally inspired lawlessness.
9. The English jurist William Blackstone believed that freedom of the press should be characterized by
- freedom from prior restraint.
 - freedom from libel.
 - freedom from slander.
 - the clear-and-present danger test.
 - the bad tendency test.
10. When eleven communists were convicted under the Smith Act of 1940, the Supreme Court
- found the act unconstitutional.
 - approved the act but vacated the sentences.
 - upheld the convictions.
 - remanded the case for retrial.
 - handed down a rare decision which featured a 4-4 vote split among the justices.
11. Written defamation of character is known as
- slander.
 - obscenity.
 - incitement.
 - political falsehood.
 - libel.
12. Slander differs from libel in that it refers to
- oral statements.
 - written statements.
 - public officials.
 - private individuals.
 - administrative hierarchies.
13. Justice Potter Stewart's oft-quoted dictum on hard-core as opposed to soft-core pornography was
- "I know it when I see it."
 - "Different strokes for different folks."
 - "It won't play in Peoria."
 - "One man's meat is another man's poison."
 - "What could go wrong?"
14. The 1973 Supreme Court definition of obscenity denies free-speech protection to materials or activities that
- depict sexuality in a way that is degrading to its subjects.
 - promote violence against women or children.
 - lack serious literary, artistic, political, or scientific value.
 - present a clear and present danger to community standards of decency.
 - do not appeal to the prurient interest.

15. One form of symbolic speech permitted by the Supreme Court is
- draft-card burning.
 - political assassination.
 - pipe-bombing of public facilities.
 - spitting at a politician.
 - flag burning.
16. Each of the following groups has recently been regarded by the Supreme Court as a “person” enjoying rights of free expression *except*
- the First National Bank of Boston.
 - the Hazelwood High School student newspaper.
 - Massachusetts Citizens for Life.
 - the Pacific Gas and Electric Company.
 - a and d.
17. The two clauses of the First Amendment that deal with religion are concerned with
- free exercise and establishment.
 - prohibition and free exercise.
 - separation and prohibition.
 - prohibition and free exercise.
 - separation and free exercise.
18. For the Supreme Court to uphold conscientious objection to military service, that objection must be rooted in
- an established Christian religion.
 - the Judeo-Christian heritage.
 - some recognized religion.
 - deeply held beliefs.
 - a Protestant faith.
19. The historical source for the “wall of separation” between religion and the state is
- the *Bill of Rights*.
 - a series of debates in the First Congress.
 - the writings of Thomas Jefferson.
 - twentieth-century Supreme Court decisions.
 - the *Federalist* papers.
20. The argument that tainted evidence cannot be used in court if citizens’ rights are to be maintained leads to what is called
- double jeopardy.
 - plea bargaining.
 - disciplining of police officers.
 - the exclusionary rule.
 - the silver platter rule.
21. The main provisions of the *USA Patriot Act* cover all of the following *except*
- airport security.
 - telephone taps.
 - internet taps.
 - voice mail.
 - money laundering.

22. The Bush administration has held that those who were captured in Afghanistan and detained on military bases in Guantanamo are

- a. citizens.
- b. soldiers.
- c. unlawful combatants.
- d. diplomats.
- e. spokesmen.

23. Which statement best summarizes the correct understanding of civil rights?

- a. Laws cannot make distinctions among people.
- b. Laws cannot discriminate.
- c. Laws must treat everyone equally.
- d. Laws can make distinctions, but not all distinctions are acceptable.
- e. Laws can discriminate as long as they do not make distinctions.

24. Blacks in the United States did not receive widespread white support for civil rights until the

- a. 1940s.
- b. 1950s.
- c. 1960s.
- d. 1970s.
- e. 1980s.

25. The _____ Amendment to the U.S. *Constitution* appeared to guarantee equal rights for blacks.

- a. First
- b. Fourteenth
- c. Twenty-first
- d. Twenty-fifth
- e. Twenty-sixth

26. *Plessy v. Ferguson* had the effect of

- a. declaring that segregated public facilities, if equal, did not violate the Fourteenth Amendment
- b. prohibiting all-white juries in state court trials.
- c. applying the *Bill of Rights* to the states as well as to the national government.
- d. ruling that racially separate schools were inherently unequal and therefore unconstitutional.
- e. banning interracial marriages in the Northeastern United States.

27. Which of the following statements about *Brown v. Board of Education* is correct?

- a. It allowed black students to attend law schools.
- b. It showed that the Supreme Court contained two liberal justices who would continue to fight for black rights.
- c. It upheld the *Plessy v. Ferguson* decision.
- d. It outlawed government-imposed segregation.
- e. It was a 5-4 decision.

28. The difference between *de facto* and *de jure* segregation is that

- a. the former results from private choices, the latter from public law.
- b. the former results from public law, the latter from private choices.
- c. the former existed in the past, the latter continues in the present.
- d. the former continues in the present, the latter existed in the past.
- e. the former is deals with perceptions, the latter deals with verified facts.

29. In 1964 and 1968 a majority of whites believed that the pace of change on racial matters
- was too slow.
 - was about right.
 - was too fast.
 - was slowing down.
 - had come to a grinding halt.
30. By the 1970s, the mood in Congress on civil rights could best be described as one of
- opposition.
 - disinterest.
 - support that was apparently temporary.
 - support that was apparently permanent.
 - half-hearted support, especially during election years.
31. In their struggle for equal treatment, women, unlike blacks, had to deal with a legal tradition that
- claimed to be protecting them.
 - regarded them as chattel.
 - had always treated them as equal in theory.
 - had consistently ignored them.
 - had accorded them special rights and responsibilities.
32. A great change in the status of women took place when
- many of them were successful on Wall Street in the 1930s.
 - they began to serve as presidents of several prestigious law schools.
 - they began to outperform men in civil service tests.
 - millions were hired in defense plants during World War II.
 - they formed a congressional caucus in the 1920s.
33. Congress responded to the feminist movement by passing laws that
- prohibited discrimination on the basis of gender in employment and among students in any school receiving federal funds.
 - gave women equal access to the entering of all private organizations.
 - outlawed all-male schools.
 - provided free day care and maternal care to all working mothers.
 - prohibited gender discrimination except when there was a compelling justification.
34. In order for a law to constitutionally discriminate between men and women, it must
- rest on some ground of difference between males and females.
 - be substantially related to legitimate legislative goal
 - treat similar persons similarly.
 - be reasonable and not arbitrary.
 - All of the above.
35. In the case of *Rostker v. Goldberg*, the Supreme Court held that
- drafting men only was denial of equal treatment.
 - drafting women only was denial of equal treatment.
 - women could not be drafted unless war had been officially declared.
 - women in the military must be treated the same as men.
 - Congress may choose to draft men but not women.

36. Which of the following statements concerning the “right to privacy” is *correct*?

- a. It is said to emanate from provisions in the 14th Amendment.
- b. It is nowhere mentioned in the *Constitution*.
- c. It is explicitly mentioned in the 1st and 5th Amendments.
- d. It is explicitly mentioned in the 1st, 2nd and 5th Amendments.
- e. It is explicitly mentioned in the *Preamble* of the *Constitution*.

37. A supporter of equality of opportunity as a way of redressing past civil rights inequities would *most* likely to advocate

- a. color-blind administration of the laws.
- b. preferential treatment for blacks.
- c. comparable-worth pay scales.
- d. busing for racial integration of schools.
- e. affirmative action.

38. The Supreme Court ruled in the *Bakke* case that

- a. explicit numerical quotas were illegal.
- b. busing was a legitimate tool to achieve racial balance.
- c. race should be taken into account when quotas are used.
- d. affirmative action programs were unlawful.
- e. affirmative action plans cannot include firings.

39. Regarding preferential treatment of minorities in the areas of hiring and university admissions, the majority of those polled

- a. oppose it in both areas.
- b. fixed quota.
- c. plus factor.
- d. racial measure.
- e. ethnic policy mark.