

Chapter 04: Civil Liberties

Multiple Choice

1. Under the Antiterrorism and Effective Death Penalty Act of 1996, the government can:
 - a. demand personal information about individuals from private companies such as banks.
 - b. monitor certain domestic phone calls without first obtaining a warrant.
 - c. deport noncitizens for alleged terrorism without any court review of the deportation order.
 - d. investigate people who are only vaguely associated with terrorists.
 - e. make physician-assisted suicide for terminally ill persons constitutional.

2. An assumption regarding the Bill of Rights that was held by the courts for many years was that:
 - a. the Bill of Rights protected the rights of the majority over that of the minority.
 - b. Congress has the final say when there is a disagreement over the interpretation of the Bill of Rights.
 - c. the scope of the Bill of Rights was limited to the actions of the national government.
 - d. political leaders and state ministers were the sole beneficiaries of the provisions of the Bill of Rights.
 - e. the Bill of Rights did not reserve powers to the U.S. states.

3. Which of the following statements is true of commercial speech?
 - a. It is protected by the Fifth Amendment.
 - b. It can be restricted even if the restriction does not advance any government interest.
 - c. It receives relatively more protection than ordinary speech.
 - d. It is protected by the First Amendment, but not as fully as regular speech.
 - e. It cannot be restricted by the government under any condition.

4. Which of the following is a requirement of the due process clause?
 - a. It requires that states ban the right of common man to bear arms.
 - b. It requires that Congress be the ultimate interpreter of the Constitution.
 - c. It requires that citizens form associations to safeguard and sustain their interests and welfare.
 - d. It requires that state governments protect their citizens' rights.
 - e. It requires that states make laws that abridge the immunities of citizens of the United States.

5. Which of the following statements is true of seditious speech?
 - a. It refers to a true statement that holds a person up for ridicule.
 - b. It urges resistance to lawful authority such as the government.
 - c. It involves publishing false information about a common man.
 - d. It lacks serious literary, artistic, political, or scientific value.
 - e. It seeks to harm the reputation of common people.

6. Which of the following statements is true of the Freedom of Information Act of 1966?
 - a. It protects the privacy rights of individuals.
 - b. It prevents states from disclosing or selling a driver's personal information without the driver's consent.
 - c. It protects the privacy of medical information.
 - d. It restricts government disclosure of data to third parties.
 - e. It supports the protection, enhancement, and wise use of a person's personal information.

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7. The Supreme Court was particularly active during the 1960s in broadening its interpretation of _____ to ensure that states and localities could not infringe on civil liberties protected by the Bill of Rights.
- the writ of certiorari
 - the writ of habeas corpus
 - ex post facto laws
 - the due process clause
 - bills of attainder
8. _____ is defined as the cause for believing that there is a substantial likelihood that a person has committed or is about to commit a crime.
- Probable cause
 - Exclusionary cause
 - Self-incrimination
 - Double jeopardy
 - Visionary cause
9. Which of the following statements is true of the writ of habeas corpus?
- It does not require a prisoner to be presented in the court during a court hearing.
 - It is not available to citizens during times of rebellion.
 - It allows a criminal to be punished directly without a trial.
 - It punishes individuals for committing an act that was legal when it was committed.
 - It may be overruled at the discretion of Congress and the state legislatures.
10. For a work to be ruled obscene, it must:
- interfere with government interests.
 - advocate the violent overthrowing of the government.
 - violate an individual's right to privacy.
 - be construed as harassment or disparagement based on race.
 - lack serious literary, artistic, political, or scientific value.
11. Which of the following is a criterion to prove slander?
- The statements must be published in a national daily.
 - The statements made must be true.
 - The statements must be only against government officials.
 - The statements must not result in actual harm.
 - The statements must stem from an intent to do harm.
12. Which of the following statements is true of the due process clause?
- It is set out in the Third Amendment to the Constitution.
 - It has two aspects, procedural and substantive.
 - It states that Congress is the ultimate interpreter of the Constitution.
 - It protects the rights of the majority over that of the minority.

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- e. It includes two clauses, the establishment clause and the free exercise clause.
13. The National Security Agency's cloud computing program was:
- designed to control the government's access to personal information on American citizens.
 - initially developed to monitor transactions in banks.
 - initially developed to monitor phone calls in U.S. prisons.
 - designed to collect personal data from the servers of multiple corporations.
 - set up to tackle the menace of online harassment.
14. In the landmark 1965 case of _____, the Supreme Court held that the right to privacy is implied by other rights guaranteed in the First, Third, Fourth, Fifth, and Ninth Amendments.
- Reynolds v. United States
 - Roe v. Wade
 - Griswold v. Connecticut
 - Lemon v. Kurtzman
 - Miller v. California
15. President Thomas Jefferson wanted _____ to be a "wall of separation between church and state."
- the supremacy clause of Article VI
 - the reserved powers clause of the Tenth Amendment
 - the establishment clause of the First Amendment
 - the preferred-position doctrine
 - the Supreme Court
16. The _____ is responsible for authorizing searches by the National Security Agency (NSA) and other intelligence agencies.
- Foreign International Switching Center
 - Foreign Intelligence Surveillance Court
 - International Information Service Centre
 - International Court of Justice
 - United Intelligence Taskforce
17. The reserved powers of the U.S. states are derived from the _____.
- Second Amendment
 - Seventh Amendment
 - Ninth Amendment
 - Tenth Amendment
 - Fourth Amendment
18. Which of the following statements is true of the preferred-position doctrine?
- It states that freedom of speech can be restricted only when it is directed against lawful authority.
 - It holds that speech can be restricted if it is likely to interfere with government interests.
 - It is aimed at checking the involvement of the government in religious matters.

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- d. It holds that people cannot denounce the religious beliefs of others based on their own preferred religious positions.
 - e. It states that certain freedoms are so essential to a democracy that they hold a preferred position.
19. Which of the following statements is true of the free exercise clause of the First Amendment?
- a. It allows the government to give financial aid to parochial schools for religious purposes.
 - b. The Supreme Court has ruled that religious doctrines are superior to the law.
 - c. It allows the government to control and influence the religious beliefs of individuals.
 - d. The Supreme Court has ruled consistently that the right to hold any belief is absolute.
 - e. It states that the right to practice one's beliefs is absolute and cannot be restricted.
20. In the context of the freedom of religion, the Supreme Court has ruled that:
- a. the right to hold a belief is relative and subject to question by authority.
 - b. public schools, which are agencies of government, cannot sponsor religious activities.
 - c. religious beliefs are superior to the law and take precedence over constitutional laws.
 - d. both public and private schools are barred from teaching about religion.
 - e. individuals cannot pray, when and as they choose, in schools or in any other place.
21. Under the _____, expression could be restricted if it would cause a dangerous condition, actual or imminent, that Congress had the power to prevent.
- a. clear and present danger test
 - b. Lemon test
 - c. preferred-position doctrine
 - d. Miranda warnings
 - e. exclusionary rule
22. In the context of the rights of criminal defendants, the Fifth Amendment:
- a. provides that no warrant for a search or an arrest be issued without probable cause.
 - b. guarantees a speedy trial, a trial by jury, a public trial, and the right to confront witnesses.
 - c. includes the constitutional protection against self-incrimination.
 - d. offers protection from unreasonable searches and seizures.
 - e. provides that a person can be required to testify against himself or herself.
23. The constitutional protection against _____ is the basis for a criminal suspect's "right to remain silent" in criminal proceedings.
- a. mistrial
 - b. detention
 - c. probation
 - d. self-incrimination
 - e. double jeopardy
24. Identify a true statement about the USA Patriot Act of 2001.
- a. It allows an American citizen to request copies of information about him or her contained in government files.

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- b. It prevents states from disclosing or selling a person's personal information without the person's consent.
 - c. It allows the government to access personal information on American citizens to an extent never before allowed.
 - d. It seeks to control the National Security Agency's collection of metadata on domestic phone calls.
 - e. It supports the protection, enhancement, and wise use of a person's personal information.
25. Which of the following is a requirement for a state's school aid to a parochial school to be deemed constitutional?
- a. The purpose of the financial aid must be clearly secular.
 - b. The primary effect of the aid must inhibit religion.
 - c. The aid must demonstrate the active involvement of the sovereign in religious activity.
 - d. The aid must be solely used to fund the salaries of teachers of secular courses.
 - e. The aid must be used for textbooks and instructional materials of certain secular subjects.
26. In the context of the practice of euthanasia, in 1997, the Supreme Court:
- a. held that euthanasia is one of the civil liberties protected by the Constitution.
 - b. held that state laws permitting assisted suicide were unconstitutional.
 - c. held that state laws banning physician-assisted suicide are inherently unconstitutional.
 - d. upheld the states' rights to ban assisted suicide or mercy killing.
 - e. denounced the states' rights to ban the practice of assisted suicide.
27. Which of the following statements is true of the exclusionary rule?
- a. It allows police personnel to arrest anyone who opposes the government without a warrant.
 - b. It protects the constitutional rights spelled out in the First Amendment.
 - c. It forces law enforcement personnel to gather evidence properly.
 - d. It was extended to state court proceedings in 1985.
 - e. It makes illegally obtained evidence admissible in court.
28. _____ are legal and constitutional rights that protect citizens from government actions.
- a. Executive privileges
 - b. Emergency powers
 - c. Vetoes
 - d. Ordinance powers
 - e. Civil liberties
29. The Constitution prohibits Congress from passing _____.
- a. the Bill of Rights
 - b. private members' bills
 - c. the writ of habeas corpus
 - d. the Miranda warnings
 - e. ex post facto laws
30. Which of the following is a criterion for a work to be ruled obscene?
- a. It must be in the written or printed form.

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- b. It must advocate the violent overthrowing of the government.
 - c. It must have serious political or scientific value.
 - d. It must interfere with government interests.
 - e. It must offensively depict prohibited sexual conduct.
31. Which of the following rights is guaranteed by the Sixth Amendment to the Constitution?
- a. The right to keep and bear arms
 - b. The right to be protected against unreasonable searches and seizures
 - c. The right to oppose excessive fines and unusual punishments
 - d. The right to a speedy and public trial
 - e. The right to practice any religion
32. A law that limits a fundamental right will be held to violate substantive due process, unless:
- a. it promotes the interests of the majority over those of the minority.
 - b. it is an ex post facto law passed by Congress.
 - c. it allows noncitizens to freely practice their fundamental rights.
 - d. it promotes a compelling or overriding state interest.
 - e. it is declared during times of monetary recession.
33. The practice of posting online sexually explicit photographs or videos of a former partner is called _____.
- a. sedition
 - b. prostitution
 - c. phishing
 - d. revenge porn
 - e. tweeting
34. The _____ prohibits Congress from passing laws "respecting an establishment of religion, or prohibiting the free exercise thereof."
- a. First Amendment
 - b. Fourth Amendment
 - c. Sixth Amendment
 - d. Ninth Amendment
 - e. Tenth Amendment
35. Which of the following is a requirement for a state's school aid to a parochial school to be deemed constitutional?
- a. The aid must be used for textbooks of certain secular subjects.
 - b. The primary effect of the aid must inhibit religion.
 - c. The purpose of the financial aid must be clearly religious.
 - d. The aid must avoid excessive government involvement in religion.
 - e. The aid must be used for funding salaries of teachers of secular courses.
36. The Miranda warnings were created by the Supreme Court in the year _____.
- a. 1920

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- b. 1880
- c. 1966
- d. 1850
- e. 1945

37. In the _____ case, the Supreme Court held that the "right to privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy," subject to certain regulations.

- a. Roe v. Wade (1973)
- b. Miller v. California (1973)
- c. Gideon v. Wainwright (1963)
- d. Griswold v. Connecticut (1965)
- e. Miranda v. Arizona (1966)

38. In the 1963 case of _____, the Supreme Court held that if a person is accused of a felony and cannot afford an attorney, an attorney must be made available to the accused person at the government's expense.

- a. *Gideon v. Wainwright*
- b. *Roe v. Wade*
- c. *Griswold v. Connecticut*
- d. *California v. Miller*
- e. *Plessy v. Ferguson*

39. Stopping an activity before it actually happens is known as _____.

- a. prior restraint
- b. libel
- c. slander
- d. double jeopardy
- e. due course

40. Which of the following statements is true of the freedom of expression under the First Amendment?

- a. The First Amendment does not protect any form of commercial speech.
- b. The Supreme Court allows prior restraint of speech in all cases.
- c. All forms of expressions are protected under the First Amendment.
- d. The First Amendment does not protect symbolic speech.
- e. The Supreme Court can impose limits on speech to maintain public order.

41. In the Engel v. Vitale (1962) case, the Supreme Court:

- a. ruled that the Regents' prayer for public schools in New York was constitutional because the prayer was nondenominational.
- b. ruled that the State Board of Regents in New York had acted unconstitutionally by composing a prayer to be used in public school classrooms at the start of each day.
- c. ruled that the Ten Commandments be posted in all public schools.
- d. held that public schools are barred from discussing religious movements.
- e. upheld an Alabama law authorizing a daily one-minute period of silence for meditation and voluntary prayer.

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42. Identify a true statement about prior restraint.
- The Supreme Court has mostly ruled in favor of prior restraint by stating that the government can curb ideas to protect its interests.
 - Acts of prior restraint are considered unconstitutional as they contradict the free exercise clause of the First Amendment.
 - Prior restraint involves the removal of objectionable materials from an item before it is published or broadcast.
 - For a case of prior restraint to hold, a particular utterance should be intended to hurt another person.
 - For a case of prior restraint to hold, a particular content should excite unwholesome sexual desire.
43. Many of the civil liberties of U.S. citizens were added to the Constitution by the _____, which was ratified in 1791.
- ex post facto law
 - writ of habeas corpus
 - Bill of Rights
 - bill of attainder
 - Atlantic Charter
44. Which of the following statements is true of the bad tendency test?
- It tested whether a state's aid to public schools was constitutional.
 - It tested whether the restriction on free speech under the Sedition Act was constitutional.
 - It was established to check the involvement of the government in religious matters.
 - It propagated that people cannot denounce the religious beliefs of others.
 - It removed all restrictions on speech and made the right to free speech absolute.
45. The Supreme Court upheld the view that the Bill of Rights did not apply to state laws in _____.
- Barron v. Baltimore (1833)
 - Gitlow v. New York (1925)
 - Everson v. Board of Education (1947)
 - Mapp v. Ohio (1961)
 - McDonald v. Chicago (2010)
46. Which of the following is true of the provisions under the Sixth Amendment?
- The Sixth Amendment provides that a person can be required to testify against himself or herself.
 - The Sixth Amendment prohibits excessive bail and fines and unusual punishments.
 - The Sixth Amendment provides that no warrant for a search or an arrest can be issued without probable cause.
 - The Sixth Amendment guarantees a speedy trial, a trial by jury, a public trial, and the right to confront witnesses.
 - The Sixth Amendment offers protection from unreasonable searches and seizures.
47. The first eight amendments to the U.S. Constitution:
- reserve certain rights and powers to people and to U.S. states.
 - grant specific rights and liberties to people.
 - allow the states to negotiate treaties with foreign countries.

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- d. grant states the power to establish courts to protect the rights of their citizens.
 - e. establish the executive and legislative powers of the President.
48. _____ is defined as a criminal law that punishes individuals for committing an act that was legal when the act was committed.
- a. Writ of habeas corpus law
 - b. Ex post facto law
 - c. Bill of attainder law
 - d. Ignorance law
 - e. Civil liberties law
49. A legislative act that inflicts punishment on particular persons or groups without granting them the right to a trial is known as a(n) _____.
- a. writ of habeas corpus law
 - b. ex post facto law
 - c. no trial clause
 - d. civil law
 - e. bill of attainder
50. Which of the following is true of procedural due process?
- a. It promotes the interests of the majority over those of the minority.
 - b. It denies a person the opportunity to object to a proposed action.
 - c. It allows noncitizens to freely practice their fundamental rights.
 - d. It requires that any governmental decision to take life, liberty, or property be made equitably.
 - e. It is declared during times of monetary recession.
51. _____ is the section of the First Amendment that prohibits Congress from passing laws “respecting an establishment of religion.”
- a. The supremacy clause of Article VI
 - b. The reserved powers clause of the Tenth Amendment
 - c. The establishment clause of the First Amendment
 - d. The preferred-position doctrine
 - e. The Supreme Court clause
52. Since 1985, lower courts have generally held that a school may require a moment of silence under what condition?
- a. It must serve a clearly secular purpose.
 - b. It must include all religions equally.
 - c. Schools must allow students to opt-out.
 - d. Schools must allow students to leave the building.
 - e. It must be stated which religion it is serving.
53. _____ is defined as an educational certificate, provided by a government, that allows a student to use public funds to pay for a private or a public school chosen by the student or his or her parents.

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- a. The Establishment Clause
 - b. A school voucher
 - c. A lemon test
 - d. Free exercise papers
 - e. Due process
54. Speech involving actions and other nonverbal expressions is known as _____.
- a. Action expression
 - b. Libel
 - c. Seditious speech
 - d. Commercial speech
 - e. Symbolic speech
55. _____ is defined as a published report of a falsehood that tends to injure a person's reputation or character.
- a. Obscenity
 - b. Libel
 - c. Seditious speech
 - d. Commercial speech
 - e. Slander
56. Since the terrorist attacks of September 11, 2001, the government has sought to monitor potential terrorists without violating which of the following rights of all Americans?
- a. Freedom of the press
 - b. Free speech
 - c. Freedom of expression
 - d. The right to privacy
 - e. Freedom of religion
57. Which Amendment prohibits excessive bail and fines and cruel and unusual punishments?
- a. Eighth Amendment
 - b. Fourth Amendment
 - c. Fifth Amendment
 - d. Third Amendment
 - e. Tenth Amendment
58. A bill of attainder
- a. is a legislative act that inflicts punishment on particular persons without granting them the right to a trial.
 - b. punishes individuals for committing an act that was legal when the act was committed.
 - c. requires an official to bring a specified prisoner into court and show the judge why the person is being kept in jail.
 - d. prohibits double jeopardy.
 - e. prohibits cruel and unusual punishments.

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59. A(n) _____, prohibited by the Constitution, punishes individuals for committing an act that was legal when the act was committed.
- bill of attainder
 - “National Security Letter”
 - writ of *habeas corpus*
 - ex post facto* law
 - warrant based on probable cause
60. The prohibition of “cruel and unusual punishments” is included in the _____.
- Fourth Amendment
 - Fifth Amendment
 - Sixth Amendment
 - Eighth Amendment
 - Tenth Amendment
61. “... the right of the people to keep and bear Arms ...” is found in the _____ to the U.S. Constitution.
- Second Amendment
 - Third Amendment
 - Fifth Amendment
 - Eighth Amendment
 - Tenth Amendment
62. The protection against “unreasonable searches and seizures” is found in the _____.
- Third Amendment
 - Fourth Amendment
 - Fifth Amendment
 - Eighth Amendment
 - Tenth Amendment
63. _____ require(s) that evidence obtained illegally not be admitted in court.
- The Miranda* warnings
 - The exclusionary rule
 - Probable cause
 - Double jeopardy
 - National Security Letters
64. The ____ guarantees a speedy trial, a trial by jury, a public trial, and the right to confront witnesses.
- Fourth Amendment
 - Eighth Amendment
 - writ of *habeas corpus*
 - Sixth Amendment
 - exclusionary rule

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65. The Fifth Amendment

- a. includes a requirement that no warrant for a search or an arrest be issued without probable cause.
- b. guarantees a speedy trial and a trial by jury.
- c. includes a protection against self-incrimination.
- d. includes a protection from unreasonable searches and seizures.
- e. includes a right for criminal defendants to confront witnesses.

Essay

58. Describe some of the laws and programs that were created after the terrorist attacks of September 11, 2001 and how they infringe on Americans' privacy rights. How has the USA Freedom Act of 2015 worked toward limiting the discretion of these laws and programs?

59. Four decades after the Supreme Court's decision in *Roe v. Wade* (1973), abortion remains a controversial issue. How has the Court ruled in cases involving legislative restrictions on abortion?

60. Why do criminal suspects have rights? Discuss some of the constitutional safeguards for criminal defendants set forth in the Bill of Rights.

61. Is the right to free speech absolute? What are the types of speech that receive no protection under the First Amendment?

62. What are the requirements stated by the Lemon test for a state's school aid to be constitutional?