

First Amendment Rights

1. The Bill of Rights was ratified
 - a. by State legislatures prior to the signing of the Constitution.
 - b. at the same time as the Constitution in 1787.
 - c. after the signing of the Constitution in 1791.
 - d. in the late nineteenth century.
2. The Amendment which is increasingly used to nationalize the Bill of Rights is the
 - a. Eleventh.
 - b. Fourteenth.
 - c. Twentieth.
 - d. Twenty-first.
3. Those advocating the position that the U.S. Constitution should set minimum but not maximum standards to protect our rights support
 - a. judicial independence.
 - b. judicial activism.
 - c. judicial federalism.
 - d. judicial interference.
4. *Gitlow v. New York* was a revolutionary decision because
 - a. it protected freedom of speech from abridgment by state and local governments.
 - b. it protected freedom of speech from abridgment by the national government.
 - c. it protected freedom to bear arms from abridgment by state and local governments.
 - d. it protected freedom to bear arms from abridgment by state and local governments.
5. The Supreme Court applied the Bill of Rights to state decisions through a process known as
 - a. blanket incorporation.
 - b. retroactive incorporation.
 - c. proactive incorporation.
 - d. selective incorporation.
6. The "establishment clause"
 - a. prohibits the establishment of a state religion.
 - b. provides a wall of separation between church and state.
 - c. was furthered by the *Lemon v. Kurtzman* decision.
 - d. (all of the above)
7. The Supreme Court maintains that the establishment clause prevents all of the following evils EXCEPT
 - a. sponsorship.
 - b. financial support.
 - c. active involvement of the government in religious activity.
 - d. accommodating to religious needs.

8. The relationship between the state and religion is addressed in
 - a. the clear and present danger clause.
 - b. the establishment clause.
 - c. the free exercise clause.
 - d. (b and c)

9. The Sedition Act of 1798 made it a criminal offense to
 - a. speak critically about Congress or the President.
 - b. create commercial trade with Mexico.
 - c. provide assistance to the French government.
 - d. start a political party.

10. The nonpreferentialist test
 - a. precludes favoritism toward a particular religion.
 - b. does not prevent government support for some religious activities.
 - c. does not preclude government accommodation of some religious activities.
 - d. (all of the above)

11. Prayer in public schools
 - a. is strictly unconstitutional.
 - b. may not be endorsed by school authorities.
 - c. may not be audible.
 - d. is constitutional if it is a nondenominational prayer.

12. All of the following are deemed unconstitutional EXCEPT
 - a. recitation of the Lord's Prayer.
 - b. devotional reading of the Bible.
 - c. individual, private prayer by students.
 - d. posting the Ten Commandments on the wall of the classroom.

13. The principle behind provisions of federal aid to some parochial school activities is
 - a. when the student's interests, abilities and needs are more important than religious issues.
 - b. whether the parochial school is certified.
 - c. whether aid has a secular purpose and does not confer any message of state endorsement of religion.
 - d. related to the age of the students. Older students (university) are less likely to be influenced by religious teachings.

14. The Supreme Court declared The Religious Freedom Restoration Act (RFRA)
 - a. unconstitutional because it violated principles of separation of powers and federal balance.
 - b. unconstitutional because it violated principles of private property.
 - c. constitutional because it did reduce the powers of the states.
 - d. constitutional because it did reduce the rights of the people.

15. When the government is required to justify any infringement on religious practices, it is said to be subject to the
 - a. compelling government test.
 - b. religious freedom test.
 - c. Lemon test.
 - d. free exercise test.

16. The most controversial freedom associated with expression is that of
 - a. belief.
 - b. actions.
 - c. speech.
 - d. (none of the above)

17. Which of the following affect free speech?
 - a. bad tendency doctrine
 - b. clear and present danger doctrine
 - c. preferred position doctrine
 - d. (all of the above)

18. 'Prior restraint' is constitutional when
 - a. school authorities exercise editorial control over the style and content of student speech in school newspapers.
 - b. they relate to some military and security matters.
 - c. (neither a nor b)
 - d. (both a and b)

19. Commercial speech is constitutionally protected
 - a. and applies to any speech intended to make a profit.
 - b. and is more heavily regulated than other speech.
 - c. and includes false and misleading political advertising.
 - d. even to the extent that it protects advertising the sale of illegal goods.

20. According to the Supreme Court, state legislatures must use the ____ means to protect the public.
 - a. least forceful
 - b. least drastic
 - c. most definitive
 - d. most efficient

21. 'Sunshine laws' generally apply to
 - a. federal hearings as mandated by Congress.
 - b. federal and state courtrooms.
 - c. criminal trials.
 - d. (all of the above)

22. Newspapers claim that in addition to freedom to publish whatever they want, the first amendment requires they also have
 - a. freedom of access.
 - b. freedom of confidentiality.
 - c. freedom from subpoenas.
 - d. (all of the above)

23. The U.S. Post Office is entitled to
 - a. exclude obscene materials.
 - b. exclude communist political propaganda.
 - c. exclude the use of mailboxes for any materials except those sent through the U.S. mails.
 - d. refrain from delivering undue amounts of 'junk mail.'

24. Prior censorship of films to prevent showing obscenity is
 - a. unconstitutional.
 - b. not necessarily unconstitutional.
 - c. constitutional with regard to import of foreign films.
 - d. more likely than prior censorship of plays and reviews.

25. The act that makes government information available to the press and to the public is the
 - a. Public Disclosure Act.
 - b. Public Access Act.
 - c. Freedom of Information Act.
 - d. Government Documents Control Act.

26. Constitutional protection has been extended to
 - a. billboards.
 - b. religious pamphlets.
 - c. political pamphlets.
 - d. (all of the above)

27. The Federal Communications Commission (FCC)
 - a. grants licenses for limited periods.
 - b. regulates the use of publicly owned airwaves.
 - c. established the Corporation for Public Broadcasting.
 - d. (all of the above)

28. 'Libel' is
 - a. spoken defamation of character.
 - b. written defamation.
 - c. subject to tests of truth.
 - d. generally applied in cases where private citizens criticize public officials.

29. A general definition of 'obscenity' includes all of the following EXCEPT that it
 - a. offends women.
 - b. appeals to prurient interests.
 - c. lacks serious literary or artistic value.
 - d. lacks political or scientific value.

30. Obscene materials, as a form of free speech, are
 - a. protected under the First Amendment.
 - b. not entitled to constitutional protection.
 - c. clearly defined.
 - d. illegal if they are sold to minors, but not if they depict minors in sexually-explicit acts.

31. In the court case of *44 Liquormart, Inc. v. Rhode Island* (1996), the U.S. Supreme Court struck down a law forbidding
 - a. the sale of alcohol to minors.
 - b. the advertising of the price of beer.
 - c. the selling of cold six packs for immediate consumption.
 - d. (none of the above)

32. Public property, used for political assembly, such as designated rooms in a city hall or after-hour use of school buildings may be designated as a
- public forum.
 - limited public forum.
 - nonpublic forum.
 - semi-public forum.
33. A legislative act that punishes individuals without a trial is a(n)
- writ of *habeas corpus*.
 - bill of attainder.
 - ex post facto* law.
 - Establishment clause.
34. To be subject to sanctions, "fighting words" must
- have a direct tendency to cause acts of violence.
 - create anger, alarm or resentment.
 - be based on race, ethnicity or religion.
 - be based on gender.
35. Dr. Martin Luther King is most closely associated with
- civil disobedience.
 - internet freedom.
 - a crusade against bills of attainder.
 - shield laws.