**BURKHARD- civil Government Final-Spring 2013 Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Matching: Match the term to the definition or description below. Use each letter ONE time. You will NOT use every term. WRITE the letter in the space provided. (1 point each)**

1. ***Clear and Present Danger***
2. ***Bill of Rights***
3. ***Slander***
4. ***Libel***
5. ***Establishment Clause***
6. ***Commercial Speech***
7. \_\_\_\_\_Protected by the 1st Amendment, except in the case of false advertising.
8. \_\_\_\_\_Speech that provokes violence, incites Illegal actions or could cause harm to others.
9. \_\_\_\_\_The first ten Amendments to the Constitution.
10. \_\_\_\_\_False and malicious use of the printed word.
11. \_\_\_\_\_1st Amendment phrasing that pertains to the “Separation of Church and State.”
12. ***Picketing***
13. ***Heckler’s Veto***
14. ***Obscenity***
15. ***Freedom of the Press***
16. ***Freedom of Expression***
17. ***Freedom of Religion***
18. ***Eminent Domain***
19. ***Miranda Rights***
20. \_\_\_\_\_”You have the right to remain silent. Anything you say can and will be used against you in a court of law…”
21. \_\_\_\_\_Marching and protesting in an attempt to close a business.
22. \_\_\_\_\_An example could be the wearing of an armband or the carrying of a picket sign.
23. \_\_\_\_\_Vulgar speech or art without redeeming social value.
24. ***Freedom of Assembly***
25. ***Freedom to Petition***
26. ***Freedom of Association***
27. ***4th Amendment***
28. ***2nd Amendment***
29. ***Freedom of Speech***
30. \_\_\_\_\_The right to gather to express views on public matters.
31. \_\_\_\_\_The individual right to come together with other individuals and collectively express, promote, pursue and defend common interests.
32. \_\_\_\_\_ “A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”
33. \_\_\_\_\_A “right” often quoted as an Amendment, when the Bill of Rights actually says that *“Congress shall pass no law abridging”* this freedom.
34. ***1st Degree Murder***
35. ***Involuntary Manslaughter***
36. ***Aggravating Circumstances***
37. ***2nd Degree Murder***
38. ***Voluntary Manslaughter (3rd Degree Murder)***
39. ***Mitigating Circumstances***
40. \_\_\_\_\_ I have shot and killed a policeman, my sentence may be longer due to this.
41. \_\_\_\_\_ I was texting while driving and drove off the road, killing a man. I will likely be charged with this.
42. \_\_\_\_\_I got into a fight in a bar and accidentally killed a man. I will likely be charged with this.
43. \_\_\_\_\_ I came home and found another man in bed with my wife. I shot and killed him. I will likely be charged with this.
44. \_\_\_\_\_I planned a murder for months and carried it out in cold blood. I will most likely be charged with this.
45. ***6th Amendment***
46. ***7th Amendment***
47. ***8th Amendment***
48. ***9th Amendment***
49. ***14th Amendment***
50. \_\_\_\_\_Covers individual rights not specifically enumerated elsewhere in the Constitution, such as the right to travel and the right to vote.
51. \_\_\_\_\_ Includes such rights as the right to a speedy trial, the right to defense in your case and the right to confront your accusers.
52. \_\_\_\_\_ States that ALL people in the United States have a right to the protections of the Constitution and that states cannot abridge those rights.
53. ***Civil Law***
54. ***Lethal Injection***
55. ***Double Jeopardy***
56. ***Criminal Law***
57. ***Electrocution***
58. ***Torture***
59. \_\_\_\_\_Type of law that deals with wrongs committed against the public, a penalty (such as imprisonment or fine) is imposed.
60. \_\_\_\_\_Considered to be the most humane and most widely used method of execution in the United States.
61. \_\_\_\_\_Being tried twice for the same crime.
62. \_\_\_\_\_Unconstitutional, according to the 8th Amendment.

**Multiple Choice: Choose the best answer. WRITE the letter in the space provided. (2 points each)**

1. \_\_\_\_\_The “Rule of Four” concerns:
   1. How the Supreme Court makes its decision in a case
   2. How the Chief Justice is chosen
   3. Who decides which justice will write a majority opinion
   4. How the Supreme Court decides which cases it will hear

1. \_\_\_\_\_The largest source of government income in the United States:
   1. Corporate Income Tax.
   2. Social Security Tax.
   3. Estate Taxes.
   4. Federal Income Tax.

1. \_\_\_\_\_Which would NOT be considered a main goal of United States Foreign Policy in the year 2013?
   1. The Security of our Country.
   2. Protection of American economic interests abroad.
   3. Containment of the spread of Communism.
   4. Spreading democratic government throughout the countries of the world.
2. \_\_\_\_\_Which of the following is a TRUE statement regarding the Justices of the Supreme Court?
   1. Justices are appointed by the President, but must be confirmed by a vote of Congress.
   2. Justices cannot be impeached.
   3. The current court is made up of 5 conservative and 4 liberal Justices.
   4. Justices serve for life, so a President only gets to appoint a new Justice when a sitting Justice dies.
3. \_\_\_\_\_The guarantee of the First Amendment that allows citizens to organize to influence public policy and receive redress for grievances.
   1. Freedom of Assembly.
   2. Freedom of Association.
   3. Freedom of Petition.
   4. Freedom of the Press.
4. \_\_\_\_\_Something said face-to-face that would incite immediate violence. A form of speech not protected by the First Amendment
   1. Fighting words.
   2. Libel.
   3. Protest.
   4. Obscenity.
5. \_\_\_\_\_A founding principle of the Constitution, argued by James Madison in 1776:
   1. “Religious Tolerance”.
   2. “Religious Persecution.”
   3. “Endorsement of Religion”.
   4. “Free Exercise of Religion.”
6. \_\_\_\_\_Supreme Court “Judicial Review” is the court’s power to:
   1. Review acts of government to determine whether they conflict with the Constitution.
   2. Review which cases they will accept and deny from lower courts.
   3. Review cases of Presidential Impeachment before holding hearings.
   4. Review Presidential appointments before they are approved.
7. \_\_\_\_\_The foreign policy of the United States for the first 150 years of our country:
   1. Internationalism: Advocating economic and political cooperation with other countries for the benefit of all.
   2. The Good Neighbor Policy: United States should try to get along with all other nations, even dictatorships.
   3. Isolationism: Intentionally refusing to become involved in the affairs of the rest of the world.
   4. Deterrence: Maintenance of a strong military as the best way to defend against foreign powers that would do us harm.
8. \_\_\_\_\_\_This type of tax usually goes to support local services, such as schools:
   1. Sales taxes.
   2. Property taxes.
   3. Estate and gift taxes.
   4. Social Security taxes.
9. \_\_\_\_\_In the case of *Mapp v. Ohio, 1961*, the Supreme Court ruled that
   1. The police can use evidence obtained in an illegal search if the search was an “honest mistake.”
   2. Illegally obtained evidence can be used in court if it would inevitably have been discovered through legal means.
   3. The Exclusionary Rule applies to the states and evidence cannot be used that is obtained in an illegal search
   4. If police act in good faith, the evidence they seize may be presented in court.
10. \_\_\_\_\_Which of the following would NOT be a “Freedom of Association” question:
    1. “School teachers should have to give oaths declaring that they are not Communists.”
    2. “Westboro Baptist Church protesters should be forced to stand at least 300 yards away from a military funeral.”
    3. “The Augusta National Golf Course should be forced to admit women as members.”
    4. “The Boys Scouts of America should be able to ban gay Scout Masters.”
11. \_\_\_\_\_Which Freedom of Religion Test would be applicable in the following case? *A public high school graduation ceremony will contain a prayer delivered by the local Catholic priest*.
    1. The Lemon Test
    2. The Coercion Test
    3. The Endorsement Test
    4. The Establishment Clause Test.
12. \_\_\_\_\_ Which Freedom of Religion “Test” would be applicable in the following case? *The town hall would like to decorate a large Christmas Tree in the local city park.*
    1. The Lemon Test
    2. The Coercion Test
    3. The Endorsement Test
    4. The Establishment Clause Test.
13. \_\_\_\_\_\_Which Freedom of Religion “Test” would be applicable in the following case? *The President would like to give federal money to organizations that conduct community volunteer programs. A number of churches apply for the money.*
    1. The Lemon Test
    2. The Coercion Test
    3. The Endorsement Test
    4. The Establishment Clause Test.
14. \_\_\_\_\_\_Which Freedom of Religion “Test” would be applicable in the following case? *Parents refuse to allow their child to undergo medical treatment that might save the child’s life, claiming that their religion forbids it.*
    1. The Lemon Test
    2. The Coercion Test
    3. The Endorsement Test
    4. The Establishment Clause Test.
15. \_\_\_\_\_\_An example of “Controllable (Discretionary) Spending” on the part of the United States Government:
    1. Paying the interest on the debt.
    2. Social Security payments.
    3. Paying farm subsidies.
    4. Funding Medicaid and Medicare.
16. \_\_\_\_\_\_An example of a “Sin Tax”:
    1. Taxes on tobacco and liquor.
    2. Taxes on gas and oil.
    3. Taxes on yachts and airplanes.
    4. License fees on owning a car.
17. \_\_\_\_\_Although police generally need a warrant to search, they can seize evidence without a warrant
    1. As long as they do a protective sweep of the area first.
    2. If the person is carrying the evidence outside his or her home
    3. With probable cause
    4. That is in plain view
18. \_\_\_\_\_\_Which of the following statements is TRUE regarding the financial condition of the United States in 2013:
    1. Our annual deficit is about 15-16 trillion dollars.
    2. Our national debt is about 3.4 trillion dollars.
    3. 60 percent of our debt is owed to China and Japan.
    4. 40 percent of our debt is owed to the Federal Reserve Bank and other government accounts.
19. \_\_\_\_\_\_The following searches are all carried out without a search warrant. Which one would be search be unconstitutional? *(assume reasonable cause in each case.)*
    1. Search of a home based upon an anonymous tip.
    2. Search of luggage at a border nexus.
    3. Search of evidence in a movable vehicle, such as a motorhome or a houseboat.
    4. Search of a home when the officer has been invited in by the owner.
20. \_\_\_\_\_\_Which of the following is NOT a main goal of the United Nations?
    1. Promote justice and cooperation in solutions to international problems.
    2. Promoting capitalism throughout the world.
    3. Maintain international peace and security.
    4. Develop friendly relations between all nations.
21. \_\_\_\_\_\_Which of the following would be a TRUE statement regarding the workings of the Supreme Court:
    1. If a Supreme Court vote is even, the lower court ruling is overturned.
    2. Most of the Court’s decisions are unanimous.
    3. Constitutional lawyers can spend months presenting their cases to the nine Supreme Court Justices before the Justices will deliberate on a verdict.
    4. If the Supreme Court refuses to hear a case, it is usually because they agree with the decisions of the lower court.
22. \_\_\_\_\_\_Which of the following would be an argument FOR Capital Punishment in the United States:
    1. We, as a society, have to move away from an “eye for an eye” revenge mentality.
    2. Financial costs to the taxpayers of capital punishment can be much greater than keeping an inmate in prison for life.
    3. Capital punishment gives prosecutors another bargaining chip in the plea bargain process.
    4. Jury members may be less willing to convict someone if they feel that they may be executed for their crime
23. \_\_\_\_\_\_Which of the following would NOT be protected by the First Amendment:
    1. Copyright: Limitation of who can copy creative works.
    2. Satire: Use of sarcasm to ridicule others, such as politicians.
    3. Sexual Harassment: Crude or sexual comments in a workplace.
    4. Indecency: Crude or sexual comments that are intended for entertainment purposes for an adult audience.

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**SUPPLEMENTAL QUESTIONS: The next three questions below are about the Supreme Court case of *Schenck v. the United States (1919)*. In this case, Schenck was prosecuted for having violated the Espionage Act of 1917 by publishing and distributing leaflets that opposed the military draft and United States entry into the first World War. The court ruled in favor of the United States. Below is an excerpt from the majority opinion.**

*“We admit that in….ordinary times the defendants…would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic….The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the evils that Congress has a right to prevent.”*

1. \_\_\_\_\_\_According to the Supreme Court decision in this case, free speech should NOT be protected when it
   1. Offends others
   2. Disagrees with government policy
   3. Attacks a government agency
   4. Endangers others
2. \_\_\_\_\_\_What argument is the Supreme Court making in this decision?
3. Congress can limit free speech as it sees fit
4. The right to free speech is basic to democracy and government may never limit it
5. Rights are not absolute and the government may limit them in times of crisis
6. The judiciary is powerless to overturn laws like the Espionage Act of 1917.
7. \_\_\_\_\_\_The Supreme Court decision in *Schenck* involves an interpretation of which of the following parts of the Constitution?
8. The First Amendment
9. The Fourth Amendment
10. The Fifth Amendment
11. The Seventh Amendment

**The following questions are about the case *West Virginia State Board of Education v Barnette (1943)*. This is an excerpt from the majority opinion in this case:**

*“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.*

*We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power, and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.”*

1. \_\_\_\_\_\_The constitutional guarantee at issue in the case is
2. Freedom of religion
3. The right to assemble
4. The right to due process of law
5. The right to remain silent
6. \_\_\_\_\_\_Which of the following best paraphrases the majority opinion?
7. Citizens may express themselves in any manner they feel is justified and be protected by the First Amendment
8. The Court should deal with First Amendment issues on a case-by-case basis
9. It is constitutional to force students to salute the flag.
10. In our democracy, we may not force people to conduct themselves in a way that is contrary to their religious, political, or patriotic beliefs.
11. \_\_\_\_\_\_The case represents the tensions between
12. Providing economic equality and protecting political equality
13. Protecting the power of Congress’ ability to raise an army
14. Defending the right of free speech and protecting the public or national security
15. Defending the right to free exercise of religion and encouraging nationalism and patriotism.