Fourth Exam
American Government PSCI 1201-001 Fall, 2001

Instructions: This is a multiple choice exam with 40 questions. Select the one response that best answers the question. True false questions should be marked 1 if true, 2 if false. You should complete either Scantron Form 882-ES or 883-ES. All exams must be completed in class.

Please write your name and test number on the Scantron form. The test number is indicated at the bottom of the page near the page number as either "v1," "v2," or "v3." Cheating is strictly prohibited. Any student caught cheating will receive an F in the course.

1. The right to privacy was formally established in:
   A. Roe v. Wade.
   C. Webster v. Reproductive Health Services.

2. In Plessy v. Ferguson (1896), the Supreme Court endorsed the view that racial segregation did not constitute discrimination if:
   A. there was no intent to discriminate.
   B. it was a private act rather than an act of government.
   C. equal accommodations were provided for the members of both races.
   D. it was a result of 'de facto' segregation.

3. Reverse discrimination is the claim that:
   A. the removal of de jure discrimination created a backlash that hurt minorities.
   B. affirmative action programs unfairly punish whites on the basis of race.
   C. affirmative action programs unfairly favor whites over minorities.
   D. none of the above.

4. Questions of civil rights center on issues in which:
   A. the government is obligated to act in order to protect individual freedoms.
   B. the government is prevented from acting in order to protect individual freedoms.
   C. the government is compelled to act by order of the Supreme Court.
D. all of the above.

5. 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.

6. Brown v. Board of Education (1954) is considered one of the most important civil rights decisions ever made by the Supreme Court because:
A. it desegregated public education.
B. it ruled that the separate but equal doctrine violated the 14th Amendment's equal protection clause.
C. it overturned the precedent established in Plessy v. Ferguson.
D. all of the above.

7. Native Americans gained U.S. citizenship with:
A. the passage of the 14th Amendment.
B. a federal law passed by Congress in 1924.
C. an executive order of President Theodore Roosevelt.
D. none of the above.

8. Racially segregated patterns of housing and social opportunities that occur even if they are not mandated by law reflect:
A. de jure discrimination.
B. de facto discrimination.
C. reverse discrimination.
D. none of the above.

A. established the exclusionary rule exception.
B. articulated the "good faith" expansion of the exclusionary rule.
C. required state governments to provide an attorney to a defendant who could not afford one.
D. none of the above.

10. The right to privacy is explicitly guaranteed by:
A. the Third Amendment.
B. the Seventh Amendment.
C. the Twenty-second Amendment.
D. none of the above.

T F 11. The Roth test of obscenity called for assessing whether an average person, using contemporary community standards, would find that the dominant theme of the material in question would apply to prurient interests.

T F 12. In Griswold v. Connecticut, the Supreme Court ruled that the state of Connecticut could not prohibit the use of contraceptives by married couples.
13. Congress successfully defied the Supreme Court's protection of flag desecration as a First Amendment expression when they passed the Flag Protection Act of 1989.

14. The U.S. Supreme Court has ruled that states can prohibit abortions in publicly funded facilities.

15. Women are different from other groups that have fought extended civil rights battles because:
   A. they were never prevented from voting.
   B. they were always guaranteed property rights.
   C. numerically, they are not a minority.
   D. all of the above.

16. 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.

17. A balancing test approach to freedom of expression means:
   A. weighing the competing values and determining when society has a right to restrict individual freedom of expression on a case-by-case basis.
   B. that the court has a greater obligation to protect First Amendment freedoms than other rights.
   C. that the broad guarantees of the First Amendment should be weighed against the narrow language of incorporation in the 14th Amendment.
   D. none of the above.

18. The Supreme Court abolished the doctrine of "separate but equal" in public schools in:
   A. Plessy v. Ferguson.
   B. Brown v. Board of Education of Topeka.
   C. Browder v. Gayle.
   D. Plyler v. Doe.

19. Many of the Supreme Court's civil rights decisions are based upon the ____ clause of the Constitution.
   A. franchise.
   B. establishment.
   C. commerce.
   D. dependency.

20. California's Proposition 209:
   A. outlawed reverse discrimination.
   B. introduced de jure discrimination.
   C. mandated that race could no longer be a criterion for determining school admissions, employment, and government contracts.
   D. all of the above.
21. Affirmative action programs have been criticized for:
A. providing unfair advantages to minorities.
B. downgrading merit as a basis for securing social opportunities.
C. downgrading merit as a basis for securing economic opportunities.
D. all of the above.

22. Fees required for voting were known as:
A. participation taxes.
B. services fees.
C. poll taxes.
D. ballot fees.

23. In Plessy v. Ferguson (1896), the Supreme Court:
A. outlawed the separate but equal doctrine.
B. ruled that the separate but equal doctrine did not violate the 14th Amendment's equal protection clause.
C. prohibited states from passing any law that would deny "any person within its jurisdiction the equal protection of the laws."
D. all of the above.

24. 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.

25. The U.S. Supreme Court has consistently ruled that state and local governments are constitutionally prohibited from commanding school students to pray aloud or silently.

26. The absolutist approach to the freedom of expression argues that:
A. the government has an absolute right to place reasonable constraints on individual expression.
B. the First Amendment should be taken literally, and the government can take no action to limit free expression.
C. the right to free expression should be determined on a case-by-case basis in the courts.
D. the court has a greater obligation to protect First Amendment freedoms than other rights.

27. Suffrage is:
A. a condition of servitude.
B. de jure second class citizenship.
C. a tolerance for opposing viewpoints that is mandated by law.
D. the right to vote.

28. 'Libel' is
A. spoken defamation of character.
B. written defamation of character.
C. subject to tests of truth.
D. generally applied in cases where private citizens criticize public officials.

T  F  29. The U.S. Supreme Court has made all of the First Amendment freedoms binding on the states.

30. The principle behind provisions of federal aid to some parochial school activities is:
A. whether the parochial school is certified.
B. when the student’s interests, abilities and needs are more important than religious issues.
C. related to the age of the students. Older students (i.e. university) are less likely to be influenced by religious teachings.
D. whether aid has a secular purpose and does not confer any message of state endorsement of religion.

31. 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. both B and C.

T  F  32. The Constitution of California contains a provision protecting the individual privacy of all Californians.

33. Amendments specifically relating to protection of the rights of African Americans include the:
A. 11th, 12th, and 13th.
B. 13th and 15th.
C. 13th, 14th, and 15th.
D. 14th, 15th, and 16th.

34. The ruling in Miranda v. Arizona (1966):
A. required law enforcement agencies to inform suspects of their rights against self-incrimination and their right to counsel.
B. first articulated the exclusionary rule.
C. laid groundwork for the inevitable discovery exception.
D. all of the above.

35. The Amendment that is increasingly used to nationalize the Bill of Rights is the:
A. Eleventh
B. Fourteenth
C. Twentieth
D. Twenty-first
36. The First Amendment:  
A. prevents the government from establishing religion.  
B. prevents the government from prohibiting the free exercise of religion.  
C. explicitly disestablishes the Congregational church.  
D. a and b  

T F 37. According to a series of Supreme Court rulings, an individual student has no right to pray while in a public school.  
T F 38. In order to pass the Lemon test, aid to a parochial school must neither advance nor inhibit religion.  

39. 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.  

40. Liberties in government refer to:  
A. the freedoms associated with political participation.  
B. the freedoms associated with individual privacy.  
C. the right of government to seize private property with due process of law.  
D. all of the above.  

41. The arguments that the due process clause of the 14th Amendment makes the Bill of Rights binding on state governments is known as:  
A. the nullification doctrine.  
B. the liberties in government doctrine.  
C. the incorporation doctrine.  
D. none of the above.  

T F 42. The first twelve amendments constitute the Bill of Rights.  

43. In Bowers v. Hardwick (1986), the Supreme Court:  
A. struck down a Texas law that made it a crime to be a homosexual.  
B. upheld a Georgia statute that made sodomy between consenting adults a crime.  
C. extended the protections of the 1964 Civil Rights Act to homosexuals.  
D. outlawed discrimination in housing against homosexuals.  

T F 44. The Supreme Court's first formal enunciation and use of the right to privacy was in the decision of Roe v. Wade.  

45. Historically, women have bylaw been denied:  
A. voting rights.  
B. property rights.  
C. social and economic opportunities.  
D. all of the above.
46. Procedural due process refers to the:
A. appropriate procedures for writing laws.
B. methods by which a law is enforced.
C. limitations on what a government may do.
D. idea that unreasonable laws are unconstitutional.

47. The most controversial expansion of the individual right to privacy came in which of the following court cases?
A. Griswold v. Connecticut (1965)
B. Eisenstat v. Baird (1972)
C. Roe v. Wade (1973)
D. none of the above.

48. Liberties from government refer to:
A. the freedoms associated with political participation.
B. the choices individuals are free to make without interference from government.
C. rights of free speech, religion, and assembly.
D. none of the above.

49. When it is believed that a law treats people differently because of their race, national origin, or religion, the courts treat the case under the test of:
A. rational basis.
B. strict scrutiny.
C. heightened scrutiny.
D. suspect class.

50. The Supreme Court upheld the segregationist doctrine of "separate but equal" in:
A. Brown v. Board of Education of Topeka.
B. Browder v. Gayle.
C. Dred Scott v. Sandford.
D. Plessy v. Ferguson.

51. Opponents of affirmative action often refer to it as:
A. positive discrimination.
B. reverse discrimination.
C. equal opportunity enhancement.
D. feminist conspiracy.

52. The civil rights movement for the disabled initially focused in the issue of:
A. vocational rehabilitation.
B. voting rights.
C. access.
D. economic opportunity.

T F 53. The U.S. Supreme Court has ruled that having a minister deliver a prayer at
public school ceremonies violates the constitutional principle of separation of church and state.

54. The Court’s decision in Roe v. Wade recognized a woman's absolute right to obtain an abortion during the:
A. first trimester of pregnancy.
B. second trimester of pregnancy.
C. third trimester of pregnancy.
D. entire duration of the pregnancy.

55. The 1965 Voting Rights Act:
A. targeted Jim Crow laws.
B. sought to protect the 15th Amendment rights of African Americans.
C. allowed millions of African Americans to vote.
D. all of the above.

56. The federal law that barred racial segregation in public accommodations was:
A. the 1957 Civil Rights Act.
B. the Civil Rights Act of 1964.
D. none of the above.

57. The ruling that evidence seized in an unreasonable search and seizure cannot be used as evidence is known as:
A. the inevitable discovery rule.
B. the bad tendency test.
C. the exclusionary rule.
D. none of the above.

58. The U.S. government's legal relationship with Native Americans is based in:
A. English common law.
B. federal civil rights law.
C. hundreds of treaties made with tribal authorities.
D. none of the above.

59. The 14th Amendment:
A. prohibited the government from denying the right to vote on the basis of "race, color, or previous condition of servitude."
B. outlawed slavery.
C. prohibited states from passing any law that would deny "any person within its jurisdiction the equal protection of the laws."
D. all of the above.

60. The Americans with Disabilities Act:
A. required all states to provide a "free appropriate education" to disabled children.
B. mandated that colleges make special accommodations for admitting disabled students.
C. extended to disabled citizens the civil rights and protections of the
1964 Civil Rights Act.
D. all of the above.
61. Rights to privacy are associated with:
A. procedural due process.
B. substantive due process.
C. the First Amendment to the Constitution.
D. the Fifth Amendment to the Constitution.
62. To be subject to sanctions, "fighting words" must:
A. create anger, alarm or resentment.
B. be based on race, ethnicity, or religion.
C. be based on gender.
D. have a direct tendency to cause acts of violence.
63. The Defense of Marriage Act:
A. stipulates that states are not obligated to recognize same-sex marriages.
B. increases state obligations under the "full faith and credit" clause of the Constitution.
C. a and b
D. none of the above.
64. The two major types of liberties protected by the U.S. Constitution are:
A. social liberties and private liberties.
B. liberties in government and liberties from government.
C. liberties of government and liberties for government.
D. liberties from government and liberties of government.
65. In Regents of the University of California v. Bakke, the court ruled that:
A. affirmative action programs were unconstitutional.
B. quotas were unconstitutional.
C. proportionality requirements were mandatory.
D. race could be one, but not the only, criterion for admittance.
66. The Supreme Court decision in Roe v. Wade:
A. removed all restrictions on an individual's right to an abortion.
B. divided pregnancy into three periods, making abortion a matter of personal choice in the first period and a matter of state regulation in the second and third.
C. rejected the argument that the Constitution included a right to privacy.
D. none of the above.
67. Making false and defaming statements about someone orally is:
A. slander.
B. libel.
C. obscenity.
D. a clear and present danger.
T  F  68. In democratic societies civil liberties are absolute, and governments cannot put constraints upon them.
69. The act that makes government information available to the press and to the public is the
C. Freedom of Information Act.
70. States may put people in different groups in order to treat them differently as long as those classifications are:
A. arbitrary.
B. consistent with legal program objectives.
C. passed by a legislature.
D. consistent with state constitutions.
71. Which of the following are examples of civil liberties?
A. the freedom to practice a particular religion.
B. the freedom to join a special-interest group.
C. the freedom to speak on controversial topics.
D. all of the above.
Short Essay (Take Home): Answer 2 of the following 3 questions in no more than 3 double-spaced, type written pages for each.
T  F  72. Numerous companies and municipalities have extended fringe benefits to unmarried domestic partners.
T  F  73. De jure discrimination is unequal or unfair treatment mandated by law.
T  F  74. State and national governments have tolerated unequal treatment of citizens based on race, gender, and religion.
T  F  75. Following World War II, President Harry Truman took the first significant step toward racial equality by outlawing racial segregation in the armed services and in civilian employment in the national government.
T  F  76. The 1965 Voting Rights Act was the first time the federal government had taken any significant action to protect the 15th Amendment rights of African Americans.
T  F  77. In Regents of the University of California v. Bakke (1978), the Supreme Court ruled that the use of racial quotas in school admissions did not violate federal law.
T  F  78. The Civil Rights Act of 1875 effectively ended the segregation of public facilities.
T  F  79. As originally formulated, the Constitution explicitly violated the civil rights of a large section of the United States population.
T  F  80. African Americans began to be systematically disenfranchised in the South
after President Rutherford Hayes ordered the withdrawal of federal troops from former Confederate states.