

1. All of the following situations involve civil liberties EXCEPT:
  - (A) an angry protestor burns an American flag
  - (B) a burglary suspect is read her rights before questioning
  - (C) homosexuals challenge a ban on gay marriage in court
  - (D) a group sacrifices a goat as part of a religious ceremony
  - (E) a state provides funds to increase salaries of teachers in religious schools
2. The Supreme Court has upheld which of the following limits on free speech?
  - I. Laws against libel
  - II. Laws against speech that presents a clear and present danger
  - III. Laws against flag-burning
  - IV. Laws against obscenity
3. What is "selective incorporation"?
  - (A) The idea that corporations cannot be held liable for violations of civil liberties because they are nongovernmental entities
  - (B) The interpretation of the due process clause of the Fourteenth Amendment to apply the fundamental rights in the Bill of Rights to protect people from state action
  - (C) The interpretation of the due process clause of the Fourteenth Amendment to apply all of the Bill of Rights to protect people from state action
  - (D) The concept that rights must be balanced with liberties and that the rights of the majority generally prevail
  - (E) The idea that each state must include the Bill of Rights in its constitution
4. Members of a church protest at military funerals, displaying signs that say, "Thank God for dead soldiers." Many people view the signs as hateful and offensive. Would the courts protect this form of speech?
  - (A) Yes, The First Amendment protects offensive speech.
  - (B) No, The First Amendment does not protect hate speech because it is intimidating.
  - (C) No, The First Amendment does not protect speech that is designed to hinder the operation of the military.
  - (D) Yes, The First Amendment protects hate speech, unless a community decides to ban it.
  - (E) No, The First Amendment does not protect hate speech.
5. Is it permissible for students to pray in public school?
  - (A) Yes, as long as it is voluntary and not teacher led.
  - (B) Yes, if a teacher leads them.
  - (C) Yes, only if all religions are allowed to utilize the school public address system.
  - (D) No, it violates the establishment clause.
  - (E) No, it violates the free exercise clause.
6. A house is searched without a valid search warrant, and a dead body is found. What would be the most likely outcome?
  - (A) The discovery of the body could be used in court because it is the best evidence that a murder occurred.
  - (B) The discovery of the body could not be used as evidence because it was discovered without a warrant, but hair samples on the body could be used in DNA testing.
  - (C) The case could not be prosecuted because the exclusionary rule would prevent any evidence of the murder from being presented in court.
  - (D) The case could be prosecuted with independent evidence, but the discovery of the body could not be used under the exclusionary rule.
  - (E) This case would be decided under state law because many states have passed laws eliminating the exclusionary rule.
7. What is the result of the Supreme Court's ruling in *Miranda v. Arizona*?
  - (A) Police officers must read a suspect his or her rights upon arrest; otherwise, the case against the defendant must be dismissed.
  - (B) If a police officer fails to read a suspect his or her rights upon arrest, the suspect's confession cannot be used in court.
  - (C) This case established the exclusionary rule that any illegally obtained evidence cannot be used in court.
  - (D) If a defendant is not read his or her rights upon arrest, a confession cannot be used in court unless it is given voluntarily.
  - (E) The confession of a defendant who has not been read his or her rights upon arrest may be used in court, but the defendant may bring a civil suit against the arresting officer.
8. Which of the following types of speech is not protected by the First Amendment?
  - (A) Symbolic speech that conveys a political message
  - (B) Students' political opinions, expressed at school
  - (C) Indecent material sent over the Internet
  - (D) Restrictions on campaign contributions
  - (E) Speech that creates a "clear and present danger"
9. May a state regulate the private possession of firearms?
  - (A) No, the Supreme Court ruled that states cannot prohibit individual gun ownership.
  - (B) No, the Court ruled that the Second Amendment provides an unrestricted right to gun ownership.
  - (C) Yes, because the right to regulate firearms is a moral, social, and family issue left to the states.
  - (D) Yes, the Supreme Court ruled that state governments may ban guns in the interest of public safety.
  - (E) Yes, according to the Supreme Court, states may ban guns if citizens have a right to apply for a waiver.



15. The major function of the First Amendment's establishment clause is:
- (A) allows the creation of a national religion subject to majority vote of Congress
  - (B) prohibits states from accommodating religious beliefs of citizens
  - (C) requires a strict separation of church and state
  - (D) prohibits the establishment of a national church
  - (E) restricts citizens in the practice of their religious faiths
16. Which of the following cases most likely involves a violation of civil rights?
- (A) Classifying people into brackets on the basis of income and taxing them at different rates
  - (B) Conducting a search without a warrant or probable cause
  - (C) Classifying people using any system that treats one group of people differently from another
  - (D) Classifying people and treating them differently on the basis of race or gender
  - (E) Giving adults more rights, such as voting and drinking alcohol, than the rights possessed by minors
17. All of the following made it difficult for African Americans to gain equality EXCEPT:
- (A) blacks were in the minority population in the states with the most discrimination
  - (B) lower-income whites were worried that gains by blacks would be at their expense
  - (C) because blacks could not vote, they had little influence in policymaking
  - (D) racism by whites blocked blacks' efforts to gain equality
  - (E) until the early 1960s, most citizens of the North did little to help blacks in the South gain equality
18. In the 1960s, Denver, Colorado, had several racially distinct neighborhoods. Denver Public Schools developed a neighborhood schools plan in which students would attend the school closest to home. On what grounds was this plan challenged?
- (A) That it was *de jure* segregation
  - (B) That it was *de facto* segregation
  - (C) That the plan did not allow students the freedom to travel to a school of their choice
  - (D) That the plan would not allow black students to attend schools with whites
  - (E) There was no valid legal basis for challenging this plan
19. As a result of desegregation plans that required students to be bused in central-city schools, many whites moved to the suburbs. How did the courts respond to this "white flight"?
- (A) The Supreme Court held that white flight was *de facto* segregation and ordered busing across district lines.
  - (B) The Supreme Court ordered central-city schools to develop magnet programs to prevent white flight.
  - (C) The Supreme Court ruled that intercity busing could be ordered only if both districts practiced school segregation.
  - (D) The Supreme Court refused to take the case on grounds of federalism because school district boundaries are set by the states.
  - (E) The Supreme Court refused to order cross-district busing because most of the public opposed it.

10. May a state government provide funding for math books in both public and private religious schools?
- (A) No, because tax dollars cannot be used to support religious institutions.
  - (B) Yes, because math books have a secular purpose.
  - (C) No, because private schools are funded by tuition.
  - (D) No, because this would violate the establishment clause.
  - (E) Yes, because states have a duty to provide equal funding to both public and private schools.
11. What has been the impact of *Gilow v. New York* (1925) on the United States political system?
- (A) Expands the power of state governments to regulate aberrant behavior.
  - (B) Expands the power of the national government to regulate "symbolic speech."
  - (C) Allows for national security exceptions to search and seizure protections found in the Fourth Amendment.
  - (D) Prohibits the national government from establishing a national religion.
  - (E) Sets the stage for selective incorporation.
12. What is the significance of *Gideon v. Wainwright*?
- (A) States must provide attorneys for persons accused of felonies even if they cannot afford it.
  - (B) States cannot require students to pray before the beginning of class each day.
  - (C) Schools cannot prohibit students' "symbolic speech."
  - (D) Suspects must be informed of their constitutional rights at the time of arrest.
  - (E) Government aid to religious schools is NOT necessarily a violation of the Constitution.
13. Which of the following is true about the Bill of Rights in relationship to the states?
- (A) The Bill of Rights has always been applicable against the states.
  - (B) The Bill of Rights is NOT applicable against the states. States are restricted only by their own bills of rights.
  - (C) Portions of the Bill of Rights are applicable against the states.
  - (D) Only the First Amendment is enforceable against the states.
  - (E) The entire Bill of Rights is applicable against the states.
14. With regard to free speech, which of the following is true?
- (A) Citizens have an absolute, unqualified right to free speech.
  - (B) Only the national government can restrict free speech.
  - (C) States can prohibit "symbolic speech."
  - (D) The U. S. Supreme Court will tolerate very few restrictions of free speech.
  - (E) Freedom of speech is subject to "contemporary community standards."



20. After many delays, all of the following events enabled the passage of the Civil Rights Act of 1964 EXCEPT:
- (A) public opinion was changing, and more whites supported civil rights
  - (B) the media, making the public aware of the discrimination faced by blacks, showed violence by white segregationists
  - (C) President John F. Kennedy, who was a proponent of civil rights, was assassinated
  - (D) most Southern whites favored desegregation once public schools became integrated
  - (E) the government was united, with Democrats controlling the presidency, House, and Senate
21. Why is the all-male draft constitutional even though it is gender discrimination?
- (A) Because it meets the standard of strict scrutiny—men are much more effective in combat than women
  - (B) Because it meets midlevel scrutiny—on average, women have less upper-body strength than men
  - (C) In the area of national defense, the Court generally defers to Congress
  - (D) Because discrimination against men is legal—they are not in a protected class
  - (E) The all-male draft has not been challenged in the Supreme Court because the Court avoids what it considers political questions
22. What is the overall impact of the Supreme Court's rulings on abortion?
- (A) Abortion is a social, moral, and family issue and is left to the discretion of the states.
  - (B) Abortion is prohibited except in cases of rape or incest.
  - (C) Abortion may not be prohibited or regulated during the first two trimesters.
  - (D) Abortion may not be prohibited during the first two trimesters, but it can be regulated as long as there is no undue burden.
  - (E) There is a broad right to abortion throughout pregnancy.
23. Which of the following statements best describes the Supreme Court's position on affirmative action?
- (A) Quotas can be used in college admissions to achieve a racially balanced student body.
  - (B) Laws should be color-blind and race neutral.
  - (C) Quotas can be used in construction contracts, but not in hiring or in college admissions.
  - (D) Affirmative action programs are not legal because they are reverse discrimination.
  - (E) Quotas are viewed with strict scrutiny, but preferences are acceptable for the purpose of achieving diversity.
24. What was the Court's decision in *Roe v. Wade* (1971)?
- (A) A woman has an unrestricted right to abortion throughout her pregnancy.
  - (B) States may restrict abortions throughout pregnancy to protect the woman's health.
  - (C) States may prohibit abortion during the second and third trimesters.
  - (D) The right of abortion is unlimited during the first trimester, but states may regulate abortions to protect the woman's health in the second trimester.
  - (E) Abortion was outlawed, except in cases of rape or incest, or where the woman's health would be seriously compromised.

25. Different standards are used to determine whether or not unconstitutional discrimination has occurred. What standard is used in claims of race discrimination?
- (A) The discrimination must be "substantially related to an important government interest."
  - (B) The discriminating practice must be "narrowly tailored" to attain a "compelling government interest."
  - (C) The policy must use a reasonable means test to achieve a legitimate government goal.
  - (D) The policy will be considered on a case-by-case basis, depending on the parties involved.
  - (E) Trick question! Race discrimination is always unconstitutional.
26. Which of the following protects people from private (nongovernmental) acts of discrimination?
- (A) Due process clause of the Fourteenth Amendment
  - (B) Equal Protection Clause of the Fourteenth Amendment
  - (C) Equal Rights Amendment
  - (D) Civil Rights Act of 1964
  - (E) The precedent in *Brown v. Board of Education*
27. What was the significance of the case *Reed v. Reed*?
- (A) Overturned restrictions on abortion
  - (B) Outlawed the use of the "rational basis test"
  - (C) Required equal funding for male and female athletics
  - (D) Declared that sex discrimination violates the equal protection clause
  - (E) Prohibited the male-only military draft
28. Based on the information in Table 6.1, which of the following is true?
- (A) The number of black elected members of Congress and state legislatures decreased between 1970 and 2010.
  - (B) There was a greater increase in black judges and sheriffs between 1991 and 2010 than between 1970 and 1991.
  - (C) The number of black members of Boards of Education remained almost constant between 1970 and 2010.
  - (D) The total number of black elected officials in 1970 was greater than the number of black members of Boards of Education.
  - (E) The greatest increase in black elected officials was in city and county offices.
- TABLE 6.1 Increase in Number of Black Elected Officials**
- | Year | Federal Office | State Office | Local Office |
|------|----------------|--------------|--------------|
| 1970 | 10             | 169          | 1,290        |
| 2010 | 43             | 642          | 9,800        |
- Source: "A Time to Reflect: Charting the Quality of Life for Black Americans: Politics," USA Today, February 21, 2011.
29. Information in the above table is most likely the product of:
- (A) the Civil Rights Act of 1964
  - (B) the Fourteenth Amendment
  - (C) the Voting Rights Act of 1965
  - (D) the precedent created in *Brown v. Board of Education*
  - (E) the precedent created in *Swann v. Charlotte-Mecklenburg Board of Education*



30. In cases involving differential treatment of women, the Court would most likely use which standard?

- (A) Rational basis
- (B) Strict scrutiny
- (C) Intermediate scrutiny
- (D) Basic scrutiny
- (E) Constitutional scrutiny

36. Long after the Supreme Court ruled prayer in public schools unconstitutional, public schools all over the country were still allowing prayer and Bible readings. What explains this?

- (A) The Supreme Court's decision was vague, and schools were not sure how to implement it.
- (B) The courts have no police force or army; hence, they have no enforcement powers.
- (C) School districts could still legally engage in school prayer because they continued to file appeals.
- (D) Both President George H. W. Bush and President Clinton supported school prayer, so they ordered the executive branch not to enforce the Court's decision.
- (E) The areas where school prayer was still being held were all Christian, so no one challenged the practice.

37. What is the role of judicial review in the system of checks and balances?

- (A) It undermines the Constitution by making the Supreme Court the final arbiter of the law.
- (B) It enhances the power of Congress by overturning decisions of the president.
- (C) It enhances the power of the president by overturning decisions of Congress.
- (D) It makes the courts a co-equal branch with the president and Congress.
- (E) It enhances the power of the states by overturning national laws.

38. Which of the following statements best describes the jurisdiction of the Supreme Court?

- (A) The Court is exclusively a court of appellate jurisdiction.
- (B) The Court's jurisdiction is mostly appellate, but it has original jurisdiction in a few specified types of cases.
- (C) The Court is exclusively a court of original jurisdiction.
- (D) The Court can choose which cases of original jurisdiction to take.
- (E) Most of the Court's cases come directly from trial courts.

39. What is required for the Supreme Court to grant a petition for a writ of certiorari?

- (A) The majority of the justices must vote to hear the case.
- (B) The justices from the majority party on the Court must agree to hear the case.
- (C) A circuit court of appeals must recommend that the justices hear the case.
- (D) The Constitution requires that four of the nine justices vote to hear a case.
- (E) The unwritten "rule of four" means at least four justices must agree to hear a case.

31. Using the power of judicial review, the Supreme Court can do all of the following EXCEPT:

- (A) declare a law passed by Congress unconstitutional
- (B) declare a law passed by a state unconstitutional
- (C) declare acts of the executive branch unconstitutional
- (D) determine the meaning and application of the Constitution
- (E) overturn a Constitutional amendment as a violation of civil rights

32. Justice Clarence Thomas believes that the Constitution should be interpreted according to its clear language. This judicial philosophy can best be described as:

- (A) strict construction
- (B) judicial activism
- (C) conservatism
- (D) liberalism
- (E) constitutionalism

33. The federal courts have jurisdiction over all of the following cases EXCEPT:

- (A) civil suits between citizens of different states in which the amount exceeds \$50,000
- (B) criminal cases involving violations of laws passed by Congress
- (C) bankruptcy cases
- (D) state appeals cases in which the defendant alleges his or her constitutional rights were violated
- (E) prosecutions under state criminal law

34. National supremacy over the states was expanded by the Supreme Court in cases involving all of the following issues EXCEPT:

- (A) railroad regulations issued by the interstate Commerce Commission
- (B) the creation of a national bank
- (C) the use of injunctions to prevent labor strikes
- (D) laws regulating wages and hours
- (E) state laws regarding marriage and divorce

35. All of the following make it difficult to get a case to the Supreme Court EXCEPT:

- (A) the Supreme Court does not take all cases
- (B) appeals cost money for lawyers and paperwork
- (C) by the time a case gets to the Supreme Court, the case has already gone through an expensive trial and appeals process
- (D) it can take a long time to settle a matter in federal court
- (E) the government does not supply lawyers for the appeals court process

40. Several special-interest groups filed briefs in *Bakke v. University of California*, a landmark Supreme Court decision about affirmative action. Which term best describes these briefs?

- (A) Solicitor general's brief
- (B) Interest-group brief
- (C) Plaintiff's brief
- (D) Defendant's brief
- (E) *Amicus curiae* brief

41. On which of the following courts do judges have a lifetime term?

- (A) Supreme Court
- (B) Court of Appeals for the Federal Circuit
- (C) Tax Court
- (D) Claims Court
- (E) Court of Veterans Appeals

42. All of the following are checks on judicial power EXCEPT:

- (A) statutory amendment
- (B) impeachment
- (C) lack of enforcement power
- (D) removal by the president
- (E) constitutional amendment

43. What is senatorial courtesy?

- (A) The ability of a senator to "veto" a judicial nomination.
- (B) The requirement that the Supreme Court obtain clearance from the Senate before exercising judicial review.
- (C) The Senate's ability to review and invalidate Supreme Court decisions.
- (D) The ability of the Senate's Judiciary Committee to remove a justice after 10 years in office.
- (E) The ability of members of the Senate Judiciary Committee to participate in the writing of opinions from district courts in their states.

44. What is the court of original jurisdiction for the vast majority of federal cases?

- (A) Supreme Court
- (B) Circuit Court
- (C) District Court
- (D) Superior Court
- (E) Court of First Instance

45. Approximately how many cases does the Supreme Court accept for review?

- (A) 50
- (B) 100
- (C) 500
- (D) 1,000
- (E) 1,500