Unit 3: Civil Liberties, Civil Rights

Through the U.S. Constitution, but primarily through the Bill of Rights and the Fourteenth Amendment, citizens and groups have attempted to restrict national and state governments from unduly infringing upon individual rights and from denying equal protection under the law. Sometimes the Court had handed down decisions that protect both public order and individual freedom, and at other times the Court has set precedents protecting one at the expense of the other.

Enduring Understandings:

A. Provisions of the Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals. (Liberty and order)

B. Protections of the Bill of Rights have been selectively incorporated by way of the Fourteenth Amendment’s “due process” clause to prevent state infringement of basic liberties. (Liberty and Order)

C. The Fourteenth Amendment’s “equal protection clause” as well as other constitutional provisions have often been used to support the advancement of equality. (Civic participation in a representative democracy).

D. Public policy promoting civil rights is influenced by citizen-state interactions and constitutional interpretation over time. (Competing policy-making interests)

E. The Court’s interpretation of the U.S. Constitution is influenced by the composition of the Court and citizen-state interactions. At times, it has restricted minority rights and, at others, protected them. (Constitutionalism)

- To what extent do the U.S Constitution and its amendments protect against undue government infringement on essential liberties and from invidious discrimination?
- How have U.S. Supreme Court rulings defined civil liberties and civil rights?

3.1 Explain how the U.S. Constitution protects individual liberties and rights.

1. The Bill of Rights is continually being interpreted to balance the power of government and the civil liberties of individuals. All of the following define what are rights mean EXCEPT

a. National referendums
b. Legislative action
c. Presidential orders
d. Supreme Court decisions

2. The Bill of Rights were added to our U.S. Constitution primarily to

a. Ease a political dispute at the Constitutional convention
b. Protect individual liberties and rights
c. Demonstrate the malleability of the U.S. Constitution
d. Expose the Anti-Federalists as frauds
3. Civil liberties are constitutionally established guarantees and freedoms that protect citizens, opinions and property against arbitrary government interference. Which of the following would be an example of arbitrary governmental interference?

a. Governments limiting the use of obscenity
b. A court approval of a legal search warrant
c. A law establishing a religious test for civic participation
d. Meat inspection laws

4. In the Bill of Rights you would find the following language: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. These words would be found in the

a. The First Amendment  
b. The Second Amendment  
c. The Fourth Amendment  
d. The Sixth Amendment

5. In the Bill of Rights you would find the following language: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. These words would be found in the

a. The First Amendment  
b. The Second Amendment  
c. The Fourth Amendment  
d. The Sixth Amendment

6. In the Bill of Rights you would find the following language: 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. These words would be found in the

a. The First Amendment  
b. The Second Amendment  
c. The Fourth Amendment  
d. The Sixth Amendment

7. In the Bill of Rights you would find the following language: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. These words would be found in the

a. The Fourth Amendment  
b. The Fifth Amendment  
c. The Eighth Amendment  
d. The Tenth Amendment
8. In the Bill of Rights you would find the following language: *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.* These words would be found in the

a. The Fourth Amendment  
b. The Fifth Amendment  
c. The Eighth Amendment  
d. The Tenth Amendment

9. In the Bill of Rights you would find the following language: *The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.* These words would be found in the

a. The Fourth Amendment  
b. The Fifth Amendment  
c. The Eighth Amendment  
d. The Tenth Amendment

10. Former chief justice of the Supreme Court Charles Evans Hughes once said, “We are under a Constitution, but the Constitution is what the judges say it is.” Which of the following best exemplifies what chief justice Hughes meant.

a. The precedent found in Marbury v. Madison  
b. Presidential action to raise tariffs  
c. The passage of the Voting Rights Act of 1965  
d. Policy experimentation as a result of federalism

### 3.2 Describe the rights protected in the Bill of Rights.

1. Provisions of the U.S. Constitution’s Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals. The Court has been involved in a number of *landmark* cases. Which of the following best define what is meant by a *landmark* case?

a. A civil scenario that involves arbitrary interference by government  
b. A criminal scenario that involves the seizure of property  
c. A significant court decision that address a constitutional question for the first time  
d. A significant court decision that brings clarity to constitutional ambiguity

2. The police entered Tom’s apartment without a legal warrant based upon an informant’s tip that illegal drugs were present. Drugs were found. At trial the judge agreed with Tom’s attorney who claimed the evidence was inadmissible. What legal principle did the judge base her opinion on?

a. The establishment clause  
b. The exclusionary rule  
c. Eminent domain  
d. Ex Post Facto Laws
3. All of the following types of protections can be found in the Bill of Rights EXCEPT

a. Political rights  
b. Religious rights  
c. Police powers  
d. Suffrage extensions

4. In the case Riley v. California (2014) the Supreme Court argued: Modern cell phones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans “the privacies of life”. The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought. What legal doctrine can be applied to this scenario?

a. Separation of powers doctrine  
b. The castle doctrine  
c. The doctrine of original intent  
d. Qualified immunity doctrine

5. Which of the following Court cases extended Fourth Amendment privileges to all citizens in all states?

b. Marbury v. Madison (1803)  
d. Roe v. Wade (1973)

6. “Pleading the Fifth” has become almost cliché. Which of the following best exemplifies this practice?

a. Despite pressure from the police, Tom remained silent during questioning.  
b. Officer Friendly must first obtain a legal warrant to enter Tom’s house.  
c. Tom was provided an attorney even though he could not afford one.  
d. Tom’s execution was granted a stay due to his persuasive arguments.

7. The Supreme Court held that any suspect put in custody by authorities must first be informed of their rights in this case:

b. Riley v. California (2014)  
d. Roe v. Wade (1973)

8. Gideon v. Wainwright (1963) made certain the right to an attorney. The government must provide legal counsel not only in federal cases but also in state cases. This landmark case was rooted in the

a. The Fourth Amendment  
b. The Fifth Amendment  
c. The Sixth Amendment  
d. The Tenth Amendment
9. A look at recent court precedent regarding capital punishment would support the following quotes:

b. “The evils we experience flow from the excess of democracy,” Elbridge Gerry.
c. “Government even in its best state is but a necessary evil,” Thomas Paine.
d. “Politics is the art of the possible,” Anonymous.

10. When more and more state legislatures limit capital punishment what principle of our government is exemplified?

a. Separation of powers  
b. Checks and balances  
c. Federalism  
d. Limited government

3.3 Explain the extent to which the Supreme Court’s interpretation of the First and Second Amendments reflect a commitment to individual liberty.

1. The first Congress added a Bill of Rights to the original Constitution. The Bill of Rights was added to increase the loyalty of the people. What fundamental worry did the Bill of Rights address?

a. A national government that was too strong  
b. A central government that was too weak  
c. A national government that could not tax  
d. State governments with not enough power

2. The primary goal of the Bill of Rights when it was ratified was to

a. Limit the power of the central government  
b. Increase the power of the central government  
c. Divide power between federal and state governments  
d. Itemize the peoples’ fundamental liberties

3. All of the following would be true of the First Amendment’s free speech clause EXCEPT

a. Protects libel and slander  
b. Gets preferential treatment by our courts  
c. Our most sacred right  
d. Also protects symbolic speech

4. The First Amendment also protects our religious freedom. Not only are we free to exercise the religion of our choice but also the government cannot establish any one religion over the other. The Lemon Test prescribes the rules regarding any apparent cooperation between church and state. All of the following make up the Lemon Test EXCEPT

a. The government’s action must have a secular purpose  
b. The government’s action must not have the primary effect of advancing or inhibiting religion  
c. The government’s action must not result in an excessive entanglement with religion  
d. The government’s action cannot involve federal funding
5. Which of the following civil liberties have been granted a preferred position by the U.S. Supreme Court?

a. Freedom of speech  
b. Freedom of press  
c. Freedom of religion  
d. Freedom of assembly

6. Two clauses of the First Amendment deal with our religious liberty. They are

a. Free exercise and establishment  
b. Free exercise and separation  
c. Separation and establishment  
d. Prohibition and establishment

7. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases extended our fundamental liberties by equating free speech with symbolic speech?

d. Everson v. Board of Education (1947)

8. Though this case permitted the controversial Pentagon Papers to be printed, the Court recognized that our freedom of the press could be limited by national security.

c. Everson v. Board of Education (1947)  
d. Gibbons v. Ogden (1824)

9. Where in the U.S. Constitution would you find – “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.”

a. First Amendment  
b. Second Amendment  
c. Fourth Amendment  
d. Fifth Amendment
10. The U.S. Supreme Court in *District of Columbia v. Heller* (2008) argued:

*Undoubtedly some think that the Second Amendment is outmoded in a society where our standing army is the pride of our Nation, where well-trained police forces provide personal security, and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of this Court to pronounce the Second Amendment extinct.*

What was the pragmatic effect of this court precedent?

a. The Second Amendment still allows for strict prohibitions against private gun ownership  
b. The Second Amendment does not endorse violence but it does mandate a strong standing army  
c. The Second Amendment empowers state militias only  
d. The Second Amendment extends the right to own handguns to individuals

3.4  **Explain how the Supreme Court has attempted to balance claims of individual freedom with laws and enforcement procedures that promote public order and safety.**

1. Home is our safest refuge. The “castle doctrine” has been applied to all of the following EXCEPT:

a. Dwelling place  
b. Car  
c. Cell phone  
d. Work computers

2. All of the following amendments provide constitutional protection to the rights of the accused EXCEPT

a. First Amendment  
b. Fourth Amendment  
c. Sixth Amendment  
d. Eighth Amendment

3. Where in the U.S. Constitution would you find: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

a. First Amendment  
b. Third Amendment  
c. Fourth Amendment  
d. Sixth Amendment
4. The Bill of Rights contains many diverse protections. In addition to political rights like speech and press they also protect us from oppressive police powers. All of the following is protected in the Bill of Rights EXCEPT:

a. Protected from being filmed by police  
b. Secure against unreasonable searches and seizures  
c. Right to an attorney  
d. Free from cruel and unusual punishments

5. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases incorporated the exclusionary rule?

b. Gideon v. Wainwright (1963)  
c. Griswold v. Connecticut (1965)  

6. Privacy rights would appear to be one of our basic freedoms. In our lifetime our privacy rights have been compromised due to fear of further terrorist attacks. Congress has formally compromised our individual privacy rights through the passage of

a. Dodd-Frank  
b. Federal Property Management Reform Act  
c. The Patriot and USA Freedom Acts  
d. Inspector General Empowerment Act

7. Among other things the Bill of Rights protects private property. Yet governments can take private property for “public use” as long as “fair compensation” is given. This Fifth Amendment protection is called

a. Necessary and Proper  
b. Ex Post Facto  
c. Exclusionary Rule  
d. Eminent Domain

8. Alexander Hamilton wrote in Federalist 51:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Which of the following statements best summarizes Hamilton’s argument?

a. Both the citizens and the government need to be checked and limited  
b. Governments primary job is to check its citizens in order to secure order  
c. The object of government is to create angels  
d. People depend on the government but the government does not depend on the people
9. The Court has upheld “time, place and manner” (TPM) restrictions on our First Amendment freedoms. All of these conditions must be present if speech and expression limited EXCEPT

a. Content neutral  
b. Serve a significant government interest  
c. Leave open ample alternative channels for communication  
d. Supported by a clear majority of the voters

10. There has always been tension over what constitutes our individual liberties. Our freedoms have never been absolute. Courts have recognized limits. For example, the Court case *Roth v. United States* (1957) protected free speech but not

a. Obscenity  
b. Overt criticism of the president  
c. Symbolic speech  
d. Adult entertainment

### 3.5 Explain the implications of the doctrine of selective incorporation.

1. The Selective Incorporation Doctrine shifted responsibility to the national government in a dramatic way. This power grab has resulted in all of the following EXCEPT

a. Individual rights and liberties have been more thoroughly protected  
b. The Bill of Rights is now efficacious in each individual state  
c. State criminal codes were replaced by federal criminal codes  
d. The national government has become stronger

2. Before being selectively incorporated, the Second Amendment

a. Could not prevent states from passing restrictive gun control laws  
b. Could not adequately arm militias  
c. Did not apply to citizens  
d. Did not prevent Congress from passing restrictive gun control laws

3. The arc of American government is a story characterized by

a. Centralization  
b. De-centralization  
c. Centrifugal tendencies  
d. Increasing state and regional power

4. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases extended the Second Amendment’s right “to bear arms” to the states using the due process clause of the Fourteenth Amendment?

5. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases defined privacy as a fundamental legal protection found implicitly in the Bill of Rights?

b. Gideon v. Wainwright (1963)
c. Griswold v. Connecticut (1965)

6. Due to the incorporation doctrine federal Courts have been able to further define the meaning of our fundamental freedoms like our exercise of religious liberty. In the case Oregon v. Smith (1990) the Court ruled that

a. Free exercise did not apply to unorthodox expressions of faith
b. Free exercise did not protect the ceremonial use of peyote in job discrimination
c. The establishment clause protected opening legislative sessions in prayer
d. The establishment clause defended “In God We Trust” on our currency

7. Some have called the passage of the Fourteenth Amendment as equivalent to having a second constitutional convention. Why?

a. Many of the earlier amendments were rendered null and void
b. The legislative branch forfeited its “law making” power to the Supreme Court
c. The commerce clause was elevated in its authority over state and local governments
d. The national government assumed more authority over state and local governments.

8. The Bill of Rights from the beginning only protected our civil liberties from being infringed by the national government. This Supreme Court decision made clear that the rights contained in the first ten amendments did not apply to the states.

a. Marbury v. Madison (1803)
b. McCulloch v. Maryland (1819)
c. Gibbons v. Ogden (1824)
d. Barron v. Baltimore (1833)

9. In this court case the Supreme Court of the United States for the first time applied free speech to the States.

a. Marbury v. Madison (1803)
b. Dred Scott v. Sandford (1857)
c. Gitlow v. New York (1925)

10. The extension of the Bill of Rights to the States is called

a. Full faith and credit
b. Selective incorporation
c. Privileges and immunities
d. Judicial review
3.6 Explain the extent to which states are limited by the due process clause from infringing upon individual rights.

1. Some have called the passage of the Fourteenth Amendment as equivalent to having a second constitutional convention. The national government assumed more authority over state and local governments. What governing principles were advanced with the passage of the Fourteenth Amendment?

a. Due process and equal protection
b. Eminent domain and separation of powers
c. Federalism and popular sovereignty
d. Equal protection and direct election of Senators

2. The extension of the Bill of Rights to the States is called

a. Full faith and credit
b. Selective incorporation
c. Privileges and immunities
d. Judicial review

3. The Bill of Rights from the beginning only protected our civil liberties from being infringed by the national government. This Supreme Court decision made clear that the rights contained in the first ten amendments did not apply to the states.

a. Marbury v. Madison (1803)
b. McCulloch v. Maryland (1819)
c. Gibbons v. Ogden (1824)
d. Barron v. Baltimore (1833)

4. Where in the U.S. Constitution would you find: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

a. Fourteenth Amendment
b. Sixteenth Amendment
c. Eighteenth Amendment
d. Twenty-Second Amendment

5. In this court case the Supreme Court of the United States for the first time applied free speech to the States.

a. Marbury v. Madison (1803)
b. Dred Scott v. Sandford (1857)
c. Gitlow v. New York (1925)
6. Today virtually all of our civil liberties as guaranteed in the Bill of Rights have been applied to the States. What legal principle has the Supreme Court used to apply the Bill of Rights to the States?

a. Due process  
b. Equal protection  
c. Eminent domain  
d. Exclusionary rule

7. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases used the incorporation doctrine to extend the right to an attorney in State cases?

b. Gideon v. Wainwright (1963)  
c. Griswold v. Connecticut (1965)  

8. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases defined privacy as a fundamental legal protection found implicitly in the Bill of Rights?

b. Gideon v. Wainwright (1963)  
c. Griswold v. Connecticut (1965)  

9. Ultimately the U.S. Supreme Court is empowered to interpret what our laws and privileges mean. A number of landmark court cases have defined the meaning of our rights. Which of the following landmark court cases extended privacy rights to include a woman’s right to choose an abortion?

b. Gideon v. Wainwright (1963)  
c. Griswold v. Connecticut (1965)  
d. Roe v. Wade (1973)

10. What resulted from “selective incorporation”?

a. Little by little the Bill of Rights were applied to the states  
b. Little by little the presidency grew in power  
c. Little by little the Articles of Confederation were changed  
d. Little by little the new constitution was ratified
3.7 Explain how constitutional provisions have supported and motivated social movements.

1. In addition to advancing personal liberties, the Fourteenth Amendment has often been used to support social movements as well. If personal liberties were advanced by “due process,” social movements were advanced by

   a. “Eminent domain”
   b. “Equal protection”
   c. “Habeas corpus”
   d. “Estoppel” protections

2. ___________ protects individuals and their individual rights. ___________ protects groups and their equal treatment.

   a. Civil liberties; civil rights
   b. Civil rights; civil liberties
   c. Civil liberties; eminent domain
   d. Civil rights; eminent domain

3. “The American dilemma” throughout United States history can be summarized as the challenge to extend

   a. Free speech
   b. Economic prosperity
   c. “Equality for all”
   d. Religious liberty

4. Our form of democratic-republicanism upholds majority rules while putting in place protections for minority rights. When rights are extended to minority groups as a whole it is often referred to as

   a. Civil rights
   b. Social contracts
   c. Collective bargaining
   d. Civil societies

5. African-Americans found their quest for civil rights both daunting and frustrating. Jim Crow laws in the South relegated them to second-class citizens. In which political arena did African-Americans find their earliest civil rights successes?

   a. The federal legislative branch
   b. The federal executive branch
   c. The federal judicial branch
   d. State and local governments
6. Civil rights has been extended in a number of Supreme Court landmark cases. In which case would you read the following opinion: “Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system…

We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.”

a. Gibbons v. Ogden (1824)
b. Dred Scott v. Sandford (1857)
c. Plessy v. Ferguson (1896)

7. Which of the following acts of the U.S. Congress outlawed discrimination in public accommodations based upon race?

b. The Civil Rights Act of 1964
c. The Voting Rights Act of 1965

8. African-Americans were not the only marginalized groups to win political victories in the wake of the civil rights movement. Title IX of the Education Amendments in 1972

a. Prohibited any form of discrimination on the basis of age in educational activities
b. Prohibited any form of discrimination on the basis of religion in educational activities
c. Prohibited any form of discrimination on the basis of gender in educational activities
d. Prohibited any form of discrimination on the basis of ethnicity in educational activities

9. Martin Luther King, Jr.’s essay Letter from a Birmingham Jail (1993) inspired many to fight for greater equality. King’s personal message in this essay can be distilled down to

a. “We hold these truths to be self evident that all men are equal.”
b. “Injustice anywhere is a threat to justice everywhere.”
c. “Racism is still with us.”
d. “I am for violence if non-violence means we continue postponing a solution.”

10. Women as well saw their liberties improved during the civil rights movement thanks in part to a number of outspoken leaders. Betty Friedan and others founded the advocacy group

a. The National Organization of Women (NOW)
b. The U.S. Chamber of Commerce
c. The American Federation of Labor (AFL)
d. Americans for Democratic Action (ADA)
3.8 Explain how the government has responded to social movements.

1. __________ segregation is segregation by law and ____________ segregation is segregation by private choice.
   a. De jure; de facto
   b. De facto; de jure
   c. De jure; de bistro
   d. De bistro; de facto

2. Public policy promoting civil rights is influenced by citizen-state interactions and constitutional interpretation over time. There have been times when the state coercively acted to prevent full equality. In this case the U.S. Supreme Court ruled that “separate but equal” was constitutionally protected.
   a. Barren v. Baltimore (1833)
   b. Plessy v. Ferguson (1896)
   d. Roe v. Wade (1973)

3. The early civil rights movement in the 1950s found its greatest successes
   a. In the courts
   b. Through legislative action
   c. Via federal mandates
   d. By way of executive action

4. Segregation, discrimination and prejudice in places of commerce would no longer be accepted due to this historic piece of legislation:
   a. The European Recovery Program (1948)
   b. Civil Rights Act of 1964
   c. The Voting Rights Act of 1965
   d. The Motor Voter Bill (1993)

5. African-Americans were not the only marginalized groups to win political victories in the wake of the civil rights movement. One of the more notable victories occurred for women with this law that prohibited any form of discrimination on the basis of gender in any education program or activity.
   a. The Voting Rights Act of 1965
   b. The Equal Rights Amendment
   c. NOW
   d. Title IX of the Education Amendments of 1972

6. Which of the following best explains the role federalism plays on the extension of civil rights?
   a. Federalism often accelerates the extension of civil rights
   b. Federalism often delays and complicates the extension of civil rights
   c. Federalism often plays no role in the extension of civil rights
   d. Federalism explains why the civil rights movement was successful
7. Rules to suppress black political participation through literacy tests were outlawed in this historical piece of legislation

a. The European Recovery Program (1948)  
b. Civil Rights Act of 1964  
c. The Voting Rights Act of 1965  
d. The Motor Voter Bill (1993)

8. The Brown decision in 1954 was followed up by another Brown decision in 1955. What was the intended purpose of Brown II?

a. State legislatures must vote to overturn all school desegregation plans.  
b. Schools in direct defiance of the court decision would be subject to financial sanctions.  
c. Implementation of desegregation must be realized “with all deliberate speed.”  
d. Segregation in religious places would no longer be accepted.

9. “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

This text is most likely an excerpt from what historic civil rights law?

a. The Voting Rights Act of 1965  
b. The Equal Rights Amendment  
c. The Civil Rights Act of 1964  
d. Title IX of the Education Amendments of 1972

10. “All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin…”

This text is most likely an excerpt from what historic civil rights law?

a. The Voting Rights Act of 1965  
b. The Equal Rights Amendment  
c. The Civil Rights Act of 1964  
d. Title IX of the Education Amendments of 1972

3.9 Explain how the Court has at times allowed the restriction of the civil rights of minority groups and at other times has protected those rights.

1. The arc of civil rights in American history is an inconsistent story. This can best be explained by all of the following reasons EXCEPT

a. Constitutional protections are vague and imprecise  
b. Court precedents have been uneven and shifting.  
c. Institutionalized racism and discrimination is deeply rooted in American culture  
d. Often discriminatory practices, found primarily in rural America, go unnoticed
2. Following the Civil War these laws institutionalized racism and discrimination in the South.

   a. Jim Crow laws
   b. Ex Post Facto laws
   c. Sunset laws
   d. Blue laws

3. The “separate but equal” precedent was established in this landmark civil rights case

   b. *Plessy v. Ferguson* (1896)
   c. *Gibbons v. Ogden* (1824)

4. The “separate but equal” precedent was overturned in this landmark civil rights case

   b. *Plessy v. Ferguson* (1896)
   c. *Gibbons v. Ogden* (1824)

5. In a unanimous Court opinion Chief Justice Warren wrote:

> Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does...

> Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the [black] group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of [black] children and to deprive them of some of the benefits they would receive in a racially integrated school system...

   What was the name of this case?

   b. *Plessy v. Ferguson* (1896)
   c. *Gibbons v. Ogden* (1824)
6. Dissenting in *Plessy v. Ferguson* (1896) Justice Harlan wrote:

*Our Constitution is color-blind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved....*

What founding document best matches the sentiments of Justice Harlan?

a. Mayflower Compact  
b. Declaration of Independence  
c. Federalist Papers  
d. Constitution of the United States

7. This “civil rights policy premised on the concept of group rather than individual rights, which seeks equality of results rather than equality of opportunity.”

a. Eminent domain  
b. Affirmative action  
c. Devolution  
d. Plea bargain

8. Affirmative action programs were put in place to offer racial minorities a chance to catch up for past discrimination. Which of the following would be an example of a constitutionally protected affirmative action program?

a. Racial quotas on university campuses  
b. Reserved seats on the United States Supreme Court for black judges  
c. Congressional districts drawn to assure African-American representatives  
d. Race used as one factor in determining promotion in police and fire departments

9. Though affirmative action programs have been around since the late 1960s the Supreme Court in recent years has shown a willingness to step back from programs that move beyond forbidding racial classifications. “Strict scrutiny” tests, according to this case, are now essential when applying race sensitive admission policies


10. Civil rights protections have proven to be a dynamic force throughout American history. At times they have been restrictive and at other times more permissive. *Bowers v. Hardwick* (1986) upheld state laws that prohibited same sex activities. More recently, in this case state laws banning same sex marriage were overturned