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Test Bank

Chapter 2: Constitutional Limitations

Multiple Choice

1. _____ is a system of government based on a constitution that limits the powers of the government.
*a. Constitutional democracy
b. Legal democracy
c. Constitutional law
d. Criminal law
Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Knowledge
Question Type: MC

2. The rule of _____ has been characterized as "the first principle of the American criminal law and jurisprudence."
a. judiciary
*b. legality
c. clarity
d. democracy
Answer Location: The Rule of Legality
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Knowledge
Question Type: MC

3. A _____ is a legislative act that punishes an individual or group of persons without the benefit of a trial.
a. bill of legality
*b. bill of attainder
c. bill or retainer
d. both b and c
Answer Location: Bills of Attainder and Ex Post Facto Laws
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Knowledge
Question Type: MC

4. The constitutional law against _____ laws is based on the familiar interest in providing individuals notice of criminal conduct and protecting individuals against "after the fact" statutes.

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a. void for vagueness laws
b. statutory clarity laws
c. bill of attainder laws
*d. ex post facto laws
Answer Location: Bills of Attainder and Ex Post Facto Laws, Ex Post Facto Laws
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Comprehension
Question Type: MC

5. The _____ doctrine was aimed at ensuring that statutes clearly inform citizens of prohibited acts while simultaneously providing definite standards for the enforcement of the law.
*a. void for vagueness
b. void for ignorance
c. ignorance of the law
d. none of the above
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: MC

6. The courts apply a(n) _____ test in examining distinctions based on race and national origin.
a. rational basis
b. intermediate scrutiny
*c. strict scrutiny
d. all of the above
Answer Location: Equal Protection, Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: MC

7. The courts have adopted a level of _____ for classification on gender.
a. rational basis
*b. intermediate scrutiny
c. strict scrutiny
d. all of the above
Answer Location: Equal Protection, Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: MC

8. Which of the following is **not** a protection under the Equal Protection Clause?
a. Rational basis
b. Intermediate scrutiny
c. Strict scrutiny
*d. None of the above

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Answer Location: Equal Protection, Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Comprehension
Question Type: MC

9. The _____ to the US Constitution provides that "Congress shall make no law . . . abridging the freedom of speech or of the press."
*a. First Amendment
b. Fourth Amendment
c. Second Amendment
d. Ninth Amendment
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

10. _____ are the first 10 amendments to the US Constitution that create rights against the federal government.
a. Preamble
*b. Bill of Rights
c. Bill of Amendments
d. Bill of Action
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

11. The majority of the first 10 amendments now apply to the state governments as well as the federal government by means of _____.
a. inspection
b. precedence
c. legislation
*d. incorporation
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

12. Which of the following categories of speech are not protected by the First Amendment?
a. Fighting words
b. Hate speech
*c. Protest speech
d. Obscenity

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Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: MC

13. The doctrine of _____ provides that a statute is unconstitutional if it is drafted so broadly and imprecisely that it encompasses and prohibits a substantial amount of protected speech relative to the coverage of the statute.
*a. overbreadth
b. jurisprudence
c. overcriminalization
d. multiple penology
Answer Location: Overbreadth
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

14. Which of the following is not a concern protected by the right to privacy?
a. Sanctity of the home
b. Intimate activities
c. Information
*d. Child care
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the "zone of privacy
Cognitive Domain: Comprehension
Question Type: MC

15. _____ is defined as speech that denigrates, humiliates, and attacks individuals on account of race, religion, ethnicity, nationality, gender, sexual preference, or other personal characteristics and preferences.
*a. Hate speech
b. Libel
c. Threat
d. Obscenity
Answer Location: Hate Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

16. Which amendment(s) prohibit(s) depriving individuals of "life, liberty, or property without due process of the law"?
a. Fifth Amendment

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b. Fourteenth Amendment
*c. Both a and b
d. None of the above
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: MC

17. _____ are penal offenses that are directed against an individual who is a member of a "protected group."
a. Safe crimes
*b. Hate crimes
c. Discriminatory crimes
d. All of the above
Answer Location: Hate Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Knowledge
Question Type: MC

18. Which of the following constitutional provision(s) create(s) the right to privacy?
a. First Amendment
b. Third Amendment
c. Ninth Amendment
*d. All of the above
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the "zone of privacy."
Cognitive Domain: Knowledge
Question Type: MC

19. Which case was the first to recognize the right to privacy?
*a. *Griswold* v. *Connecticut*
b. *Lawrence* v. *Texas*
c. *State* v. *Stanko*
d. *Carey* v. *Population Services International*
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Knowledge
Question Type: MC

20. The doctrine of legality is reflected in which of the following constitutional principles?
a. Bill of attainder
b. Ex post facto laws

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c. Statutory clarity
*d. All of the above
Answer Location: The Rule of Legality
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: MC

21. Gun rights activists contend that the second amendment is _____.
*a. not limited to members of the militia because gun ownership is essential to the preservation of individual liberty
b. not limited to members of the militia because gun ownership is an individual choice
c. limited only to members of the militia and national guard as outlined in the constitution
d. limited only to those employed by the armed forces and hunters
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Comprehension
Question Type: MC

22. The holding in *District of Columbia v. Heller* held that _____.
a. the Second Amendment protects those affiliated with the militia and their right to bear arms
*b. the Second Amendment protects the rights of individuals to possess firearms
c. the Second Amendment is up to the state to legislate and enforce as they deem appropriate
d. the Second Amendment is limited to those affiliated with the militia and those acting in self-defense only
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Comprehension
Question Type: MC

23. What are the three different tests under the Equal Protection Clause in order from least restrictive to most restrictive?
a. Rational basis, severe scrutiny, and intermediate basis
*b. Rational basis, intermediate scrutiny, and strict scrutiny
c. Rational basis, strict scrutiny, and intermediate scrutiny
d. Intermediate scrutiny, strict scrutiny, severe scrutiny
Answer Location: Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Comprehension
Question Type: MC

24. Which is not a core concern protected by the right to privacy?
a. Sanctity of the home
b. Intimate activities
*c. Illegal activities
d. Public portrayal
Answer Location: The Constitutional Right to Privacy

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Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Comprehension
Question Type: MC

25. Which is an activity that would not be protected by the right to privacy?
*a. Taking the trash out to the dumpster in an alleyway
b. A telephone conversation taking place between two parties in their own homes
c. Planting a garden within a fenced backyard
d. Doing dishes in a kitchen near an open window
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Application
Question Type: MC

26. The holding in *Chaplinsky v. New Hampshire* is _____.
a. a speaker cannot be punished for speech that merely "stirs to anger, invites dispute, brings about a condition of unrest, or creates a disturbance"
b. words that are directed to another individual that an ordinary and reasonable person should be aware will likely cause a fight are prohibited under the peaceful protest doctrine.
*c. words that are directed to another individual that an ordinary and reasonable person should be aware will likely cause a fight are prohibited under the fighting words doctrine.
d. words that are directed to another individual that are subjectively offensive and will likely cause a fight are prohibited under the fighting words doctrine
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: MC

27. In which case did the US Supreme Court decline to ban the carrying of firearms in sensitive places such as schools and government buildings and decline to prohibit gun sales to felons and the mentally challenged but allow states to regulate in these categories as they desire.
a. *McDonald v. Chicago*
*b. *District of Columbia v. Heller*
c. *Moore v. Madigan*
d. *Kachalsky v. County of Westchester*
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Comprehension
Question Type: MC

28. Although *Heller* and *McDonald* held that "the need for defense of self, family, and property is most acute in the home," this does not mean "it is not acute outside the home" recognizing

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individuals may need to carry a weapon to defend themselves as they leave their homes in everyday life. Which is this case?
a. *McDonald v. Chicago*
b. *District of Columbia v. Heller*
*c. *Moore v. Madigan*
d. *Kachalsky v. County of Westchester*
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Comprehension
Question Type: MC

29. James lives in Chicago where parking can be difficult to find. James drives his car to work daily. After arriving home from work he was unable to find a parking space on the street and so he parked in an alleyway behind his home as he had done many times before. The next day, while James is at work, legislation passes to ban parking in alleyways for safety reasons. When he arrives at home he is easily able to find a parking space on the street directly in front of his property. As he is preparing dinner an officer appears at his front door and writes him a ticket based on the newly enacted law and the fact that the previous night, before the law was enacted, he had parked in the alley. Which statement applies?
*a. This is an example of an ex post facto law and it is improper to hold James accountable for actions legal at the time they were committed.
b. This is an example of a bill of attainder and it is improper to hold James accountable for actions legal at the time they were committed.
c. This is an example of an ex post facto law and it is proper to hold James accountable for actions legal at the time they were committed.
d. This is an example of a bill of attainder and it is proper to hold James accountable for actions legal at the time they were committed.
Answer Location: Ex Post Facto Laws
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Application
Question Type: MC

30. Which is a requirement of due process?
a. Individuals must receive notice of criminal conduct
b. Police must have definite standards to ensure uniformity of enforcement
c. Clarity of criminal statutes
*d. All of the above
e. None of the above
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: MC

31. Adnon is arrested for possessing a firearm in his vehicle. He believes he is within his rights. What may he rely on in his defense?

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a. The First Amendment
*b. The Second Amendment
c. Ex post facto laws
d. Civil liberties
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Application
Question Type: MC

32. Timothy is a recent high school graduate. Despite many difficulties in life, he has a high GPA and SAT score. A few years ago his parents got divorced, his house was foreclosed on, and he and his mother were forced to move to a trailer park. He applied to a nearby state university in hope to continue his studies but he was denied. He believes he was denied admittance because he comes from a poor family. If he challenges this decision as an equal protection violation, what test will be used?
a. Intermediate scrutiny
*b. Rational basis
c. Strict scrutiny
d. Preponderance of the evidence
Answer Location: Equal Protection
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Application
Question Type: MC

33. A new ordinance limits habitation on certain streets to ethnic minorities to preserve culture and heritage. Little italy, chinatown, little india, etc., can only have residents of the predominant ethnicity. Jillian wishes to move to chinatown to be close to her favorite restaurants but the ordinance prohibits this. If challenged as an equal protection violation, which standard is appropriate?
a. The ordinance is presumed valid so long as it is rationally related to a constitutionally permissible state interest.
b. The ordinance must be substantially related to an important government objective.
*c. The ordinance must be strictly necessary and there must be no alternative approach to advancing a compelling state interest.
d. The ordinance must be logically related to a historic interest beyond a reasonable doubt
Answer Location: Equal Protection
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Application
Question Type: MC

34. A system of government in which governmental power is limited by the constitution is what type of government?
a. Tyranny
b. Republic
c. Democracy
*d. Constitutional democracy

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Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: MC

35. Jimmy comes from a family of Jehovah's Witnesses. Their faith dictates that they not participate in the pledge of allegiance or national anthem. Jimmy is just in sixth grade and at the beginning of each school day the pledge of allegiance is said. He does not want to participate but was told that if he fails to do so he will be expelled. Does Jimmy have the right to choose whether or not to participate?
a. No, patriotism takes precedence over personal beliefs.
*b. Yes, the government may not require individual expression.
c. No, the government may require individual expression only when it is reaffirming the allegiance to the US.
d. Yes, the government may only require individual expression in necessary circumstances.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Application
Question Type: MC

36. A statute punishing a crime against nature is likely _____.
*a. void for vagueness
b. a violation of equal protection
c. barred by the first amendment
d. a well-drafted statute
Answer Location: Void for Vagueness
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: MC

37. The holding in *Kolender v. Lawson* states _____.
a. the right to bear arms extends to citizens with no connection to the militia
b. fighting words are not protected by the First Amendment
*c. void for vagueness was aimed to inform citizens of prohibited acts and provide definite standards for the enforcement of the law
d. ex post facto laws are prohibited
Answer Location: Definite Standards for Law Enforcement
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: MC

38. Which is not a constitutional constraint?
a. Freedom of speech

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b. Statutory clarity
c. Privacy
*d. Stigmatization
Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: MC

39. Which constitutional constraint was referred to by Justice Oliver Wendell Holmes Jr. as "the last resort of constitutional argument."
a. Freedom of speech
b. Void for vagueness
*c. Equal protection clause
d. Ex post facto laws
Answer Location: Equal Protection
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Comprehension
Question Type: MC

40. Timothy went to buy a gun and obtain a hunting license so he can go on a company hunting retreat. The retreat begins the very next day and he anticipates no problems getting his license and weapon. As he arrives at the sporting goods store to buy his weapon and ammunition, he is told that there is a 48-hour waiting period before he can obtain the gun because the store is legally required to complete a background check. Is this waiting period likely constitutional?
a. No, states may not regulate their own gun laws.
b. No, gun laws are made at the federal level only to ensure uniformity.
c. Yes, because the requirement passes the strict scrutiny test.
*d. Yes, because states may not infringe on the right to possess a weapon but they may enact certain limitations.
Answer Location: The Right to Bear Arms
Learning Objective: 1.7 Know the meaning of the Second Amendment and the right to bear arms
Cognitive Domain: Application
Question Type: MC

41. Incorporation theory has resulted in what?
a. A system of individual rights that varies greatly from state to state
*b. A fairly ununiform state system of individual rights
c. A disregard for the Model Penal Code
d. Disparate treatment of criminal defendants
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: MC

42. Are all categories of speech not protected by the First Amendment are criminal in nature?

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a. Yes, all speech not protected may be prosecuted.
*b. No, libel is a civil proceeding.
c. Yes, anything can be criminalized.
d. Not if it is unintentional.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: MC

43. The limitations on government power reflect the framers' belief that individuals possess natural and unalienable rights that may be restricted only when absolutely necessary to ensure what?
a. The efficiency of government rule
*b. Social order and stability
c. The allegiance of all to the federal government
d. The social contract remains intact
Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: MC

44. Bernardine is politically active and goes to nearly every rally. She and her friends feel a responsibility to speak out against what they view as injustices. New legislation calls for all protesters to be imprisoned without trial. This is an example of what?
*a. Bill of attainder
b. Ex post facto law
c. Violation of due process
d. Violation of civil rights and liberties
Answer Location: Bills of Attainder
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Application
Question Type: MC

45. The right to privacy extends to encompass a woman's decision whether or not to terminate her pregnancy.
*a. Always
b. Never
c. When presented with compelling circumstances
d. When the balance of harm tips in favor of termination only
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Comprehension
Question Type: MC

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True/False

46. True or false? The rule of judiciary has been characterized as the first principle of the American criminal law and jurisprudence.
a. True
*b. False
Answer Location: The Rule of Legality
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Knowledge
Question Type: TF

47. True or false? In the American democratic system, constitutional provisions do not limit the power of the federal and state governments to enact criminal statutes.
a. True
*b. False
Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: TF

48. True or false? *Ex post facto* laws are legislative acts that punish an individual or group of persons without the benefit of a trial.
a. True
*b. False
Answer Location: Ex Post Facto Laws
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Knowledge
Question Type: TF

49. True or false? Due process ensures clarity in criminal statutes.
*a. True
b. False
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: TF

50. True or false? The US Supreme Court has stressed that lack of standards presents the danger that a law will be applied in a discriminatory fashion against minorities and the poor.
*a. True
b. False
Answer Location: Definite Standards for Law Enforcement
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Knowledge

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Question Type: TF
51. True or false? Broadly worded statutes are not a threat to a democratic system because it allows a trial judge to express discretion when deciding cases.
a. True
*b. False
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: TF
52. True or false? The US Constitution originally did not provide for the equal protection of the law.
*a. True
b. False
Answer Location: Equal Protection
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: TF

53. True or false? Criminal statutes do not make distinctions based on factors such as age, race, and gender.
a. True
*b. False
Answer Location: Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: TF
54. True or false? There are no limits to the freedom of speech.
a. True
*b. False
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: TF

55. True or false? The government may neither require nor substantially interfere with individual expression.
*a. True
b. False
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Comprehension
Question Type: TF

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56. True or false? The right to privacy recognizes that we are free to make the day-to-day decisions that define our unique personalities.
*a. True
b. False
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Comprehension
Question Type: TF

57. True or false? The rule of democracy requires that individuals receive notice of prohibited acts.
a. True
*b. False
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: TF

58. True or false? Classifications on gender are subject to strict scrutiny.
a. True
*b. False
Answer Location: Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: TF

59. True or false? Individual rights and liberties do not need to be balanced against the need for social order and stability.
a. True
*b. False
Answer Location: Introduction
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Knowledge
Question Type: TF

60. True or false? The constitutional rule against *ex post facto* laws is based on the familiar interests in providing individuals notice of criminal conduct.
*a. True
b. False
Answer Location: Ex Post Facto Laws
Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws
Cognitive Domain: Comprehension
Question Type: TF

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61. True or false? Due process requires that criminal statutes be drafted in a clear and understandable fashion.
*a. True
b. False
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Knowledge
Question Type: TF

62. True or false? Judges limit the application of the void for vagueness doctrine to cases in which the constitutionally protected rights and liberties of people to meet, greet, congregate in groups, move about, and to express themselves are threatened.
*a. True
b. False
Answer Location: Void for Vagueness
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Knowledge
Question Type: TF

63. True or false? The courts apply an intermediate scrutiny test in examining distinctions based on race and national origin.
a. True
*b. False
Answer Location: Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Knowledge
Question Type: TF
64. True or false? Only one constitutional provision creates the right to privacy.
a. True
*b. False
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Comprehension
Question Type: TF
65. True or false? Privacy laws protect the freedom to make choices concerning personal lifestyle and an individual's body and reproduction.
*a. True
b. False
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Comprehension
Question Type: TF

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Short Answer and Essay

66. What are the three main differences between a bill of attainder and *ex post facto* laws?
(1) A bill of attainder punishes a specific individual or specific individuals. An *ex post facto* law criminalizes an act that was legal at the time the act was committed. (2) A bill of attainder is not limited to criminal punishment and may involve any disadvantage imposed on an individual; *ex post facto* laws are limited to criminal punishment. (3) A bill of attainder imposes punishment on an individual without trial. An *ex post facto* law is enforced in a criminal trial.
Answer Location: Ex Post Facto Laws

Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws

Cognitive Domain: Analysis
Question Type: Short answer/Essay

67. What are the categories of *ex post facto* laws as established in *Calder* v. *Bull*?
(1) Every law that makes an action, done before the passing of the law, and was innocent when done, criminal; and punishes such action. (2) Every law that aggravates a crime, or makes it greater than it was, when committed. (3) Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. (4) Every law that alters the legal rules of evidence, and receives less, or different, testimony, than the law required at the time of the commission of the offense, in order to convict the offender.
Answer Location: Ex Post Facto Laws

Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws

Cognitive Domain: Application
Question Type: Short answer/Essay

68. What does due process require?
Due process requires that criminal statutes should be drafted in a clear and understandable fashion. Statutes that fail to meet this standard are considered unconstitutional. Due process requires that individuals receive notice of criminal conduct and that the police, prosecutors, judges, and jurors are provided with a reasonably clear statement of prohibited behavior so as to ensure uniform and nondiscriminatory enforcement of the law.
Answer Location: Statutory Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Comprehension
Question Type: Short answer/Essay

69. Why does the right to privacy lack a clear meaning?
The right to privacy lacks a clear meaning because it is not explicitly mentioned in the U.S. Constitution, but it is argued that privacy is implied. There are also difficulties in determining just how much privacy an individual is entitled to especially when acts are committed within the privacy of the home.
Answer Location: The Constitutional Right to Privacy

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Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Analysis
Question Type: Short answer/Essay

70. What are the main categories of speech whose content are not protected by the First Amendment?
Fighting words, incitement to violent action, threat (true threats), obscenity, and libel. Students may briefly describe each of these categories.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Application
Question Type: Short answer/Essay

71. What are the common characteristics of speech lacking First Amendment protection?
The expressions lack social value, directly cause social harm or injury, and are narrowly defined in order to avoid discouraging and deterring individuals from engaging in free and open debate.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Analysis
Question Type: Short answer/Essay

72. What is the rule of legality?
The rule of legality is considered to be the first principle of American criminal law and jurisprudence and is reflected in two constitutional principles: Bills of attainder and *ex post facto* laws and the constitutional requirement for statutory clarity. Students must briefly describe each of these concepts and may provide examples.
Answer Location: The Rule of Legality
Learning Objective: 1.1 Explain the rule of legality
Cognitive Domain: Comprehension
Question Type: Short answer/Essay

73. What are the four functions central to democracy performed by freedom of expression under the First Amendment as identified by Thomas I. Emerson?
Freedom of expression contributes to individual self-fulfillment by encouraging individuals to express their ideas and creativity, ensures a vigorous “marketplace of ideas,” promotes social stability, and ensures that there is a steady stream of innovative ideas and enables the government to identify and address newly arising issues. Students may briefly discuss each of the functions or provide examples.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Application
Question Type: Short answer/Essay

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74. What is the difference between hate speech and hate crimes? Provide examples from media portrayals, personal experiences, or situations you may have witnessed. What are some ways society can combat hate speech and hate crimes?
Students must thoroughly define hate speech and hate crime and discuss each of their significance through given examples by providing specifics such as who committed the acts and who it was directed against. Students must also discuss ways of combating hate speech and hate crimes through constructive means such as legislative actions, media campaigns, local projects, etc.
Answer Location: Hate Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Analysis
Question Type: Short answer/Essay

75. Where is the act of privacy found in the Constitution? What was the first case that recognized the right to privacy? Why do we have the right to privacy? Do you believe that under certain conditions, we should give up our right to privacy in return for protection? Why or why not?
Students must recognize that privacy is not explicitly mentioned in the Constitution, but it is implied, especially in the First, Third, and Ninth Amendments. The first case to recognize the constitutional right to privacy is *Griswold* v. *Connecticut*. Students must take a position and discuss their personal opinions on the right to privacy.
Answer Location: The Constitutional Right to Privacy
Learning Objective: 1.6 Understand the constitutional basis for the right to privacy and the type of acts that are protected within the zone of privacy
Cognitive Domain: Analysis
Question Type: Short answer/Essay

76. Describe the differences between the three levels of scrutiny under the Equal Protection Clause. Can an individual challenge a law on grounds of discriminatory impact of a seemingly neutral law? Why or why not? Use an example from your text to support your answer.
Students must describe the three levels of scrutiny (rational basis, intermediate scrutiny, and strict scrutiny) and discuss their significance to protecting individuals' rights. Students must recognize that laws may be challenged despite their seemingly neutral nature if these laws are ultimately biased against protected groups. Examples may include cases provided in the text for each of the levels of scrutiny.
Answer Location: Three Levels of Scrutiny
Learning Objective: 1.4 Describe the three levels of scrutiny under the Equal Protection Clause
Cognitive Domain: Application
Question Type: Short answer/Essay

77. Decide whether or not you believe the government should be able to punish citizens for breaking *ex post facto* laws, and explain your position.
Students may first define *ex post facto* laws. They must analyze the implications of *ex post facto* laws, perhaps by providing the advantages and disadvantages of allowing prosecution of individuals who break these laws.

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Answer Location: Ex Post Facto Laws

Learning Objective: 1.2 Distinguish between bills of attainder and *ex post facto* laws

Cognitive Domain: Analysis
Question Type: Short answer/Essay

78. Discuss the significance of the ruling in *Coates* v. *Cincinnati* when analyzing the concepts of statutory clarity and void for vagueness. Do you agree with the ruling of the case? Why or why not?
Coates v. *Cincinnati* ruled that an ordinance was unconstitutionally void for vagueness that declared that it was a criminal offense for "three or more persons to assemble . . . on any of the sidewalks . . . and there conduct themselves in a manner annoying to persons passing by." The statute failed to convey specificity; thus, it would have been unjust to prosecute individuals based on a law that is ultimately vague. Students must discuss what statutory clarity and void for vagueness entails and why these concepts may or may not help protect individual rights. Students must also discuss why they agree or disagree with the ruling in *Coates* v. *Cincinnati*. They may provide examples.
Answer Location: Clarity
Learning Objective: 1.3 Understand the importance of statutory clarity and know the legal test for identifying laws that are void for vagueness
Cognitive Domain: Analysis
Question Type: Short answer/Essay

79. Should there be some limit to freedom of speech? Why or why not? There are five main categories of speech whose content are not protected by the First Amendment. Can you think of any other categories or types of speech that should not be protected by the First Amendment? Explain.
Students must take a position on whether there should or should not be limits to speech and whether there are other types of speech that should not be protected by the First Amendment. They may use examples to strengthen their arguments.
Answer Location: Freedom of Speech
Learning Objective: 1.5 Discuss the importance of freedom of expression and the categories of expression that are not protected by the First Amendment
Cognitive Domain: Analysis
Question Type: Short answer/Essay

80. Consider life in a country that does not provide safeguards for civil liberties. How would your life be changed? How would it stay the same?
Students must discuss the significant changes in their lives if they move to a country without any safeguards for civil liberties. They must also discuss whether there are any aspect that would stay the same.
Answer Location: Incorporates multiple sections from the chapter
Learning Objective: Incorporates all 7 learning objectives from the chapter
Cognitive Domain: Application
Question Type: Short answer/Essay

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