

# LAW & SOCIAL JUSTICE

## MID-TERM QUIZ

**PROFESSOR FRED GALVES**  
**FRIDAY, APRIL 1, 2016**

**MULTIPLE CHOICE QUIZ**  
**(1 HOUR) 60 MINUTES**

### 35 QUESTIONS

1. Which of the following best describes “Equality” and “Sameness”:
  - (A) These are two terms that legally mean the same thing regarding fairness;
  - (B) In order to have legal racial equality, we need to recognize that the races are the same;
  - (C) In order to have legal racial equality, we do not need to recognize that the races are the same;
  - (D) It is impossible to have legal racial equality when the races are actually not the same, that is why we need affirmative action programs to make things the same for all;
  
2. Which of the following best describes “Federalism?”
  - (A) The Supremacy Clause in the US Constitution means that the federal constitution is the Supreme Law of the Land, over state governments and state constitutions;

- (B) The Separation of Powers requires a shared system of checks and balances between the federal and state governments;
  - (C) Judicial Activism means that US Justices should not always rule that the federal government has more power than state governments;
  - (D)** There is a competing tension between state and federal power than needs to be constitutionally shared so that the federal government does not overrun state power;
3. If a litigant wins a case at the US District Court (Trial Court Level), then at the next level of court review, that litigant will be referred to as:
- (A) The Petitioner;
  - (B) The Respondent;
  - (C) The Appellant;
  - (D)** The Appellee;
4. What best describes the “*Lochner* era” in constitutional law history:
- (A)** A time when the US Supreme Court struck down laws designed to help workers under a “Liberty of Contract” theory;
  - (B) A time when the US Supreme Court upheld laws designed to protect the Government under the “Clear and Present Danger” Test;
  - (C) A time when the US Supreme Court first developed the “Strict Scrutiny Test”;
  - (D) A time when the US Supreme Court developed the “Living Constitution” idea in order to compete with the “Original Intent” theory of Constitutional Interpretation:

5. Which of the following best describes “Political Impact Litigation”?
- (A) It is when litigators lobby Congress or the Executive to effect political change;
  - (B)** It is when litigators lobby Courts by filing lawsuits to effect political change;
  - (C) It is when litigators file Amicus Curia briefs with the US Supreme Court to effect political change;
  - (D) It is when lawyers appeal cases to the Supreme Court to effect political change:
6. Which of the following best describes “Judicial Review”?
- (A)** The power of the Judicial Branch to declare acts of Congress and Orders of the Executive Branch as unconstitutional;
  - (B) The power of the Judicial Branch to review trial court cases which have legally interpreted Acts of Congress and Orders of the Executive Branch;
  - (C) The power of the Judicial Branch to review lower court cases and either affirm or reverse them;
  - (D) The power of the Judicial Branch to review its own former precedents and overrule them if they are no longer constitutional;
7. In *Dred Scott v. Sandford*, the US Supreme Court:
- (A) Created the “Separate but Equal” Doctrine;
  - (B) Held that former slaves were not a “suspect class”;
  - (C) Held that Congress could declare former slaves as citizens;
  - (D)** Held that former slaves were not citizens;

8. The Post-Civil War Amendments to the US Constitution provided that:
- (A) Slavery is abolished, states cannot deny due process or equal protection of the law, and Blacks are guaranteed the right to vote;
  - (B) Slavery is abolished, states and the federal government cannot deny due process or equal protection of the law, and Blacks are guaranteed the right to vote;
  - (C) Slavery is abolished, the federal government cannot deny due process or equal protection of the law, and Blacks are guaranteed the right to vote;
  - (D) Slavery is abolished, states, cities, and the federal government cannot deny due process or equal protection of the law, and Blacks are guaranteed the right to vote;
9. The US Supreme Court in the *Civil Rights Cases* in the late 1800s struck down the Civil Rights legislation of that era as unconstitutional because that legislation:
- (A) Was based on the Interstate Commerce Clause, instead of the 14<sup>th</sup> Amendment;
  - (B) Was based on the 14<sup>th</sup> Amendment, instead of the Interstate Commerce Clause;
  - (C) Was based on both the 14<sup>th</sup> Amendment, and the Interstate Commerce Clause;
  - (D) Was based on neither the 14<sup>th</sup> Amendment, nor the Interstate Commerce Clause;
10. In *Plessy v. Ferguson*, the US Supreme Court:
- (A) Struck down segregation, under the “Separate but Equal” Doctrine;
  - (B) Upheld segregation, under the “Separate but Equal” Doctrine;

- (C) Upheld segregation, under the “Separate is inherently Unequal” Doctrine;
  - (D) Struck down segregation, under the “Separate is inherently Unequal” Doctrine;
11. In *Brown v. Board of Education*, the US Supreme Court:
- (A) Struck down segregation, under the “Separate but Equal” Doctrine;
  - (B) Upheld segregation, under the “Separate but Equal” Doctrine;
  - (C) Upheld segregation, under the “Separate is inherently Unequal” Doctrine;
  - (D)** Struck down segregation, under the “Separate is inherently Unequal” Doctrine;
12. What case makes the Equal Protection Clause applicable to the federal government?
- (A) *Milliken v. Bradley*;
  - (B) *Swann v. Charlotte Mecklenburg*;
  - (C) *Cooper v. Aaron*;
  - (D)** *Bolling v. Sharpe*;
13. What case held that courts cannot take into account outlying school districts with no history of segregation in fashioning a bussing remedy to address district wide re-segregation concerns in the future?
- (A)** *Milliken v. Bradley*;
  - (B) *Swann v. Charlotte Mecklenburg*;

- (C) *Shelley v. Kramer*;
- (D) *Brown v. Board II*;
14. What case held that private discrimination agreements can be struck down under the 14<sup>th</sup> Amendment Equal Protection Clause when enforced in court?
- (A) *Heart of Atlanta Motel v. US*;
- (B) *Parents v. Seattle School Dist.*
- (C) *Shelley v. Kramer*;
- (D) No case held this because the “State Action Doctrine” of the 14<sup>th</sup> Amendment Equal Protection Clause makes all private discrimination beyond the reach of the 14<sup>th</sup> Amendment;
15. What is “red-lining”?
- (A) Discriminating by not offering loans to those living in racially identified neighborhoods;
- (B) Discriminating by only offering very expensive loans to those living in racially identified neighborhoods;
- (C) Discriminating by not bussing out of and into racially identified neighborhoods;
- (D) Discriminating by not providing equal accommodations in schools located in racially identified neighborhoods;
16. What case first held that affirmative action programs are constitutional as long as no specific quotas are used?
- (A) *Fullilove v. Klutznick*;

- (B) Richmond v. Croson;
  - (C) Bakke v. Board of Regents;
  - (D) Adarand Construction v. Peña;
17. In the University of Michigan affirmative action cases: Grutter v. Bollinger and Gratz v. Bollinger, one affirmative action program of the university was struck down as an unconstitutional Equal Protection violation, but the other one was upheld as a constitutional Equal Protection non-violation. Which of the following is true?
- (A) Grutter was struck down, but Gratz was upheld, because Grutter had a specific point system for minorities, whereas Gratz had no specific point system and being a minority was just a “plus factor”;
  - (B) Gratz was struck down, but Grutter was upheld, because Gratz had a specific point system for minorities, whereas Grutter had no specific point system and being a minority was just a “plus factor”;
  - (C) Grutter was struck down, but Gratz was upheld, because Grutter was trying to remedy historic discrimination, whereas in Gratz there was no history of discrimination and the program was just valuing diversity by trying to obtain a “critical mass” of minorities;
  - (D) Gratz was struck down, but Grutter was upheld, because Gratz was trying to remedy historic discrimination, whereas in Grutter there was no history of discrimination and the program was just valuing diversity by trying to obtain a “critical mass” of minorities;
18. In Bradwell v. State, the US Supreme Court held that the state’s denial of the right for women to practice law was not a constitutional violation because the state’s denial to Ms. Bradwell:
- (A) Satisfied the strict scrutiny test;

- (B) Satisfied the mid-level strict scrutiny test;
  - (C) Satisfied the rational basis test;
  - (D)** Was not a “privileges and immunities” violation;
19. In *Frontiero v. Richardson*, the US Supreme Court held that the state’s denial of medical benefits to women as a “bread winner” was unconstitutional because the Air Force’s denial of benefits to Mrs. Frontiero because she was a woman:
- (A)** Did not satisfy the strict scrutiny test;
  - (B) Did not satisfy the mid-level strict scrutiny test;
  - (C) Did not satisfy the rational basis test;
  - (D) Was a “privileges and immunities” violation;
20. In *Craig v. Boren*, the US Supreme Court held that the state’s discrimination against men aged 18-21 in the restriction of the sale of 3.2 beer to them for traffic safety purposes was unconstitutional because the law:
- (A) Did not satisfy the strict scrutiny test;
  - (B)** Did not satisfy the mid-level strict scrutiny test;
  - (C) Did not satisfy the rational basis test;
  - (D) Was a “privileges and immunities” violation;
21. The “Strict Scrutiny” test applies when there is a law discriminating or regulating the following:
- (A) Race or a fundamental right;
  - (B) Race and National Origin;



- (C) Race, National Origin, or a fundamental right;
  - (D) Race, National Origin, Color, or a fundamental right;
22. In the *Michael M. v. Sonoma County Ct.* case, the Court addressed the issue of statutory rape, where only men can be guilty of statutory rape because it was assumed under the law that only underage women cannot consent, but underage boys can consent. The Court held:
- (A) The state had a compelling state interest in preventing teen pregnancies so the law was constitutional;
  - (B) The state did not have a compelling state interest in preventing teen pregnancies so the law was unconstitutional;
  - (C) The state had a strong governmental interest in preventing teen pregnancies so the law was constitutional;
  - (D) The state did not have a strong governmental interest in preventing teen pregnancies so the law was unconstitutional;
23. What case held that affirmative action programs for underrepresented women are valid and not a violation of the Civil Rights Act?
- (A) *Johnson v. Transportation Ag.*;
  - (B) *Automobile Workers v. Johnson*;
  - (C) *US v. Virginia*;
  - (D) *Rostker v. Goldberg*;
24. In *Stanley v. Georgia*, the US Supreme Court held that the personal possession of obscene materials was:
- (A) Protected, because there was a First Amendment Right to them;

- (B) Not protected, because there was not a First Amendment Right to them;
  - (C) Not protected, because there was not a Right to Privacy to them;
  - (D)** Protected, because there was a Right to Privacy to them;
25. Which of the following cases first recognized a constitutional right to privacy?
- (A) *Roe v. Wade*;
  - (B) *Planned Parenthood v. Casey*;
  - (C) *Harris v. McCrae*;
  - (D)** *Griswold v. Connecticut*;
26. Which of the following cases upholds as constitutional the most onerous regulations on the right to an abortion?
- (A) *Akron v. Akron Ctr. Rep. Health*;
  - (B)** *Planned Parenthood v. Casey*;
  - (C) *Stenberg v. Carhart*;
  - (D) *Gonzalez v. Carhart*;
27. Which of the following cases uses the “clear and convincing” standard as a requirement before an action can be taken?
- (A) *Vacco v. Quill*;
  - (B)** *Cruzan v. Dir., Missouri Dept.*;
  - (C) *Stenberg v. Carhart*;

- (D) *Gonzalez v. Carhart*;
28. In *Romer v. Evans*, the US Supreme Court held that Colorado’s Amendment 2 to remove “special rights” for gays was struck down as unconstitutional because Colorado’s Amendment 2:
- (A) Did not satisfy the strict scrutiny test;
  - (B) Did not satisfy the mid-level strict scrutiny test;
  - (C) Did not satisfy the rational basis test;
  - (D) Did not satisfy the “right to privacy”;
29. Which of the following cases struck down “DOMA” – the Defense of Marriage Act:
- (A) *US v. Windsor*;
  - (B) *Bowers v. Hardwick*;
  - (C) *Lawrence v. Texas*;
  - (D) *Obergefell v. Hodges*;
30. Which of the following cases created the “Clear and Present Danger” Test:
- (A) *Dennis v. US*;
  - (B) *Abrams v. US*;
  - (C) *Gitlow v. NY*;
  - (D) *Schneck v. US*;

31. In the *Walker v. Texas (Confed. Sons)* case, what was the big mistake the attorney for the Texas Confed. Sons made during oral argument?
- (A) Arguing only for 1<sup>st</sup> Amendment rights but not freedom of association rights;
  - (B)** Arguing only for the 1<sup>st</sup> Amendment rights of the Confederate Sons;
  - (C) Arguing only against the 1<sup>st</sup> Amendment rights of Texas;
  - (D) Admitting that the Confederate Sons could have just put a confederate battle flag bumper sticker on their cars;
32. Which of the following cases allowed a high school student to wear a black arm band to protest the Vietnam War as protected symbolic speech, even for high school students?
- (A) *Cohen v. California*;
  - (B) *R.A.V. v. St. Paul*;
  - (C)** *Tinker v. Des Moines Sch. Dist.*;
  - (D) *Morse v. Frederick*;
33. Which of the following cases allowed a controversial church to protest at US military funerals because it was pure speech/mere advocacy, even though very outrageous speech was involved?
- (A)** *Snyder v. Phelps*;
  - (B) *Texas v. Johnson*;
  - (C) *FCC v. Pacifica*;
  - (D) *Minersville Schl. Dist. v. Gobitis*;

34. In the *Goldman v. Weinberger* case, an Air Force regulation prohibited a Jewish officer from wearing a yarmulke (skullcap) in order to promote dress unity, and the prohibition was upheld as constitutional. A year later, Congress overruled the Court, how is that even possible given the power of judicial review and the original holding of *Marbury v. Madison*?
- (A) Because Congress is a co-equal branch of government;
  - (B) Because Congress represents the will of the people;
  - (C) Because Congress can enact a new law without the unconstitutional aspects it had before;
  - (D) Because Congress can simply enforce the law in a constitutional manner and avoid the problem;
35. In the *Burwell v. Hobby Lobby Stores* case, the US Supreme Court held that it was constitutional for a closely held corporation to refuse to pay insurance premiums for women's health care policies which provide for contraceptives and other birth control provisions, based on Hobby Lobby's:
- (A) Right to free association;
  - (B) Right to privacy;
  - (C) Right to religious liberty;
  - (D) Right to free speech;