

Name: \_\_\_\_\_ Date: \_\_\_\_\_

## Answer Key: A Glimmer of Parchment: Analyzing the 8th Grade Bill of Rights

Utilize this formative assessment for bell-ringer debates or summative reviews regarding the friction between civil liberties and executive authority.

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**1. In the landmark case of *Schenck v. United States* (1919), Justice Oliver Wendell Holmes Jr. introduced the 'clear and present danger' test. Which fundamental principle does this limit?**

**Answer:** A) The absolute protection of symbolic speech during wartime

The 'clear and present danger' test established that First Amendment speech rights are not absolute, particularly when that speech poses a direct threat to national security or public safety.

**2. The Ninth Amendment was specifically included to ensure that the listing of certain rights in the Constitution does not imply that other rights held by the people do not exist.**

**Answer:** A) True

The Ninth Amendment acts as a 'safety net' for unenumerated rights, preventing the government from claiming it has unlimited power over anything not specifically listed in the first eight amendments.

**3. The concept of \_\_\_\_\_ enables the Bill of Rights to apply to state governments, not just the federal government, through the 14th Amendment's Due Process Clause.**

**Answer:** C) Selective Incorporation

Selective incorporation is the constitutional doctrine that ensures states cannot enact laws that take away the constitutional rights of American citizens that are enshrined in the Bill of Rights.

**4. Imagine a state passes a law requiring all students to recite a specific prayer daily. Which clause of the First Amendment is most directly violated by this state action?**

**Answer:** B) The Establishment Clause

The Establishment Clause prohibits the government from 'establishing' a religion or favoring one religion over another, which includes state-sponsored prayer in schools.

**5. Under the Third Amendment, the government is strictly prohibited from quartering soldiers in private homes during times of war, regardless of whether a specific law is passed.**

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**Answer:** B) False

The Third Amendment actually states that quartering in time of war is permissible if it is done 'in a manner to be prescribed by law,' though it is forbidden in time of peace without consent.

**6. Which legal protection from the Sixth Amendment was the primary focus of Gideon v. Wainwright, ensuring that even indigent defendants receive a fair trial?**

**Answer:** D) Right to the assistance of counsel

Gideon v. Wainwright (1963) established that the Sixth Amendment's guarantee of counsel is a fundamental right essential to a fair trial and applies to states through the 14th Amendment.

**7. A person cannot be tried twice for the same crime. This protection, found in the Fifth Amendment, is legally known as \_\_\_\_\_.**

**Answer:** B) Double Jeopardy

The Double Jeopardy clause protects defendants from being prosecuted a second time for the same offense after acquittal or conviction, and from multiple punishments for the same offense.

**8. The Tenth Amendment is often cited by 'states' rights' advocates. What does this amendment clarify regarding the distribution of power?**

**Answer:** B) Powers not delegated to the federal government are reserved to the states or the people

The Tenth Amendment defines the federalist structure of the U.S., stating that any power not explicitly given to the federal government by the Constitution belongs to the states or the people.

**9. The Seventh Amendment guarantees the right to a \_\_\_\_\_ in civil cases where the value in controversy exceeds twenty dollars.**

**Answer:** B) Jury Trial

Unlike the Sixth Amendment, which handles criminal cases, the Seventh Amendment ensures that citizens have the right to a jury trial for civil disputes at the federal level.

**10. The 'Exclusionary Rule' is a judicial policy that prevents the government from using evidence in trial that was obtained in violation of the Fourth Amendment.**

**Answer:** A) True

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Derived from the Fourth Amendment, the Exclusionary Rule (as seen in Mapp v. Ohio) dictates that evidence collected through illegal searches and seizures is inadmissible in court.