

Name: _____ Date: _____

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.

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?

- A. The absolute protection of symbolic speech during wartime
- B. The right to a speedy trial in federal courts
- C. The prohibition against double jeopardy in local jurisdictions
- D. The protection of private property under the Takings Clause

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.

- A. True
- B. False

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.

- A. Executive Privilege
- B. Categorical Grants
- C. Selective Incorporation
- D. Popular Sovereignty

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?

- A. The Free Exercise Clause
- B. The Establishment Clause
- C. The Necessary and Proper Clause
- D. The Full Faith and Credit Clause

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.

- A. True
- B. False

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?

- A. Right to a public trial
- B. Right to confront witnesses
- C. Right to an impartial jury

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D. Right to the assistance of counsel

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

- A. Eminent Domain
- B. Double Jeopardy
- C. Self-Incrimination
- D. Habeas Corpus

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

- A. The federal government has inherent power over all state commerce
- B. Powers not delegated to the federal government are reserved to the states or the people
- C. All civil legal disputes must be settled by the Supreme Court
- D. State laws always supersede federal laws in matters of direct taxation

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

- A. Bench Trial
- B. Jury Trial
- C. Grand Jury Indictment
- D. Diplomatic Immunity

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.

- A. True
- B. False