

Name: _____ Date: _____

Answer Key: Your Constitutional Cross-Examination: High School Legal Analysis Quiz

Sophomores analyze complex jurisdictional conflicts and procedural due process gaps to prepare for roles in law, public policy, or civic advocacy.

1. In the context of the 'Full Faith and Credit Clause' (Article IV), how must a state court handle a final judgment from a different state involving conflicting public policies?

Answer: B) The court must generally enforce the judgment regardless of local policy differences.

Article IV, Section 1 emphasizes national unity by requiring states to respect the judicial proceedings of other states, a principle upheld even when state laws differ slightly.

2. The ____ Amendment, though often overlooked, protects 'unenumerated' rights, preventing the government from claiming that only the rights listed in the Constitution exist.

Answer: A) Ninth

The Ninth Amendment acts as a safety net for individual liberty, ensuring that the listing of specific rights does not imply the exclusion of others not mentioned.

3. Under the principle of 'prior restraint,' the government can almost always stop a newspaper from publishing classified information if it relates to national security.

Answer: B) False

The Supreme Court, notably in the Pentagon Papers case (*New York Times Co. v. United States*), established a 'heavy presumption' against the constitutionality of prior restraint.

4. Evaluate the 'Establishment Clause' through the lens of the 'Lemon Test.' Which of the following state actions would likely be deemed unconstitutional?

Answer: C) Using public funds to pay the salaries of teachers in parochial schools for secular subjects.

Paying parochial school salaries usually creates an 'excessive government entanglement' with religion, violating the third prong of the Lemon Test.

5. While the Bill of Rights originally applied only to the federal government, the Supreme Court used the ____ Amendment to apply these protections to the states through 'selective incorporation.'

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Answer: B) Fourteenth

The Due Process Clause of the 14th Amendment has been the vehicle for the Supreme Court to ensure state governments respect most of the Bill of Rights.

6. The Sixth Amendment's 'Confrontation Clause' prohibits the use of out-of-court 'testimonial' statements as evidence unless the witness is unavailable and the defendant had a prior chance to cross-examine them.

Answer: A) True

As clarified in Crawford v. Washington, the Sixth Amendment emphasizes the right of the accused to face their accusers directly in a legal setting.

7. Consider the 'Necessary and Proper Clause' (Article I, Section 8). How does this 'Elastic Clause' affect the balance of power between federal and state governments?

Answer: C) It expands federal power by allowing Congress to enact laws required to carry out its expressed duties.

The clause provides Congress the flexibility to exercise 'implied powers,' which has historically led to an expansion of federal authority over state authority.

8. The Seventh Amendment guarantees the right to a _____ trial in certain civil cases, a protection that is unique because it has not yet been fully 'incorporated' against the states.

Answer: D) Jury

The 7th Amendment preserves the right to a jury trial in federal civil suits where the value exceeds twenty dollars, though state civil courts operate under their own constitutions.

9. The 'Ex Post Facto' clause in Article I prevents the government from punishing an individual for an act that was legal at the time it was committed.

Answer: A) True

This is a fundamental protection of due process, ensuring people have fair notice of what constitutes a crime before they are prosecuted.

10. A state passes a law requiring all homeowners to provide temporary lodging for National Guard members during a state-declared emergency. Which amendment is most directly used to challenge this?

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Answer: B) Third Amendment

The Third Amendment prohibits the quartering of soldiers in private homes without the owner's consent during peacetime, and only in a manner prescribed by law during war; it reflects the value of domestic privacy.