Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Number:\_\_\_\_\_\_ Period (3) (8)

Mr. Tuttle

United States History

Advanced Placement

Test Preparation

***Memorized Material; Exam A***

January, 2020

**Part 1. REQ**

**Questions 1-3 refer to the document below.**

‘I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

George Washington, ‘Farewell Address,’ 1796

1. This document was issued prior to Washington’s leaving office in 1797. Not actually an address, the text appeared in a Philadelphia newspaper, *American Daily Advertiser* on September 19, 1796. By choosing not to accept a third term of office, he paved the way for this man to become the second Chief Executive.

(A) John Adams

(B) Thomas Jefferson

(C) James Madison

(D) John Quincy Adams

2. In *Federalist #10,* (see: *The Federalist Papers*) this man argued that ‘factions’ would occur. Still, this Virginian intellectual believed that among the strongest arguments for ratification was the fact that it would be able to control the ‘violence and damage’ caused by such differences. Here, he was referring the horrors of the French Revolution.

(A) John Adams

(B) James Madison

(C) Alexander Hamilton

(D) James Monroe

3. The events resulting from election of this man would appear to undermine the optimism expressed in *Federalist #10.*

(A) Andrew Jackson

(B) James K. Polk

(C) Abraham Lincoln

(D) Ulysses S. Grant

**Questions 4-6 refer to the document below.**

‘The powers of the Legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the Legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

Chief Justice John Marshall, *Marbury v. Madison, 1803*

4. Through this decision, Marshall established the fundamental principle of …

(A) *amicus curiae*

(B) *habeas corpus*

(C) *judicial review*

(D) *ex post facto*

5. Marshall would use this to protect the National Bank from attack by state legislatures in which decision?

(A) *McCulloch v. Maryland*

(B) *Worcester v. Georgia*

(C) *U. S. v. E. C. Knight*

(D) *Dred Scot v. San(d)ford*

6. Which of the following used this principle to expand the powers of the federal government at th expense of the states?

(A) John Adams, ‘The Alien and Sedition Acts’

(B) James Madison, ‘The War of 1812.’

(C) James Monroe, ‘The Monroe Doctrine.’

(D) Andrew Jackson, ‘The Nullification Controversy’

**Questions 7-9 refer to the document below.**

‘Yes, we are the nation of progress, of individual freedom, of universal enfranchisement. Equality of rights is the cynosure of our union of States, the grand exemplar of the correlative equality of individuals; and while truth sheds its effulgence, we cannot retrograde, without dissolving the one and subverting the other. We must onward to the fulfilment of our mission -- to the entire development of the principle of our organization -- freedom of conscience, freedom of person, freedom of trade and business pursuits, universality of freedom and equality. This is our high destiny, and in nature's eternal, inevitable decree of cause and effect we must accomplish it. All this will be our future history, to establish on earth the moral dignity and salvation of man -- the immutable truth and beneficence of God. For this blessed mission to the nations of the world, which are shut out from the life-giving light of truth, has America been chosen; and her high example shall smite unto death the tyranny of kings, hierarchs, and oligarchs, and carry the glad tidings of peace and good will where myriads now endure an existence scarcely more enviable than that of beasts of the field. Who, then, can doubt that our country is destined to be *the great nation*of futurity?

John L. O’Sullivan,

Excerpted from "The Great Nation of Futurity," *1839*

7. O’Sullivan’s philosophy outlined above was not a new concept. Indeed, it can be traced back to this man’s earlier speech.

(A) John Smith, ‘He who will not work, shall not eat.’ (1610)

(B) John Winthrop, ‘City Upon a Hill’ (1630)

(C) King George III, ‘The Proclamation Line (1763)

(D) Thomas Jefferson, ‘Empire of Liberty,’ (1780)

8. Some historians disagree with the idea that the new nation would ‘establish on earth the moral dignity and salvation of man -- the immutable truth and beneficence of God.’ Which of the following would make the strongest case.

(A) Gordon Wood, *Empire of Liberty, A History of the Early Republic, 1789-1815*

(B) Robert Rimini,  *Andrew Jackson* (A biography)

(C) Brian Kilmeade, *Jackson and the Miracle of New Orleans: The Battle That Shaped America’s Destiny*

(D) Kent Newmyer, *John Marshall and the Heroic Age of the Supreme Court*

9. O’Sullivan’s philosophy was central to the logic of this publication at the turn of the century, 60 years later.

(A) Alfred Thayer Mahan, *The Influence of Sea Power Upon History*

(B) Albert Beveridge, ‘The March of the Flag’

(C) Carl Schurz, ‘American Imperialism’

(D) Josiah Strong, *Our Country*

**Questions 10-12 refer to the document below.**

‘[We hold these truths to be self-evident](http://www.let.rug.nl/usa/documents/1776-1785/jeffersons-draft-of-the-declaration-of-independence.php#par2), that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Thomas Jefferson, *The Declaration of Independence, 1776*

10. This excerpt established the principle of nullification. When writing the words, Jefferson drew inspiration and guidance from which of the following sources?

(A) Plato, ‘The Philosopher King’ *Republic* (380 BCE)

(B) Thomas Hobbes, ‘Case for an absolute monarchy’ (1651)

(C) Oliver Cromwell, ‘In the name of God, go!’ (1653)

(D) John Locke, *Second Treatise on Government,* (1689)

11. This concept was adopted by all of the following EXCEPT

(A) Thomas Jefferson, *The Kentucky and Virginia Resolutions* (1798)

(B) George Cabot, *Report and Resolutions of the Hartford Convention* (1814)

(C) Andrew Jackson, ‘The Force Bill’ (1832)

(D) D. F. Jamison, *South Carolina Ordinance of Secession* (1860)

12. The principle of nullification lay at the heart of the abolitionist movement. This was forcefully, and eloquently stated by this man immediately prior to his execution for ….

(A) William Lloyd Garrison for publishing *The Liberator*

(B) John Brown after fomenting a slave insurrection at Harpers Ferry in 1859.

(C) John Wilkes Booth for the assassination of Abraham Lincoln.

(D) Jefferson Davis, for treason in his role as President of the Confederate States of America

**Questions 13-15 refer to the document below.**

‘"If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth - certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine."

Henry David Thoreau, ‘Civil Disobedience,’ 1849

13. How did Thoreau view himself within the context of the era?

(A) He saw that ‘injustice is part of the necessary friction of the machine of government,’ urging zealots on both sides of the slavery issue to simply ‘let it go,/’

(B) Thoreau saw the issue of taxation as ‘a pulley, or a rope, or a crank, exclusively for itself’ and thus refused to pay.

(C) The war was fought to extend a systemically flawed institution, ultimately destined to fail. With time, he assured his compatriots, ‘certainly the machine will wear out.’

(D) The institution of slavery was immoral. To allow its continued existence, ‘requires you to be the agent of injustice to another, then, I say, break the law.’

14. The end of the Mexican-American War appeared to usher in a new era of expansion and prosperity. However, this was not to be. For shortly thereafter, a first-term representative from Pennsylvania stood in the House and offered up the following piece of legislation. In so doing, he ripped open the scab of sectionalism once more and laid the foundation for the Civil War.

(A) Treaty of Guadalupe-Hidalgo

(B) Wilmot Proviso

(C) Compromise of 1850

(D) *Dred Scott v. San(d)ford*

15. ‘Civil Disobedience’ became a manifesto of non-violent protest, read and used by all of the following people and groups with the exception on one. Cite the outlier.

(A) Mohandas Gandhi, ‘Quit India Movement,’ (1942)

(B) Dr. Martin Luther King, Jr., ‘Letter from a Birmingham jail.’ (1963)

(C) Colin Kapernick, Professional football player. (2016)

(D) ANTIFA, Protesting President Trump’s election (2017)

**Questions 16-18 refer to the painting below.**



John Gast, 1872

16. The historian whose work is most closely reflected in the imagery of the Gast painting would be:

(A) Annette Gordon-Reed

(B) Gordon Wood

(C) Carl Sandberg

(D) Frederick Jackson Turner.

17. With regard to this historical portrayal, two court cases immediately come to mind. The first is that of *Worcester v. Georgia*. The second would be:

(A) *Munn v. Illinois*

(B) *U.S. v. E.C. Knight*

(C) *Muller v. Oregon*

(D) *Lawrence v. Texas*

18. This illustration appears to portend which of the following events?

(A) Pottawatomie Creek (1854)

(B) Appomattox (1865)

(C) Wounded Knee (1890)

(D) Vera Cruz (1914)

**Questions 19-21 refer to the document below.**

“The problem of our age is the proper administration of wealth, so that the ties of brotherhood may still bind together the rich and poor in harmonious relationship. The conditions of human life have not only been changed, but revolutionized, within the past few hundred years.

This change, however, is not to be deplored, but welcomed as highly beneficial. It is well, nay, essential for the progress of the race… Much better this great irregularity than universal squalor. Without wealth there can be no Maecenas.

The price which society pays for the law of competition, like the price it pays for cheap comforts and luxuries, is also great; but the advantages of this law are also greater still, for it is to this law that we owe our wonderful material development, which brings improved conditions in its train…. the man of wealth thus becoming the mere agent and trustee for his poorer brethren, bringing to their service his superior wisdom, experience, and ability to administer, doing for them better than they would or could do for themselves.”

Andrew Carnegie, ‘Wealth’ *North American Review, 1889*

19. To what did Carnegie, as well as many of his fellow ‘Robber Barons’ owe their success in this age of industrial expansion, aka, The Gilded Age?

(A) Most, like Carnegie, benefitted from inherited wealth.

(B) Carnegie and Rockefeller perfected management techniques.

(C) Carnegie and Morgan introduced ‘employee profit sharing.’

(D) Carnegie and Drew faced little to no internal competition.

20. Carnegie argued that the gap in wealth between rich and poor, a result of the rapid industrialization of the American economy,

(A) an irregularity in the distribution of wealth and luxury is better than universal squalor.

(B) the homogenization of society should be prevented by all means as this stalls progress.

(C) the phenomenon of the rich amassing greater wealth automatically benefits society.

(D)such gaps have always existed and should be accepted as part of God’s plan.

21. The irony was that at this same time, another philosophy evolved which argued that with this accumulation of riches, these men had an obligation as well. This was most eloquently outlined in which of the following?

(A) Adam Smith, *The Wealth of Nations*

(B) Karl Marx, *Capital*

(C) Andrew Carnegie, ‘The Gospel of Wealth’

(D) Upton Sinclair, *The Jungle*

**Questions 22-24 refer to the document below.**

“Industrial education for the Negro is Booker T. Washington’s hobby… That one of the most noted of their own race should join with the enemies to their highest progress in condemning the education they had received, has been to…[college educated Negroes] a bitter pill…

“No human agency can tell how many black diamonds lie buried in the black belt of the South, and the opportunities for discovering them become rarer every day as the schools for thorough training become more cramped and no more are being established.

“Does this mean that the Negro objects to industrial education? By no means. It simply means that he knows by sad experience that industrial education will not stand him in place of political, civil and intellectual liberty, and he objects to being deprived of fundamental rights of American citizenship to the end that one school for industrial training shall flourish. To him it seems like selling a race’s birthright for a mess of pottage.”

Ida Wells Barnett, *Booker T. Washington and His Critics*, 1904

22. The debate over the best course of action for America’s African American population at the turn of the century was evidence that this piece of legislation had failed to achieve its desired goals.

(A) The Fourteenth Amendment

(B) The Freedman’s Bureau

(C) The Jim Crow laws.

(D) The Sixteenth Amendment.

23. Which of the following most directly took issue with Mr. Washington?

(A) W.E.B. DuBois

(B) Harriet Tubman

(C) Marcus Garvey

(D) Frederick Douglass

24. Although scorned by many scholars, this man’s attempts to address the legacy of slavery still stands as his most impressive legacy. While it is true that much of the promise died in the rice fields of Vietnam, the 1964 Civil Rights Act should not be studied by anyone interested in the history of the era. Of whom are we speaking?

(A) John F. Kennedy

(B) Lyndon B. Johnson

(C) Hubert H. Humphrey

(D) Richard M. Nixon

**Questions 25-27 refer to the document below.**



25. While ‘National Prosperity’ followed in the wake of the ‘Wall Street Boom,’ many were left behind. One in particular saw their post-war prosperity collapse under pressure from foreign production was the

(A) African American community; the Harlem Renaissance.

(B) Urban immigrant population; Italian, Greek, and Slavic.

(C) Farming communities; mid-west and southern states.

(D)Individual small investors who were squeezed out by large banks.

26. The nation enjoyed an economic expansion in the period 1920-1929. There was a fundamental change in the way our nation’s economy operated. Clearly, industrial advances and increased consumer spending helped fuel this growth. But when considered alone, which of the following had the greatest impact on the decade as a whole?

(A) Henry Ford and the Model T automobile.

(B) KDKA Pittsburgh and the radio industry.

(C) The Jazz revolution and talking movies.

(D) The *Sears and Roebuck Catalogue* and installment buying.

27. Historians of the ‘Twenties’ have long argued that the economic expansion was systemically flawed, the product of an unusual set of circumstances, and the ‘runaway economy’ should have been slowed at this point in time. To that end, if blame is to be assigned for the eventual collapse it falls with both irresponsible consumers and the delayed reaction by

(A) The Executive Department; Harding, Coolidge, and Hoover

(B) The Supreme Court; Justice Charles Evans Hughes

(C) The House of Representatives; Speaker Joe Cannon

(D) The Federal Reserve Bank; George Harrison

**Questions 28-30 refer to the picture below.**

So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself -- nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life, a leadership of frankness and of vigor has met with that understanding and support of the people themselves which is essential to victory. And I am convinced that you will again give that support to leadership in these critical days.

Only a foolish optimist can deny the dark realities of the moment. And yet our distress comes from no failure of substance. We are stricken by no plague of locusts. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply.

Primarily, this is because the rulers of the exchange of mankind's goods have failed, through their own stubbornness and their own incompetence, have admitted their failure, and have abdicated.

True, they have tried. But their efforts have been cast in the pattern of an outworn tradition. They only know the rules of a generation of self-seekers. They have no vision, and when there is no vision the people perish.

Franklin D. Roosevelt, ‘First Inaugural Address,’ March 4, 1933

28. An underlying cause of the Great Depression, the critical factor which brought Roosevelt to the office,

(A) excessive government control of business and industry

(B) overproduction in the manufacturing and farm sectors

(C) the budget deficit incurred after the First World War

(D) withdrawal of foreign investments from the United States

29. In many respects, the ‘New Deal’ was an attack on the very people with which FDR had spent his life. When he implemented the program, many of these former associates argued that he was a ‘traitor to his class.’ Rich, insulated, comfortable, the economic collapse was an irritant. It did not constitute a threat to their lives. Little wonder they found each of the following policies objectionable, save one. Note the exception.

(A) Social Security Act

(B) Tennessee Valley Authority

(C) The Civil Rights Act of 1936

(D) The Glass-Steagal Act

30. Roosevelt’s plan of action called for a revised economic model. Based upon the ideas of British economist John Maynard Keynes, the New Deal call for a massive program of spending and deficit financing. Which of the following most resembled this idea?

(A) Theodore Roosevelt, ‘The Square Deal.’

(B) William H. Taft, ‘Dollar Diplomacy’

(C) Harry Truman, ‘The Fair Deal’

(D) Lyndon Johnson, ‘The Great Society’

**Questions 31-33 refer to the document below.**

“The central task of the New Deal . . . might be either social reform in a restored economy, or political stabilization in a disintegrating society, or, most likely and most urgently, economic recovery itself. . . . In fact, these three purposes—social reform, political realignment, and economic recovery—flowed and counter flowed throughout the entire history of the New Deal. . . . Perhaps precisely because the economic crisis of the Great Depression was so severe and so durable, Roosevelt would have an unmatched opportunity to effect major social reforms and to change the very landscape of American politics.”

David M. Kennedy, historian, *Freedom from Fear: The American People in Depression and War, 1929–1945*, published in 1999

31. Which of the following historical evidence could best be used to support Kennedy’s argument in the excerpt?

(A)  The passage of legislation providing unemployment insurance

(B)  Attempts by the United States to remain isolated from international conflicts

(C)  The strong influence of White southerners on New Deal legislation

(D)  Efforts by the government to discourage women from holding paid jobs

32. The “political realignment” described in the excerpt contributed most directly to the

(A)  increase in the power of local and state governments

(B)  new influence of money from independent political action committees on electoral campaigns

(C)  emergence of a Republican voting bloc among evangelical Christians in the South

(D)  greater identification of working-class communities with the Democratic Party

33. Which of the following most strongly sought to limit the scope of New Deal actions described in the excerpt?

(A)  Organizations of older Americans such as AARP

(B)  Radicals such as members of the Communist Party

(C)  Conservatives in Congress and on the Supreme Court

(D)  African American groups such as the National Association for the Advancement of Colored

People (NAACP)

**Questions 34-36 refer to the document below.**

‘Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.’

The First Amendment to the *Constitution of the United States, 1789*

34. The issue of freedom of speech during wartime was the central element of two court decisions in your packet. The first, and more famous, was that of *Schenck v. US (1917).* The second is the less well-known case of

(A) *Exparte Merryman (1861)*

(B) *Adkins Children’s Hospital (1923)*

(C) *Gitlow v. New York (1925)*

(D) *Gideon v. Wainwright (1963)*

35. Freedom of speech has certain limitations. As discussed in class, perhaps the most famous of these with regard to the rights of students in schools would be the limitations established by the school newspaper case of

(A) *Tinker v. Des Moines*

(B) *Hazelwood School District et al. v. Kuhlmeier*

(C) *New Jersey v. T.L.O.*

(D) *Obergefell v. Hodges*

36. The ‘Establishment Clause’ of the *Constitution* is that section which states ‘Congress shall make no law respecting an **establishment** of religion, or prohibiting the free exercise thereof.’ This led to the ban on school prayer in the case of (*Engle v. Vitale*) Which of the following would have found the court’s decision faulty?

(A) Thomas Jefferson, Letter to the Danbury Baptist Association of Danbury, (1801)

“Believing with you that religion is a matter which lies solely between man and his God, I … (believe) that their legislature would ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church and State.

(B) Justice Potter Stewart (1962)

“I think the Court has misapplied a great constitutional principle. I cannot see how an ‘official religion’ is established by letting those who want to say a prayer say it.”

(C) Justice Hugo Black. (1962)

‘We agree with this contention since we think that, in this country, it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.’

(D) Justice William Brennan, Whatever [Jefferson](https://en.wikipedia.org/wiki/Thomas_Jefferson) or [Madison](https://en.wikipedia.org/wiki/James_Madison) would have thought of Bible reading or the recital of the Lord's Prayer in ... public schools ..., our use of the history ... must limit itself to broad purposes, not specific practices.’

**Questions 37-39 refer to the document below.**

‘In 1846 a slave named Dred Scott and his wife, Harriet, sued for their freedom in a St. Louis city court. The odds were in their favor. They had lived with their owner, an army surgeon, at Fort Snelling, then in the free Territory of Wisconsin. The Scotts' freedom could be established on the grounds that they had been held in bondage for extended periods in a free territory and were then returned to a slave state. By the time the case reached the high court, it had come to have enormous political implications for the entire nation.

Chief Justice Roger B. Taney’s majority opinion stated that slaves were not citizens of the United States and, therefore, could not expect any protection from the Federal Government or the courts. (March 6, 1857) The opinion also stated that Congress had no authority to ban slavery from a Federal territory. This decision moved the nation a step closer to Civil War.

*Primary Documents in American History, 2017*

37. The decision of *Scott v. San(f)ord*, considered by legal scholars to be the worst ever rendered by the Supreme Court, was ultimately overturned by the 13th and 14th amendments to the Constitution. Other examples of laws found to be suspect being reversed by the amending process include:

(A) abortion rights.

(B) school desegregation

(C) Prohibition

(D) gay marriage

38. This literal reading of the *Constitution* would prove to be the foundation for that decision allowing a monopoly in the sugar industry.

(A) *U.S. v. E.C. Knight (1895)*

(B) *Lochner v. New York (1905)*

(C) *U. S. v. Butler (1936)*

(D) *Brown v. Board of Education (1954)*

39. This historical figure would have considered the *Dred Scott* decision to be an example of ‘good law’:

(A) John Marshall, ‘majority opinion’ *Gibbons v. Ogden*

(B) Harry Blackmun, ‘majority opinion’ *Roe v. Wade*

(C) John C. Calhoun, *The South Carolina Ordinance of Secession*

(D) Earl Warren, ‘majority opinion’ *Miranda v. Arizona*

**Questions 40-43 refer to the document below.**

‘The *Brandeis Brief*was a pioneering [legal brief](https://en.wikipedia.org/wiki/Brief_(law)) that was the first in United States legal history to rely more on a compilation of scientific information and social science than on legal citations. It is named after then-litigator and eventual associate Supreme Court Justice [Louis Brandeis](https://en.wikipedia.org/wiki/Louis_Brandeis), who presented it in his argument for the [US Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) case [*Muller v. Oregon*](https://en.wikipedia.org/wiki/Muller_v._Oregon). The brief was submitted in support of a [state law](https://en.wikipedia.org/wiki/State_law_(US)) restricting the number of hours women were allowed to work. More than 100 pages in length, were devoted to legal argument. The rest of the document contained [testimony](https://en.wikipedia.org/wiki/Testimony) arguing that long working hours had a negative effect on the "health, safety, and general welfare of women.

*Wikipedia summary of the term ‘Brandeis Brief’*

40. The court decision in [*Muller v. Oregon*](https://en.wikipedia.org/wiki/Muller_v._Oregon) placed limitations on the number of hours a woman could work. This was a break from a similar case decided three years earlier.

(A) *Plessy v Ferguson (1896)*

(B) *Swift and Company (1905)*

(C) *Lochner v. New York (1905)*

(D) *Schecter v. U.S. (1936)*

41. Within fifteen years time, the court found against the concept of ‘minimum wage laws’ for women, Justice Sutherland cited the changes that had occurred in the years since *Muller*, particularly the [Nineteenth Amendment](https://en.wikipedia.org/wiki/Nineteenth_Amendment_to_the_United_States_Constitution), “it is not unreasonable to say that these differences [between sexes] have now come almost, if not quite, to the vanishing point." Name the case.

(A) *Adkins v. Children’s Hospital (1923)*

(B) *Schenck v. US (1917)*

(C) *Gitlow v. New York (1925)*

(D) *Engle v. Vitale (1962)*

42. The issue of minimum wage was visited once more in the wake of FDR’s effort to ‘pack the court.’ While his efforts to advance New Deal legislation by changing the make up of the court failed, the court moved away from such strict reading of the law. The ‘switch in time that saved nine’ was the case of

(A) *Schecter v. U.S. (1935)*

(B) *U.S. v. Butler (1936)*

(C) *Carter v. Carter Coal Company (1936)*

(D) *West Coast Hotel Co. v Parrish (1937)*

43. The court decision in [*Muller v. Oregon*](https://en.wikipedia.org/wiki/Muller_v._Oregon) was the first to consider such scientific data and laid the foundation for the use of evidence drawn from sociology.

(A) *Brown v. Board of Education (1954)*

(B) *Gideon v. Wainwright (1963)*

(C) *Miranda v. Arizona (1966)*

(D) *Roe v Wade (1973)*

**Questions 44-46 refer to the document below.**

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?”

Miranda Warning, 1966

44. The origins of the famous *Miranda Warning* come from the 1961 case of *Mapp v. Ohio,* Here the police conducted a search of Dollree Mapp looking for Virgil Ogletree in relation to a series of violent crimes. During their investigation, a quantity of pornographic books were discovered in the basement. She was tried for possession. The conviction was overturned by the court as it had violated her rights under

(A) Amendment 1

(B) Amendment 2

(C) Amendment 3

(D) Amendment 4

45. The concept of the rights of accused was further strengthened by *Gideon v, Wainwright.* Clarence Gideon was charged with breaking and entering with the intent to commit a felony.  At trial, he asked the judge to appoint counsel for him because he could not afford an attorney. Gideon challenged his conviction and sentence on the ground that the trial judge’s refusal violated Gideon’s constitutional rights.

(A) Amendment 1

(B) Amendment 4

(C) Amendment 6

(D) Amendment 8

46. The subsequent *Miranda Warning* evolved from a 1966 rape case where the accused was interrogated and ultimately signed a confession. This stated, "I do hereby swear that I make this statement voluntarily and of my own free will, with no threats, coercion, or promises of immunity, and with full knowledge of my legal rights, understanding any statement I make may be used against me.” He challenged this in court under the provisions of

(A) Amendment 1

(B) Amendment 3

(C) Amendment 5

(D) Amendment 10

**Questions 47-49 refer to the document below.**

"(T)he full scope of the liberty guaranteed by the Due Process Clause cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution. This 'liberty' is not a series of isolated points pricked out in terms of the taking of property; the freedom of speech, press, and religion; It is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints."

John Harlan’s dissent in *Poe v. Ullman (1961)*

47. The case of *Griswold v. Connecticut (1965)* challenged the validity of a law regarding the purchase of contraceptives. In his majority opinion, Justice Douglas argued that although the [Bill of Rights](https://en.wikipedia.org/wiki/United_States_Bill_of_Rights) does not explicitly mention "privacy", that *right* was to be found in the "[penumbras](https://en.wikipedia.org/wiki/Penumbra_(law))" and "emanations" of other constitutional protections, such as the [self-incrimination clause](https://en.wikipedia.org/wiki/Self-incrimination_clause) of the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution). This precedent was the foundation for all of the following EXCEPT:

(A) *Roe v. Wade (1973)*

(B) *Lawrence v. Texas (2003)*

(C) *Citizens United v. FEC (2010)*

(D) *Obergefell v. Hodges (2015)*

48. The justice who most significantly developed the concept that American women should be “freedom from all substantial arbitrary impositions and purposeless restraints" would have been

(A) Sandra Day O’Connor, *Lawrence v. Texas (2003)*

(B) Anthony Kennedy, *Obergefell v. Hodges (2015)*

(C) Earl Warren, *Loving v. Virginia (1967)*

(D)Harry Blackmun, *Roe v. Wade (1973)*

49. Conservative judge Robert Bork was incensed about the path taken by the court in this regard. ‘What secret knowledge, one just wonder, is breathed into lawyers when they become Justices on the (Supreme) Court.’ He then quoted a man many consider to be the most articulate voice for *original intent,* writing that America had become ‘A country I do not recognize.’ Name Bork’s source.

(A) Antonin Scalia

(B) Stephen Breyer

(C) Clarence Thomas

(D)Neil Gorsuch

**Questions 50-52 refer to the document below.**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment IV

50. The question of ‘Search and Seizure’ rests on the concept of *probable cause.* This states that there must be enough evidence available that a ‘reasonable person would believe that a crime had been committed.’ However, this was made more difficult to prove with the imposition of Justice Brennan’s ‘Exclusionary Rule.’ Here he said that evidence had been obtained in violation of the defendant’s Fourth Amendment rights. Name the case in question.

(A) *Blockburger v. U.S. (1932)*

(B) *Mapp v. Ohio (1957)*

(C) *Griswold v. Connecticut (1965)*

(D) *Christie v. NCAA and New Jersey Thoroughbred Horsemen’s Association (2011)*

51. The same question was brought up with regard to a student’s rights. Here the court found in favor of a more expansive definition of *probably cause* arguing that the case in question was mitigated by the principle of *in loco parentis.* (in the place of a parent)The decision in question was named

(A) *Engle v. Vitale (1962)*

(B) *Loving v. Virginia (1967)*

(C) *Tinker v. Des Moines (1969)*

(D) *New Jersey v. TLO (1985)*

52. The issue of drug testing of students and people in the work place has become a more pressing concern of late. With the increased use of recreational marijuana, and evolving state and federal laws, the court is going to be challenged with more cases in the future. It is logical to believe that they will first review all of the following EXCEPT one when these suits make their way before ‘The Supremes.’

(A) *New York Time v. Sullivan (1964)*

(B) *Skinner v. RLA (1989)*

(C) *Veronia v. Acton (1995)*

(D) *Pottawatomie v. Earls (2002)*

**Questions 53-55 refer to the document below.**

I have spent most of my life as a Democrat. I recently have seen fit to follow another course. I believe that the issues confronting us cross party lines. Now, one side in this campaign has been telling us that the issues of this election are the maintenance of peace and prosperity. The line has been used "We've never had it so good."

But I have an uncomfortable feeling that this prosperity isn't something on which we can base our hopes for the future. No nation in history has ever survived a tax burden that reached a third of its national income. Today, 37 cents of every dollar earned in this country is the tax collector's share, and yet our government continues to spend $17 million a day more than the government takes in. We haven't balanced our budget 28 out of the last 34 years. We have raised our debt limit three times in the last twelve months, and now our national debt is one and a half times bigger than all the combined debts of all the nations in the world. We have $15 billion in gold in our treasury--we don't own an ounce. Foreign dollar claims are $27.3 billion, and we have just had announced that the dollar of 1939 will now purchase 45 cents in its total value.

Ronald Reagan, ‘A Time for Choosing,’ 1964

53. The target of Reagan’s 1964 address was Lyndon Johnson. But the origin of this speech began years before when Reagan left the Democratic Party. His objection was with the policies of

(A) Theodore Roosevelt

(B) Woodrow Wilson

(C) Herbert Hoover

(D) Franklin Roosevelt

54. The central issue of the speech lay with economic theory. Reagan, a devotee of the ideas of the free market, argued that the principles espoused by ‘demand-side economists’ were fundamentally flawed. The most influential of these was

(A) Adam Smith

(B) Karl Marx

(C) John M. Keynes

(D) Milton Friedman

55. Which of the following historians would most agree with Reagan’s analysis in this speech?

(A) Amity Shlaes *The Forgotten Man; A New History of the Depression*

(B) H.W. Brands *Reagan; The Life*

(C) John Milton Cooper *Woodrow Wilson*

(D) Arthur Schlesinger *The Age of Roosevelt*