

## c2

Student: \_\_\_\_\_

1. In 2011, the U.S. Supreme Court in *Brown v. Entertainment Merchants Association*
  - A. upheld a law that allowed the censorship of sexually explicit movies.
  - B. struck down a law that allowed the censorship of sexually explicit movies.
  - C. upheld a law that restricted minors' access to violent video games.
  - D. struck down a law that restricted minors' access to violent video games.
  
2. Laws limiting minors' access to video games depicting violent images are subject to the standard of judicial review known as
  - A. intermediate scrutiny.
  - B. reasonable review.
  - C. strict scrutiny.
  - D. rigorous review.
  
3. A primary goal of free speech in Meiklejohnian theory is
  - A. self-realization.
  - B. the voting of wise decisions.
  - C. protecting artistic expression.
  - D. discovery of the truth.
  
4. The *Gitlow* ruling is important because
  - A. it barred future sedition cases.
  - B. it applied the First Amendment protections to actions by state and local government entities.
  - C. it freed a group of radicals who had been improperly convicted.
  - D. it broadly defined freedom of expression.
  
5. According to the textbook, a great "historical myth" regarding the First Amendment is that
  - A. it only protects political speech.
  - B. John Peter Zenger was the individual who drafted it.
  - C. it is first because it is the most important right.
  - D. George Washington was the individual who drafted it.

6. The 2009 appellate court ruling in *Plame Wilson v. Central Intelligence Agency* best illustrates the point that

- A. government employees who sign secrecy agreements may be subject to prior restraints.
- B. community censorship of the speech of government employees is unconstitutional.
- C. jury nullification is a key problem in cases involving the Central Intelligence Agency.
- D. the access theory supports the disclosure of Central Intelligence Agency documents.

7. In *Near v. Minnesota*, the Supreme Court ruled that

- A. prior restraint was unconstitutional in any circumstance.
- B. prior restraint was unconstitutional in this case.
- C. prior restraint may be used to block the publication of anti-Semitic newspapers.
- D. prior restraint was not unconstitutional.

8. As described in the textbook, the access theory of freedom of expression can be seen as a remedy to correct some of the flaws with which one of the following other theories?

- A. Meiklejohnian theory
- B. Marketplace of ideas theory
- C. Absolutist theory
- D. Self-Realization theory

9. The concept of a "heckler's veto" best relates to which one of the following?

- A. A dissenting opinion that is both critical of the majority opinion and that later, when the case is re-heard by the court, prevails.
- B. A concurring opinion that joins with the majority opinion to create a five-judge block that vetoes the dissenting opinion.
- C. The reaction of a crowd to a speaker that silences and prevents the speaker from continuing with his or her message.
- D. The situation that occurs when irrational ideas are allowed to triumph over rational ideas in the marketplace of ideas theory of free expression.

10. The incorporation doctrine links the First Amendment with the

- A. Second Amendment.
- B. Third Amendment.
- C. Tenth Amendment.
- D. Fourteenth Amendment.

11. The *Brandenburg* test for incitement is also commonly used in  
A. libel cases.  
B. invasion of privacy cases that involve the intrusion tort.  
C. obscenity cases.  
D. wrongful death actions aimed at the mass media.

12. The case of *United States v. Bell* involved a prior restraint on  
A. national security secrets.  
B. fraudulent tax advice.  
C. a newspaper publishing false statements about public officials.  
D. a newspaper publishing false statements about a child.

13. The outcome of the seditious libel trial involving John Peter Zenger represents an example of jury nullification.  
True False

14. The absolutist theory was adopted by a majority of the U.S. Supreme Court in the early 20<sup>th</sup> century.  
True False

15. The First Amendment was an effective tool in blocking prosecutions under the Espionage Act of 1917.  
True False

16. In 2010, the U.S. Supreme Court in *United States v. Stevens* refused to create a new category of unprotected speech for videos depicting images of animal cruelty.  
True False

17. The firing of Don Imus for his "nappy-headed hos" is an example of censorship by the Federal Communications Commission.  
True False

18. The First Amendment was adopted in the year \_\_\_\_\_.

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19. The balancing theory that weighs the interests in any situation on a case-by-case basis is known as \_\_\_\_\_ balancing.

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20. In order to justify a regulation on speech under the strict scrutiny standard of judicial review, the government must prove that it has a \_\_\_\_\_ interest.

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21. Several decades prior to the community censorship involving the Dixie Chicks in 2003, country music stations refused to play the songs of another female country music performer. As described in the textbook, who was the performer and what were the songs in question about?

22. Set forth the four components or elements of the test articulated by the United States Supreme Court in *Brandenburg v. Ohio*.

23. Identify the two basic elements or parts of the symbolic speech doctrine.

24. As listed and described in the textbook, set forth the four key rules that are important to understand when the government engages in a prior restraint on speech.

25. Explain what is meant by Absolutist Theory.

## c2 Key

1. In 2011, the U.S. Supreme Court in *Brown v. Entertainment Merchants Association*
- A. upheld a law that allowed the censorship of sexually explicit movies.
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*Pember - Chapter 02 #1*

2. Laws limiting minors' access to video games depicting violent images are subject to the standard of judicial review known as
- A. intermediate scrutiny.
  - B. reasonable review.
  - C.** strict scrutiny.
  - D. rigorous review.

*Pember - Chapter 02 #2*

3. A primary goal of free speech in Meiklejohnian theory is
- A. self-realization.
  - B.** the voting of wise decisions.
  - C. protecting artistic expression.
  - D. discovery of the truth.

*Pember - Chapter 02 #3*

4. The *Gitlow* ruling is important because
- A. it barred future sedition cases.
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*Pember - Chapter 02 #4*

5. According to the textbook, a great "historical myth" regarding the First Amendment is that
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  - B. John Peter Zenger was the individual who drafted it.
  - C.** it is first because it is the most important right.
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*Pember - Chapter 02 #5*

6. The 2009 appellate court ruling in *Plame Wilson v. Central Intelligence Agency* best illustrates the point that
- A.** government employees who sign secrecy agreements may be subject to prior restraints.
  - B. community censorship of the speech of government employees is unconstitutional.
  - C. jury nullification is a key problem in cases involving the Central Intelligence Agency.
  - D. the access theory supports the disclosure of Central Intelligence Agency documents.

*Pember - Chapter 02 #6*

7. In *Near v. Minnesota*, the Supreme Court ruled that
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  - B.** prior restraint was unconstitutional in this case.
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  - D. prior restraint was not unconstitutional.

*Pember - Chapter 02 #7*

8. As described in the textbook, the access theory of freedom of expression can be seen as a remedy to correct some of the flaws with which one of the following other theories?
- A. Meiklejohnian theory
  - B.** Marketplace of ideas theory
  - C. Absolutist theory
  - D. Self-Realization theory

*Pember - Chapter 02 #8*

9. The concept of a "heckler's veto" best relates to which one of the following?

- A. A dissenting opinion that is both critical of the majority opinion and that later, when the case is re-heard by the court, prevails.
- B. A concurring opinion that joins with the majority opinion to create a five-judge block that vetoes the dissenting opinion.
- C.** The reaction of a crowd to a speaker that silences and prevents the speaker from continuing with his or her message.
- D. The situation that occurs when irrational ideas are allowed to triumph over rational ideas in the marketplace of ideas theory of free expression.

*Pember - Chapter 02 #9*

10. The incorporation doctrine links the First Amendment with the

- A. Second Amendment.
- B. Third Amendment.
- C. Tenth Amendment.
- D.** Fourteenth Amendment.

*Pember - Chapter 02 #10*

11. The *Brandenburg* test for incitement is also commonly used in

- A. libel cases.
- B. invasion of privacy cases that involve the intrusion tort.
- C. obscenity cases.
- D.** wrongful death actions aimed at the mass media.

*Pember - Chapter 02 #11*

12. The case of *United States v. Bell* involved a prior restraint on

- A. national security secrets.
- B.** fraudulent tax advice.
- C. a newspaper publishing false statements about public officials.
- D. a newspaper publishing false statements about a child.

*Pember - Chapter 02 #12*

13. The outcome of the seditious libel trial involving John Peter Zenger represents an example of jury nullification.

**TRUE**

*Pember - Chapter 02 #13*

14. The absolutist theory was adopted by a majority of the U.S. Supreme Court in the early 20<sup>th</sup> century.

**FALSE**

*Pember - Chapter 02 #14*

15. The First Amendment was an effective tool in blocking prosecutions under the Espionage Act of 1917.

**FALSE**

*Pember - Chapter 02 #15*

16. In 2010, the U.S. Supreme Court in *United States v. Stevens* refused to create a new category of unprotected speech for videos depicting images of animal cruelty.

**TRUE**

*Pember - Chapter 02 #16*

17. The firing of Don Imus for his "nappy-headed hos" is an example of censorship by the Federal Communications Commission.

**FALSE**

*Pember - Chapter 02 #17*

18. The First Amendment was adopted in the year \_\_\_\_\_.

**1791**

*Pember - Chapter 02 #18*

19. The balancing theory that weighs the interests in any situation on a case-by-case basis is known as \_\_\_\_\_ balancing.

**ad hoc**

*Pember - Chapter 02 #19*

20. In order to justify a regulation on speech under the strict scrutiny standard of judicial review, the government must prove that it has a \_\_\_\_\_ interest.

**compelling**

*Pember - Chapter 02 #20*

21. Several decades prior to the community censorship involving the Dixie Chicks in 2003, country music stations refused to play the songs of another female country music performer. As described in the textbook, who was the performer and what were the songs in question about?

The performer was Loretta Lynn and the songs were about the pill (birth control) and the double standards that divorced women face.

*Pember - Chapter 02 #21*

22. Set forth the four components or elements of the test articulated by the United States Supreme Court in *Brandenburg v. Ohio*.

1) the speech in question must be "directed" or intended to causing lawless action; 2) the action in question must be "imminent," meaning that the time between the speech in question and the lawless action must be very close or proximate; 3) the action in question that allegedly is being advocated must actually be "lawless," meaning that there must be a criminal statute forbidding it or punishing it; and 4) the action itself must be "likely" to occur, meaning that it is substantially probable to result from the speech in question.

*Pember - Chapter 02 #22*

23. Identify the two basic elements or parts of the symbolic speech doctrine.

1) Actor: the person engaging in the conduct must intend to convey a specific or particular message with his or her conduct; and 2) Audience: there must be a great likelihood, under the surrounding circumstances in which the conduct takes place, that some people who witness it will reasonably understand the specific or particular message that was intended by the actor.

*Pember - Chapter 02 #23*

24. As listed and described in the textbook, set forth the four key rules that are important to understand when the government engages in a prior restraint on speech.

1) Prior restraints by the government on speech are presumptively unconstitutional and thus the burden falls on the government to prove in court that a prior restraint is justified; 2) The government's burden in justifying a prior restraint is high, with courts often requiring it to prove there is a compelling interest or an interest of the highest order justifying the restraint; 3) The scope of any prior restraint (how broadly the restraint is drafted and how much speech is restrained) must be very narrow, so as not to stop publication of any more speech than actually is necessary to effectively serve the government's allegedly compelling interests; and 4) Speech that falls outside the scope of First Amendment protection (obscenity, child pornography and false advertising, for instance) can be restrained by the government, but only after a judicial proceeding in which a court has determined that the speech indeed is not protected.

*Pember - Chapter 02 #24*

25. Explain what is meant by Absolutist Theory.

Absolutist theory holds that the First Amendment provides for an absolute or complete barrier against any government censorship. The government cannot censor the press or speech for any reason. There are no exceptions, no caveats, no qualifications to the guarantees of free speech and press. The words "no law" in the First Amendment mean exactly that - that Congress cannot make any laws restricting expression.

*Pember - Chapter 02 #25*

## c2 Summary

<u>Category</u>	<u># of Questions</u>
Pember - Chapter 02	25