

CHAPTER 9 QUIZ

TRUE/FALSE

1. In the Magna Carta, the concept of due process was referred to as “the law of the land.”
2. Procedural due process deals with the procedures that government uses whenever it actually deprives a person of life, liberty, or property.
3. Corporations are always considered to be persons for purposes of the due process clause.
4. The Court has held that the actions of a private interscholastic athletic organization were government action and subject to due process when the association regulated athletics at public schools, and the officials and members of the organization were public school officials or employees.
5. Substantive due process has played an important role in the Supreme Court’s protection of economic and personal freedoms.
6. The Due Process Clause authorizes any individual who commits sex offenses to be subject to civil commitment.
7. All aspects of a criminal case, beginning with the police investigation, must comply with procedural due process.
8. Juvenile cases are not subject to due process requirements.
9. Procedural due process has little application to civil cases.
10. Due process must be followed by state agencies that suspend drivers’ licenses.

MULTIPLE CHOICE

1. The Due Process Clause is found in
 - A. Article V of the Constitution.
 - B. the Fifth Amendment to the Constitution.
 - C. the Fourteenth Amendment to the Constitution.
 - D. Both b and c.

2. An individual who challenges a state law prohibiting any business from allowing minors to work more than 10 hours a week during the school year would probably challenge this law as a violation of
 - A. substantive due process.
 - B. procedural due process.
 - C. the Fifth Amendment Due Process Clause.
 - D. Both a and c.

3. Corporations have no rights under the Due Process Clause
 - A. to challenge a state law that requires all children to attend public school, when the corporation owns a private school.
 - B. to assert the Fifth Amendment Privilege against self-incrimination when the corporation is charged with a crime.
 - C. to assert any due process violation.
 - D. to assert a violation of the First Amendment when the corporation is a newspaper corporation.

4. Which of the following is/are question(s) asked by the Court in evaluating a law for a due process violation?
 - A. Does the law deprive a person of any rights?
 - B. Is the law authorized by the state constitution?
 - C. Is the law a proper exercise of government power?
 - D. All of the above.

5. A law violates due process if it
 - A. involves a fundamental right and is arbitrary and irrational.
 - B. involves a fundamental right, and there is no compelling state interest.
 - C. only if it involves a nonfundamental right.
 - D. only if it involves a fundamental right.

6. Even though these laws interfere with a business owner's liberty to run a business, the Court has upheld

- A. minimum wage laws.
- B. collective bargaining requirements.
- C. price controls.
- D. All of the above.

7. This amendment applies to state governments and provides in part: "nor shall any state deprive any person of life, liberty, or property, without due process of law."

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

8. Procedural due process usually requires

- A. notice of the proposed taking.
- B. the opportunity for a fair hearing.
- C. the opportunity for a hearing by an impartial judge or panel.
- D. All of the above.

9. A juvenile does not have a right to

- A. substantive due process.
- B. procedural due process.
- C. a jury trial.
- D. an attorney.

10. Wrongful termination of employment is a due process violation

- A. under all circumstances.
- B. under no circumstances.
- C. when the individual had a right to continued employment.
- D. when the individual had been employed for at least six months.