**Unit 5 Questions**

**Q1**

1. Do you think it’s important to keep church and state separate? Why?
2. What are the advantages and disadvantages of religious diversity in society? What role, if any, should government play in fostering or limiting religious diversity? Why?
3. The First Amendment stated in in absolute terms: “Congress shall make no law respecting an establishment of religion.” Does that wording reflect hostility toward religion? Why or why not?
4. Should conscientious objectors be exempt from military service in times of mandatory conscription (the draft)?
5. How does freedom of expression contribute to individual liberty and the common good?
6. What is the difference between the “establishment clause” and the “free exercise clause” of the 1st Amendment?
7. Should a student whose religious beliefs oppose war be excused from attending mandatory classes in military science and tactics at a public university?
8. Do you think in times of war and emergency the government should be able to place greater limitations on freedom of expression than at other times. Why or why not?
9. Should the right to associate be interpreted to mean that organizations may not impose any limits on their membership? Explain your position.
10. In what ways foes the First Amendment reflect the influence of the natural rights philosophy?
11. What are some commonly accepted limitations on freedom of expression?

**Q2**

1. What do you think is the meaning of the Ninth Amendment? Of the Tenth Amendment?

1. What do you think is the importance of the Ninth Amendment to you personally and more generally to the preservation of individual rights and a democratic political system? Of the Tenth Amendment?
2. Explain the difference between positive and negative rights. Give examples
3. Explain the “clear and present danger” rule.
4. Some have said that we have had two constitutions, one before the 14th Amendment and one after. Do you agree or disagree?
5. What is prior restraint
6. What are time, place and manner restrictions?
7. What rights does the Sixth Amendment guarantee? How do these rights ensure a fair trial for those who are accused of crimes?
8. What is the right to counsel and why is this important?

**Q3**

1. What is the purpose of the *Miranda* rule?
2. Do you think the *Miranda* rule should be maintained, modified, or eliminated?
3. What powers should be given to law enforcement officers in order for them to be able to enforce the law? Is the Fourth Amendment’s prohibition against general warrants still desirable in light of the ongoing threats of terrorism?
4. What values are served by requiring law enforcement officers to get permission from a judge to arrest someone or search his/her property?
5. How should the Fourth Amendment be enforced?
6. What is probable cause and when is it required?
7. Describe the exclusionary rule and the debate/controversy around it.
8. What historical experiences led to the adoption of the fourth amendment? Which, if any of those conditions exist today?
9. How would you explain the right against self- incrimination? Hos is that right related to principles of limited government and rule of law?

**Bonus**

1. List the 10 Bill of Rights and associate a Supreme Court case with each.