Name _____ Date _____

Due Process and the Rights of the Accused: Mapp, Gideon and Miranda

Directions: Answer each question about due process and the rights of people accused of crimes. Every situation described is invented.

1. An invented state agency cancels a nurse's license without telling her why and without giving her any chance to respond. Which part of the Constitution does this most directly raise?

A. The Fourteenth Amendment's Due Process Clause, which limits the states

B. The Sixth Amendment's right to a speedy trial

C. The Eighth Amendment's ban on excessive fines

D. The Fifth Amendment's Due Process Clause, which limits the states

2. At his own federal criminal trial, a defendant decides not to take the witness stand, and the prosecutor cannot force him to. Which protection is he using?

A. The Fourth Amendment's protection against unreasonable searches

B. The Fifth Amendment's protection against being forced to testify against oneself

C. The Sixth Amendment's right to a speedy trial

D. The Eighth Amendment's ban on excessive bail

3. Federal agents want to search a warehouse for stolen goods, so they ask a judge for a warrant. Under the Fourth Amendment, what must they show the judge?

A. A list of the owner's past arrests, even with no description of the place

B. Only a hunch that the owner might be hiding something in the building

C. Probable cause, backed by a sworn statement, and a description of the place and items

D. Written permission from the president or from the head of their agency

4. In an invented case, state police search a defendant's home without a warrant and find evidence of a crime. The judge finds that the search violated the Fourth Amendment. Under Mapp v. Ohio (1961), what generally happens when prosecutors try to use that evidence at the state trial?

A. The judge generally must exclude it, because the exclusionary rule applies in state courts

B. The evidence must be allowed, because the evidence itself is true

C. The evidence is allowed, because the exclusionary rule binds only federal courts

D. The defendant is automatically found not guilty of the crime

5. In an invented state, a man charged with a felony cannot afford a lawyer and asks the judge to appoint one. Under Gideon v. Wainwright (1963), what must the state do?

A. Let him ask the prosecutor's office for legal advice

B. Provide a lawyer only if he is convicted and then appeals

C. Nothing, because defendants must find and pay for their own lawyers

D. Appoint a lawyer to defend him in the felony case

6. A student writing a report on Miranda v. Arizona (1966) lists the warnings the case requires. Which item belongs on the list?

A. You may refuse to answer questions, and prosecutors may use your statements as evidence against you at trial.

B. You must answer every question the officers ask, or you will face another charge.

C. You will be released right away if you answer every question truthfully.

D. You have the right to choose the judge who will hear your case at trial.

7. In which two of these invented situations do police generally need to give Miranda warnings before asking questions? Select 2.

☐ A. Officers arrest a man, handcuff him, place him in the back of a patrol car and ask him where he was when the robbery happened.

☐ B. A detective phones a neighbor to ask whether she heard anything unusual last night.

☐ C. An officer asks people on a sidewalk whether they saw which way a speeding car went.

☐ D. A woman walks into a police station and, before anyone asks her anything, says she took a bike.

☐ E. After arresting a suspect, officers take her to the station and ask her about the crime.

8. In an invented case, police question a suspect in custody without giving the Miranda warnings, and he confesses. What generally happens when prosecutors try to use the confession to prove his guilt?

A. The confession must be used, because he said it himself.

B. The court generally must keep it out as proof of guilt.

C. The confession is allowed, because Miranda applies only to federal agents.

D. The whole case is dismissed automatically.

9. At an invented federal trial, the defendant's lawyer wants to question the main witness against him in the courtroom. Which right is the lawyer relying on?

A. The Seventh Amendment's right to have a jury decide the facts in a civil lawsuit

B. The Sixth Amendment's right to face and question the witnesses who testify against him

C. The Fifth Amendment's protection against being tried twice for the same crime

D. The Fourth Amendment's protection against unreasonable searches of homes and property

10. A defendant in an invented federal trial needs a witness who refuses to come to court voluntarily. Which right lets him have the court order the witness to appear?

A. The Fifth Amendment's protection against being tried twice for the same crime

B. The First Amendment's right to petition the government to fix a problem

C. The Sixth Amendment's right to have the court bring in witnesses for the defense

D. The Eighth Amendment's ban on fines far larger than the offense calls for