

QUESTION POOL FOR EXAM #1 - COMMUNICATIONS LAW
(covering Chapters 1, 2, 3, and 4 in
Major Principles of Media Law, 2015 edition)

CHAPTER 1. THE AMERICAN LEGAL SYSTEM

1. A U.S. Supreme Court decision *interpreting the meaning of an act of Congress* (for example, the Copyright Act) may be overruled by: a) a ruling by a federal regulatory agency; b) a subsequent act of Congress; c) a treaty with a foreign nation; d) a presidential executive order; e) all of these.
2. How could a U.S. Supreme Court decision *interpreting the meaning of the Constitution* be overturned? a) by a Constitutional amendment; b) by an act of Congress; c) by a later Supreme Court decision; d) by a presidential proclamation; e) both choices A and C.
3. The common law is derived from: a) acts of Congress; b) acts of state legislatures; c) court decisions; d) rulings by federal agencies; e) rulings by arbitrators.
4. Here's a legal citation: 419 U.S. 245 (1974). What does "U.S." tell you about the case? a) absolutely nothing; b) that it is a U.S. Supreme Court decision; c) that it is a U.S. District Court case; d) that it is a criminal case, not a civil case; e) that the U.S. government lost the case in 1974.
5. The rules and regulations adopted by the Federal Trade Commission are examples of: a) statutory law; b) common law; c) constitutional law; d) administrative law; e) none of these.
6. In legal terminology, a *code* is: a) an indexed collection of court decisions; b) an organized body of statutory law; c) a list of constitutional amendments; d) a collection of executive orders; e) a secret message from one judge to others.
7. Products liability, medical malpractice, battery, invasion of privacy, trespass, wrongful death and libel all fall within a field of civil law known as: a) torts; b) contracts; c) stare decisis; d) negligence; e) certiorari.
8. The U.S. Supreme Court in 2003 declared that very large punitive damage awards (i.e. those exceeding 10 times the provable monetary losses) are usually improper. The case: a) *Plessy v. Ferguson*; b) *New York Times v. Sullivan*; c) *State Farm v. Campbell*; d) *Virginia v. Black*; e) *Young v. New Haven Advocate*.
9. In a court of equity, an aggrieved party may secure: a) only monetary compensation for his/her injuries; b) monetary compensation for injuries plus additional money for "pain and suffering;" c) non-monetary remedies such as injunctions, restraining orders, and orders of specific performance; d) none of these.

10. Decisions of a U.S. District Court are normally appealed to the: a) Court of Claims; b) District Court of Appeal; c) Court of Regulatory Appeals; d) U.S. Circuit Court of Appeals; e) U.S. Supreme Court.

11. Which of these courts hears appeals of decisions by federal regulatory agencies such as the Federal Communications Commission? a) Court of Claims; b) District Court; c) Court of Regulatory Appeals; d) Circuit Court of Appeals; e) Supreme Court.

12. Some lawsuits are tried in federal rather than state courts for two main reasons. Some cases involve *federal questions* (legal issues governed by federal law). Others go to federal court primarily because of: a) a criminal defendant's claim that no state court would provide a fair trial; b) the cost or complexity of a particular lawsuit; c) diversity of citizenship; d) a civil litigant's claim that no state court could be fair; e) none of these.

13. *Legal precedents* are normally established by decisions of all of these except: a) a state's highest court; b) the U.S. Supreme Court; c) U.S. Circuit Courts of Appeals; d) jury verdicts in trial courts; e) a state's intermediate appellate courts.

14. Lexis-Nexis is: a) a brand of car; b) a law library in Washington, D.C.; c) an index of legal terms; d) a computer data base containing legal materials and news articles; e) all of these.

15. The term *stare decisis* refers to: a) miscellaneous civil wrongs; b) decisions of the infamous English court of the star chamber; c) extraordinary relief granted by a court of equity; d) rulings of early common law courts that were later reversed; e) the principle that courts normally follow judicial precedents.

16. During most lawsuits, each side is allowed to ask questions of the opposing side before trial. This process is called: a) discovery; b) inquiry; c) inquisition; d) rejoinder; e) remittitur.

17. When an appellate court *remands* a case, that means: a) the verdict is affirmed; b) the verdict is reversed and the case is terminated; c) the verdict is affirmed in part and reversed in part; d) a lower court is directed to reconsider the case in light of the appellate court's opinion; e) the verdict is set aside and the case is automatically sent to the next-higher court for a further appeal.

18. When an appellate court *distinguishes* a previous decision, that means: a) the court ranks it as very important and agrees with it; b) the court follows it as a precedent; c) the court declines to follow it as a precedent, citing differences between its facts and those of the current case; d) none of these.

19. In the 2009 case of *Caperton v. Massey Coal*, the Supreme Court addressed the issue of: a) damages; b) judicial recusal; c) actual malice; d) jury verdicts; e) discovery.

20. The Supreme Court will hear cases where one state sues another as part of its: a) original jurisdiction; b) appellate jurisdiction; c) rule of four; d) *stare decisis*; e) *voir dire*.

21. The largest circuit in the country is the _____. a) First; b) Third; c) Eighth; d) Ninth; e) Federal.

22. How is the federal appeals system structured? a) Each state decides for itself how to handle federal appeals; b) Each state has one federal appeals court; c) Each Supreme Court justice is responsible for one state; d) There is one federal appeals court in the whole U.S.; e) The country is divided into circuits.

SCORING KEY, CH. 1

1. B
2. E
3. C
4. B
5. D
6. B
7. A
8. C
9. C
10. D
11. D
12. C
13. D
14. D
15. E
16. A
17. D
18. C
19. B
20. A
21. D
22. E

CHAPTER 2. THE LEGACY OF FREEDOM

1. *Areopagitica* was a famous early defense of freedom of expression. Its author was: a) Ben Franklin; b) J.J. Rousseau; c) John Milton; d) Thomas Jefferson; e) John Locke.
2. Prior to the John Peter Zenger trial, juries in criminal (or seditious) libel cases were allowed to decide: a) whether the allegedly defamatory statement was true; b) whether the person accused of libel actually printed the alleged defamation; c) both of these; d) neither of these.
3. Only a few years after the First Amendment was ratified, Congress passed a law that limited freedom of expression: a) the Fox Libel Act; b) the Smith Act; c) the Sedition Act of 1798; d) the Stamp Act; e) Lord Campbell's Act.
4. The Sedition Act of 1798: a) recognized truth as a defense against libel charges; b) was seen by many anti-federalists, notably Jefferson and Madison, as a threat to free expression; c) inspired resentment against the Federalist Party, although no more than 25 people were charged with violating it; d) all of these (choices A, B and C); e) none of these.
5. The Alien and Sedition Acts were notable because: a) they seemingly violated the First Amendment only a few years after it was ratified; b) they contributed to the popular mood that helped elect Thomas Jefferson to the presidency; c) they were never used to prosecute Federalists; d) the Supreme Court did not rule on their constitutionality while they were in effect; e) all of these.
6. The First Amendment's guarantees of free speech and free press were made binding on the states in the case of: a) *Gitlow v. New York*; b) *Abrams v. U.S.*; c) *Near v. Minnesota*; d) *Whitney v. California*; e) *New York Times v. Sullivan*.
7. The First Amendment says, "*Congress shall make no law...*", and it never mentions state or local governments. Why does the First Amendment apply to the states today? a) because the Supreme Court simply rewrote it without any specific legal basis for doing so; b) because of the "due process" clause of the Fourteenth Amendment; c) because of the Fifth Amendment "due process" clause; d) because of the Fourth Amendment's safeguards against unreasonable searches and seizures; e) because of the actual malice rule.
8. Justice Oliver Wendell Holmes *first* set forth his famous *clear and present danger test* for determining whether controversial speech is protected by the First Amendment in the case of: a) *Fiske v. Kansas*; b) *Schenck v. U.S.*; c) *Brandenburg v. Ohio*; d) *Whitney v. California*; e) *Gitlow v. New York*.
9. Justice Oliver Wendell Holmes used the *clear and present danger test* to uphold the conviction of a man who actively opposed World War I, but he later rethought the meaning of the *clear and present danger* test and joined Justice Louis Brandeis in a famous concurring opinion that advocated broader First Amendment safeguards for unpopular speech in: a) *Fiske v. Kansas*; b) *Gitlow v. New York*; c) *Brandenburg v. Ohio*; d) *Whitney v. California*; e) *Yates v. U.S.*

10. The Alien Registration Act of 1940 (the Smith Act) was made virtually useless as a tool for prosecuting communists by a Supreme Court decision that protected those who say they favor communism as an abstract idea unless it can be proven that they are advocating violent action to carry out their beliefs. The decision was: a) *Near v. Minnesota*; b) *Whitney v. California*; c) *Yates v. U.S.*; d) *Dennis v. U.S.*; e) *Fiske v. Kansas*.

11. A Ku Klux Klan member's prosecution under a criminal syndicalism law was invalidated by a Supreme Court decision holding that even those who express violent racist views are protected by the First Amendment unless they create an imminent danger of violent action. The case: a) *Yates v. U.S.*; b) *Gitlow v. New York*; c) *Whitney v. California*; d) *Brandenburg v. Ohio*; e) *Schenck v. U.S.*

12. In *Whitney v. California*, Justice Louis Brandeis emphasized the importance of: a) more speech rather than enforced silence; b) the clear and present danger test; c) content-based regulations; d) content-neutral regulations; e) time, place and manner regulations.

13. What website generated public and legal concern when its owners released thousands of classified government documents? a) Amazon.com; b) WikiLeaks; c) Google; d) MSN; e) Yahoo.

14. In *Klapper v. Amnesty Int'l USA* (2013), the Supreme Court said that journalists and other organizations had no standing to challenge amendments to what act? a) Espionage Act; b) Sedition Act; c) Foreign Intelligence Surveillance Act; d) Child Online Privacy Protection Act; e) None of these.

15. In 2013, journalists uncovered a huge government surveillance program called PRISM. Which government agency was responsible for overseeing this program? a) Federal Communications Commission; b) National Security Administration; c) Department of Defense; d) Department of Homeland Security; e) Federal Trade Commission.

16. If I publish an article critical of the federal government, I am engaging in: a) content-neutral regulation; b) incorporation; c) content-based regulation; d) sedition; e) invasion of privacy.

SCORING KEY, CH. 2

1. C
2. B
3. C
4. D
5. E
6. A
7. B
8. B
9. D

- 10. C
- 11. D
- 12. A
- 13. B
- 14. C
- 15. B
- 16. D