

Chapter 2
Religion in Prison

Test Bank

Multiple-Choice Questions

1. The _____ of the U.S. Constitution possesses two clauses which are contradictory: the establishment clause and the free exercise clause.
 - a) First Amendment*
 - b) Fourth Amendment
 - c) Fifth Amendment
 - d) Fourteenth Amendment
2. Restrictions to “religious opportunities” are reviewed in light of all of the following factors EXCEPT:
 - a) Whether available alternatives are absent, bearing on the reasonableness of the regulation
 - b) Whether the accommodation would have a significant impact on guards
 - c) Whether the regulation is agreed upon by the majority of prison staff and administrators*
 - d) Whether there is a “valid, rational connection” between the regulation and legitimate government interest
3. Which of the following is the most frequently cited justification for limiting a prisoner’s religious freedom?
 - a) Maintenance of security*
 - b) Exercise of authority
 - c) Economic considerations
 - d) Official’s discretion
4. Which historical approach is still used to argue that control over religious freedom in prison is a proper subject for the exercise of authority and official discretion?
 - a) Due process
 - b) Non-interference*
 - c) Shocked the conscience
 - d) Unduly hazardous
5. In _____, the Supreme Court held that there was no burden on prison officials to disprove the availability of alternative methods of accommodating prisoners’ religious rights.
 - a) *O’Lone v. Estate of Shabazz**
 - b) *Cutter v. Wilkinson*
 - c) *Holt v. Hobbs*
 - d) *Walker v. Blackwell*
6. Prisoners in custodial supervision are allowed to attend religious services unless which of the following are reasons?
 - a) A physician-certified medical reason

- b) Proof that the prisoner was a dangerous security risk
 - c) The prisoner's attendance would substantially and adversely affect security
 - d) All of the above*
7. The right of which religious group has dominated litigated cases over the years?
- a) Catholicism
 - b) Protestants
 - c) Black Muslims*
 - d) Jewish
8. Which of the following religious aspects enjoys no First Amendment protection when used to "cause or encourage disruption of established prison discipline for the sake of disruption"?
- a) Free access to ministers
 - b) Right to proselytize*
 - c) Right to correspond with religious leaders
 - d) Wearing of religious medals
9. All of the following are grounds to require that a prisoner specify their religious preference upon entering prison EXCEPT:
- a) Classification is a valid means to control proselytizing
 - b) Some rabbis in prison had policies of refusing conversion of prisoners to the Jewish faith
 - c) All of the above
 - d) None of the above*
10. According to the Supreme Court, reasons justifying the search of an arrestee's bag during booking include all of the following EXCEPT:
- a) Orderly police administration
 - b) Obtaining evidence to use at trial*
 - c) Protection of a suspect's property
 - d) Deterrence of false claims of theft against the police
11. In _____, the Supreme Court finally addressed the issue on beards grown for religious reasons.
- a) *O'Lone v. Estate of Shabazz*
 - b) *Cutter v. Wilkinson*
 - c) *Holt v. Hobbs**
 - d) *Walker v. Blackwell*
12. The Religious Freedom Restoration Act (RFRA) was passed by Congress in response to which Supreme Court decision?
- a) *Employment Division, Department of Human Resources of Oregon v. Smith**
 - b) *Cutter v. Wilkinson*
 - c) *Holt v. Hobbs*
 - d) *Sherbert v. Verner*

13. In which Supreme Court case did the Court hold that Religious Land Use and Institutionalized Persons Act (RLUIPA) does not impermissibly advance religion by giving greater protection to religious rights than to other constitutionally protected rights?

- a) *Employment Division, Department of Human Resources of Oregon v. Smith*
- b) *Cutter v. Wilkinson**
- c) *Holt v. Hobbs*
- d) *Sherbert v. Verner*

True/False Questions

1. Explanations are required to be given by prison officials when attempting to limit religious rights. **True**

2. The use of the “clear and present danger” test limiting the freedom of speech could be used in limiting freedom of religion within prisons. **True**

3. The application of the Equal Protection Clause is particularly relevant in cases dealing with minority religions. **True**

4. The applicability of constitutional decisions should be specific to the religious practice in question. **False**

5. Prisoners in “punitive segregation and keeplock” could be denied participation in chapel services simply based on the basis of their classification. **False**

6. The Supreme Court ruled to allow inmates to grow a ½-inch beard for religious purposes. **True**

7. The standard for prisoner access to religious literature was determined in *Northern v. Nelson*. **False**

8. RFRA established two standards to measure judicial review of prison religious practices: one for federal prisoners and one for state and local prisons and jails. **True**

9. The Religious Land Use and Institutionalized Persons Act (RLUIPA) stated: no government shall impose a substantial burden on the religious exercise of a person confined to an institution. **False**

10. Religious activities must be regulated equally to all religious groups. **True**

11. A prison is only required to provide a kosher diet when there is a practicing orthodox Jew. **True**

12. Wearing religious medals is an acceptable religious practice protected by the First Amendment. **False**

Short-Answer Questions

1. For each of the scenarios below, use the case law presented in this chapter to discuss whether correctional officials would be able to restrict religious freedom.
 - An inmate wants to correspond with Elijah Muhammad, a Black Muslim leader.
 - An inmate wants access to the religious literature of *Muhammad Speaks*.
 - An inmate is confined, but wants access to a minister.
2. Summarize the emergence of the Religious Land Use and Institutionalized Persons Act (RLUIPA), its importance, and its decline.
3. Discuss the differences and similarities between restrictions of diet for Muslims and Jews.