Introduction to Law 6th edition Hames Test Bank

SKU: 9780134868240-TEST-BANK

Chapter 2 The U.S. Legal System

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question.

1) Which of the following refers to a system of government in which the people are regulated by both federal and state governments? 1) _____
A) Federalism B) Republic
C) Democracy D) None of the above

2) Which of the following refers to powers given to Congress that are spelled out in the Constitution? 2) _____
A) Implied powers B) Inferred powers
C) Inalienable powers D) Express powers

3) Which of the following refers to the power that Congress has to regulate that is derived from the express powers? 3) _____
A) Implied powers B) Inalienable powers
C) Inferred powers D) Express powers

4) Which of the following refers to a section of the U.S. Constitution found in Article 1, Section 8, giving the U.S. Congress the right to regulate foreign and interstate commerce? 4) _____
A) Foreign- Domestic clause B) Supremacy clause
C) Commerce clause D) 1- 8 clause

5) Which of the following refers to the authority of states to make laws that provide for the general health, welfare, and safety of its citizens? 5) _____
A) Police powers B) General state powers
C) General safety and health powers D) None of the above

6) Which of the following refers to a doctrine giving the right of the federal government to be the exclusive lawmaker in certain areas? 6) _____
A) Exceptionality B) Preemption C) Exclusivity D) Prevention

7) Which of the following refers to laws that impose criminal responsibility for acts that were not crimes at the time the acts occurred? 7) _____
A) Double jeopardy B) Corpus delicti
C) Comprehensiveness D) Ex post facto

8) Which of the following refers to the power or authority to act in a certain situation; the power of a court to hear cases and render judgments? 8) _____
A) Exclusive jurisdiction B) Regulator
C) Control D) Jurisdiction

9) Which of the following refers to the sole power or authority to act in a certain situation? 9) _____
A) Concurrent jurisdiction B) Consecutive jurisdiction
C) Jurisdiction D) Exclusive jurisdiction

10) Which of the following refers to a term that describes situations where more than one entity has the power to regulate or act? 10) _____
A) Jurisdiction B) Concurrent jurisdiction
C) Exclusive jurisdiction D) Consecutive jurisdiction

Introduction to Law 6th edition Hames Test Bank

11) Which of the following refers to a clause in the U.S. Constitution making the Constitution and the laws of the United States the supreme law of the land? 11) _____
A) Supremacy clause B) Jurisprudence clause
C) Commerce clause D) Jurisdictional clause

12) Which of the following refers to the first ten amendments to the U.S. Constitution? 12) _____
A) Top 10 B) Bill of Rights C) Big 10 D) Preamble

13) Which of the following refers to the constitutional doctrine that each of the three branches of government has separate and distinct powers? 13) _____
A) Checks and balances B) Division of government
C) Separation of powers D) Balance of power

14) Which of the following refers to the constitutional doctrine that each of the three branches of government operates as a check on the powers of the other branches? 14) _____
A) Balance of power B) Separation of powers
C) Division of government D) Checks and balances

15) Which of the following refers to a document whose primary purpose is to establish a government and define its powers? 15) _____
A) Declaration B) Proclamation C) Pronouncement D) Constitution

16) Which of the following refers to case law that must be followed by lower courts? 16) _____
A) Compulsory case law B) Mandatory case law
C) Binding case law D) None of the above

17) Which of the following refers to an action by citizens to enact legislation through the voter process? 17) _____
A) Referendum B) Statutes at large
C) Mandate D) Initiative

18) Which of the following refers to a vote on whether to accept or reject proposed legislation or constitutional amendment? 18) _____
A) Referendum B) Statutes at large
C) Mandate D) Initiative

19) Which of the following refers to a chronological compilation of statutes? 19) _____
A) Referendum B) Statutes at large
C) Mandate D) Initiative

20) Which of the following is the source of the majority of all statutory law? 20) _____
A) Legislative process B) Administrative proceedings
C) Court proceedings D) None of the above

TRUE/FALSE. Write 'T' if the statement is true and 'F' if the statement is false.

21) States have very broad powers to make laws that apply within the state boundaries. 21) _____

22) Preemption means that the federal government has the exclusive right to regulate a particular subject area. 22) _____

Introduction to Law 6th edition Hames Test Bank

23) Ex post facto laws make a person criminally responsible for an act that was committed before the act was made a crime. 23) _____

24) The power of government to regulate is sometimes called concurrent jurisdiction. 24) _____

25) When both state and federal governments have the right to regulate an area, those governments have parallel jurisdiction. 25) _____

26) Because there are areas of concurrent jurisdiction, conflicts sometimes exist between laws made by the federal government and laws made by states. Where a conflict exists, state law controls. 26) _____

27) The U.S. Supreme Court has ruled that burning the American Flag is a form of free speech and therefore protected by the First Amendment. 27) _____

28) The Bill of Rights includes the Fourteenth Amendment. 28) _____

29) Separation of powers is the constitutional doctrine that each of the three branches of government has separate and distinct powers. 29) _____

30) Checks and balances is the constitutional doctrine that each of the three branches of government operates as a check on the powers of the other branches. 30) _____

31) Bicameral is a term that describes a legislature consisting of two houses. 31) _____

32) Each state has the power to determine the type of government that exists within its boundaries. 32) _____

33) Because the United States was once a British colony, our legal system is based primarily on the common- law philosophy. 33) _____

34) A topical organization of statutes is referred to as a "section." 34) _____

35) Common law is enacted by a legislature. 35) _____

36) Statutory law is developed through the courts. 36) _____

37) A precedent is an example set by the decision of an earlier court for similar cases or similar legal questions that arise in later cases. 37) _____

38) All case law originates with a controversy between two or more parties. 38) _____

39) Binding case law must be followed by lower courts. 39) _____

40) An initiative is a vote on whether to accept or reject proposed legislation or constitutional amendment. 40) _____

Introduction to Law 6th edition Hames Test Bank

SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

41) The system of government where both the federal and state governments regulate citizens is known as _____. 41) _____

42) The _____ Clause is the section of the U.S. Constitution found in Article 1, Section 8 giving the U.S. Congress the right to regulate foreign and interstate commerce. 42) _____

43) Article I, Section 10 of the U.S. Constitution prohibits states from enacting _____ laws that make a person criminally responsible for an act that was committed before the act was made a crime. 43) _____

44) When both state and federal governments have the right to regulate an area, those governments have _____ jurisdiction. 44) _____

45) Where a conflict exists between federal and state law, _____ law controls. 45) _____

46) The Supremacy Clause states that the U.S. Constitution is the _____ law of the land. 46) _____

47) The federal government consists of three branches; executive, legislative, and _____, with each branch having separate and distinct powers. 47) _____

48) U.S. law is based primarily on English common law, based on the concept of _____ where there is an example set by the decision of an earlier court for similar cases or similar legal questions that arise in later cases. 48) _____

49) Case law is created by the judicial branch and statutory law is created by the _____ branch of government. 49) _____

50) _____ is case law which must be followed by lower courts. 50) _____

Introduction to Law 6th edition Hames Test Bank

MATCHING. Choose the item in column 2 that best matches each item in column 1.

Match the following.

51) Federalism

52) Express powers

53) Implied powers

54) Commerce clause

55) Supremacy clause

56) Code

57) Statutory law

58) Common law

59) Initiative

60) Referendum

A) An action by citizens to enact legislation through the voter process.

B) A system of government in which the people are regulated by both federal and state governments.

C) A section of the U.S. Constitution found in Article 1, Section 8, giving the U.S. Congress the right to regulate foreign and interstate commerce.

D) Powers given to Congress that are spelled out in the Constitution.

E) Law enacted by a legislature.

F) A vote on whether to accept or reject proposed legislation or constitutional amendment.

G) The clause in the U.S. Constitution making the Constitution and the laws of the United States the supreme law of the land.

H) A topical organization of statutes.

I) A body of law developed through the courts.

J) The power that Congress has to regulate that is derived from the express powers.

51) _____

52) _____

53) _____

54) _____

55) _____

56) _____

57) _____

58) _____

59) _____

60) _____

ESSAY. Write your answer in the space provided or on a separate sheet of paper.

61) Define and discuss federalism.

62) Define and discuss express powers and implied powers. How are they different?

63) Define and discuss exclusive jurisdiction and concurrent jurisdiction. How are conflicts associated with concurrent jurisdiction resolved?

64) Identify and discuss the three branches of government.

65) Identify and discuss the steps involved in the enactment of federal statutory law.

Introduction to Law 6th edition Hames Test Bank

66) The U.S. Supreme Court has ruled that the burning of the American Flag is protected under the First Amendment. Should this act be considered free speech? Why or why not?

67) Checks and balances is a constitutional doctrine whereby each of the three branches of government operates as a check on the powers of the other branches. Are the checks and balances currently in place adequate to ensure no one branch of government is too powerful? Explain your answer.

Introduction to Law 6th edition Hames Test Bank

1) A
2) A
3) A
4) D
5) A
6) B
7) D
8) D
9) D
10) B
11) A
12) B
13) C
14) D
15) D
16) C
17) D
18) A
19) B
20) A
21) TRUE
22) TRUE
23) TRUE
24) FALSE
25) FALSE
26) FALSE
27) TRUE
28) FALSE
29) TRUE
30) TRUE
31) TRUE
32) TRUE
33) TRUE
34) FALSE
35) FALSE
36) FALSE
37) TRUE
38) TRUE
39) TRUE
40) FALSE
41) federalism
42) Commerce
43) ex post facto
44) concurrent
45) federal
46) supreme
47) judicial
48) precedent
49) legislative
50) Binding

Introduction to Law 6th edition Hames Test Bank

51) B
52) D
53) J
54) C
55) G
56) H
57) E
58) I
59) A
60) F
61) [key points to be made]
- In the United States, government operates under a principle called federalism. Two separate governments, federal and state, regulate citizens.
- The federal government has limited power over all fifty states.
- State governments have power to regulate within their state boundaries. State powers are also limited in the sense that states cannot make laws that conflict with the laws of the federal government.

62) [key points to be made]
- Express powers are powers given to Congress that are spelled out in the Constitution.
- Implied powers are powers that Congress has to regulate that is derived from the express powers.

63) [key points to be made]
- Exclusive jurisdiction is the sole power or authority to act in a certain situation.
- Concurrent jurisdiction is a term that describes situations where more than one entity has the power to regulate or act.
- Because there are areas of concurrent jurisdiction, conflicts sometimes exist between laws made by the federal government and laws made by states. Where a conflict exists, federal law controls. This is because of the Supremacy Clause of the Constitution (Article VI): "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof… shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." When a state passes a law that conflicts with the Constitution, the U.S. Supreme Court has the power to declare that state law unconstitutional and unenforceable.

64) [key points to be made]
- The executive branch of the federal government consists of the president and the president's cabinet. The president's cabinet includes the heads of fifteen executive departments—the secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, Veterans Affairs, and the Attorney General. The executive branch of government also consists of the various federal law enforcement agencies. The primary responsibility of this branch is the execution and enforcement of the laws.
- The legislative branch of government consists of the House of Representatives and the Senate. Representatives and senators are elected by citizens of the district and state they represent and serve two- and six- year terms, respectively. The primary responsibility of this branch is to make laws. The laws that it makes are called statutes or codes.

Introduction to Law 6th edition Hames Test Bank

65) [key points to be made]

- Legislation proposed: Any written law or statute begins with some sort of proposal. In our federal system, just as in any state system, a member of Congress or any interested individual or group can draft proposed legislation. When drafted, the proposal is known as a bill.
- Bill introduced: Before Congress acts on any proposed legislation, it must be introduced and sponsored by a member of Congress. Ordinarily, bills can be introduced either in the House of Representatives or in the Senate. The one major exception is a tax measure, which must originate in the House of Representatives. When the bill is introduced, it is given a number.
- Bill referred to committee: After a bill is introduced, it is referred to the appropriate committee for consideration. Both the House and the Senate have a number of standing committees that concentrate on certain matters. For example, the Judiciary Committee consists of lawyers and handles matters concerning our judicial system. Once the bill is referred to the proper committee, the committee reviews and discusses the proposal, often holding public hearings on the bill. If a committee looks favorably upon a bill, it prepares a committee report with its recommendations and analysis of the bill. If a committee looks upon a bill unfavorably, it could also issue a report so indicating. However, more often, if a committee feels the bill has no merit, it simply fails to issue any report. When this happens, the bill never gets to the full house for a vote. It dies in committee.
- Bill voted on by legislators: Once a report is issued, the bill is considered by the whole house and voted upon. If it receives a majority vote of approval, it is passed and sent to the other house.
- Action by other house: When referred to the other house, the bill goes through the same process again. If the bill is amended or changed, a joint committee from both houses normally convenes and agrees on a single bill. The same bill must be approved by both houses before it can be submitted to the president. Once passed by both houses, the bill is sent to the president for approval.
- Executive options: The president has the power to sign or approve the bill or to veto the proposed legislation. If the president does nothing with the bill, it is deemed approved after ten days, unless Congress adjourns within that ten- day period. If Congress does adjourn within ten days of submitting a bill to the president, and the president does nothing with the bill, it is deemed vetoed (this is called a pocket veto). In order to override a presidential veto, a two- thirds majority of each house must vote to do so. If a bill is approved by the president or the veto is overridden, then the law is given a number and identified by that number and by the Congress.

66) Answers will vary.

67) Answers will vary.

Introduction to Law 6th edition Hames Test Bank