Criminal Law 13th edition Gardner Test Bank

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TRUE/FALSE

1 : Under the American system of federalism, Congress has the primary responsibility of maintaining public order and safety within each state.
A : true
B : false

Correct Answer : B

2 : The Unlawful Flight Statute permits federal agencies to assist in locating state fugitives who may have fled from one state to another.
A : true
B : false

Correct Answer : A

3 : Federal enclaves are federally owned and controlled lands.
A : true
B : false

Correct Answer : A

4 : The Federal Government owns and controls up to 1/3 of all of the land in the United States in the form of territories and federal enclaves.
A : true
B : false

Correct Answer : A

5 : The federal government has no jurisdiction over offenses involving interstate commerce.
A : true
B : false

Correct Answer : B

6 : Under international law, more than one country could have jurisdiction over the same crime.
A : true
B : false

Correct Answer : A

7 : The International Criminal Court is the worlds first permanent war crimes court.
A : true
B : false

Correct Answer : A

8 : Americans who commit crimes in foreign countries are subject to prosecution before US or military courts, but not foreign courts.
A : true
B : false

Correct Answer : B

9 : Tribal courts have no power to exercise criminal jurisdiction over Indians who are not members of that tribe.
A : true
B : false

Correct Answer : A

10 : Military courts have jurisdiction over members of the Armed Forces who commit crimes while off-base and off-duty.
A : true
B : false

Correct Answer : A

MULTIPLE CHOICE

11 : As compared to the power of the states to enact criminal laws:
A : the federal government has identical authority.
B : the federal government has no authority.
C : the federal government has more authority.
D : the federal government has less authority.

Correct Answer : D

12 : In U.S. v. Lopez, the US Supreme Court held that the federal law controlling guns in public schools was:
A : a valid exercise of Congressional power to regulate commerce.
B : beyond the power of Congress.
C : a violation of due process.
D : a valid exercise of Congressional power to regulate public schools.

Correct Answer : B

13 : Under the American system of _____, states have the primary responsibility of maintaining public order and safety within each state.
A : federalism
B : dualism
C : constitutionalism
D : commercialism

Correct Answer : A

14 : _____ gives the federal government power to regulate actions by use of criminal laws only if the actions involve or affect interstate commerce.
A : The Commerce Clause
B : International conventions
C : The federal domain
D : United States treaties

Correct Answer : A

15 : Crimes committed in _____ would not be prosecuted in federal court.
A : air approaches to the United States
B : Puerto Rico
C : sea approaches to the United States
D : all of these are part of the federal domain

Correct Answer : A

16 : The _____ permits federal agencies to assist in locating state fugitives who may have fled from one state to another.
A : Unlawful Flight Statute
B : Federal Kidnapping Statute
C : Interstate Transportation of Stolen Motor Vehicles
D : Uttering of US Treasury Checks

Correct Answer : A

17 : What term means to surrender an accused criminal under the provisions of a treaty or statute by one authority to another having jurisdiction?
A : Extradition
B : Jurisdiction
C : Posse comitatus
D : Martial law

Correct Answer : A

18 : Which of the following is not an example of criminal homicide over which the federal government has jurisdiction?
A : A death that results from a terrorist attack
B : A federal judge is killed
C : An American citizen is killed in Equador
D : An angry husband kills his wife

Correct Answer : D

19 : The _____ is the federal act that incorporates the state criminal law of the state surrounding the federal enclave as the law of the enclave if there is no relevant federal statute.
A : Incorporated Crimes Act
B : Included Crimes Act
C : Assimilative Crimes Act
D : Autonomous Crimes Act

Correct Answer : C

20 : Military installations and other federally owned and controlled lands within the boundaries of a state are called federal _____.
A : islands
B : territories
C : protectorates
D : enclaves

Correct Answer : D

21 : Because the states have the primary responsibility to maintain public order and security in their state, they have what kind of authority to create criminal law under the police power of each state?
A : Broad
B : Narrow
C : Ultimate
D : Unlimited

Correct Answer : A

22 : People who commit crimes on federal lands can be tried before:
A : the state court.
B : a federal court.
C : tribal court.
D : the Supreme Court.

Correct Answer : B

23 : The federal government does not have inherent police power to create criminal law and is limited to the powers granted to the federal government in the:
A : US Constitution.
B : Great Writ.
C : Declaration of Independence.
D : US Supreme Court Guidelines.

Correct Answer : A

24 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.The decision as to where Johnny is to be charged will be decided upon which legal principle?
A : Jurisdiction
B : If he will be charged with a felony
C : If a tort crime was committed
D : Due process guidelines

Correct Answer : A

25 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Johnny will be charged in a _____ court.
A : federal
B : state
C : civil
D : juvenile

Correct Answer : A

26 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.The primary factor in deciding which jurisdiction Johnnys case belongs will be the fact:
A : he transported his kidnap victim across state lines.
B : his kidnap victim was a juvenile.

C : he used a car in the commission of his crime.
D : he violated state criminal laws.

Correct Answer : A

27 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.The car Johnny too tough Gangsta drove was stolen. Once his trial is over for kidnapping, he could be ___ to face grand theft auto charges.
A : extradited
B : excommunicated
C : expatriated
D : transported

Correct Answer : A

28 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Power to create and enforce laws is called:
A : jurisdiction.
B : mandate.
C : the legislative branchs prerogative.
D : enforcement.

Correct Answer : A

29 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Federally owned and controlled lands are called:
A : state enclaves.
B : federal enclaves.
C : tribal enclaves.
D : Supreme Court enclaves.

Correct Answer : B

30 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested._____ is the surrender of an accused criminal under the provisions of a treaty or statute by one authority to another having jurisdiction.
A : Enclave
B : Extradition
C : Jurisdiction
D : Jurisprudence

Correct Answer : B

31 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Found in Article I of the US Constitution, the ___ Clause is the basis of a great part of the authority the federal government has to enact criminal laws.
A : Postal
B : Commerce
C : Due Process

D : Equal Protection

Correct Answer : B

32 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.The _____ Clause of the Constitution applies if activity crosses over state boundaries.
A : Postal
B : Commerce
C : Due Process
D : Equal Protection

Correct Answer : B

33 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.The _____ Clause of the Constitution applies if an activity is solely within a single state.
A : Postal
B : Commerce
C : Piracy
D : None of these choices

Correct Answer : D

34 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Activity that occurs solely within a single state would be regulated by:
A : the federal government.
B : the local government only.
C : both the state and federal government.
D : the state government.

Correct Answer : D

35 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.What is the name of an agreement between nations on a specific subject, such as piracy at sea?
A : International Convention
B : International Contract
C : International Coercion
D : International Comitatus

Correct Answer : A

36 : Johnny too tough Gangsta kidnaps his 15-year-old neighbor and transports her across four state lines before he is finally caught and arrested.Where is the International Criminal Court located?
A : The Hague
B : The United Nations
C : Washington DC
D : Rome

Correct Answer : A

37 : According to the Tokyo Convention Act of 1967, any nation may try persons for _____ even if no acts are committed within that countrys boundary or territorial waters.
A : terrorism
B : murder
C : treason
D : piracy

Correct Answer : D

38 : In 1983, the United States claimed sovereignty over waters extending _____ nautical miles from the United States and its possessions.
A : 50 nautical miles
B : 100 nautical miles
C : 200 nautical miles
D : 400 nautical miles

Correct Answer : C

39 : International criminal law is also known as offenses against the:
A : global order.
B : New World Order.
C : law of nations.
D : the Law of the United Nations.

Correct Answer : C

40 : The International Criminal Court has the power to prosecute people accused of:
A : murder.
B : all violent crimes.
C : offenses which occur in international waters.
D : war crimes.

Correct Answer : D

41 : What is the name of jurisdiction of the United States over actions within territorial waters of the US, on US ships, or stateless vessels on the high seas?
A : Maritime jurisdiction
B : Vessel jurisdiction
C : High Seas jurisdiction
D : Oceanic jurisdiction

Correct Answer : A

42 : International conventions and treaties between nations can confer power to what entity to make criminal laws?
A : The Federal Government
B : Indian Tribal Courts
C : Military Courts
D : Individual states within the United States

Correct Answer : A

43 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.What type of crime is being committed by those illegally boarding the ship?
A : Terrorism
B : Murder
C : Treason
D : Piracy

Correct Answer : D

44 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.The crew of the ship, if they were to survive the attack and make it back safely, might be charged with:
A : heroism.
B : terrorism.
C : mutiny.
D : piracy.

Correct Answer : C

45 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.The trial of the _____ would fall under the maritime jurisdiction.
A : pirates only, because piracy is a crime on the high seas,
B : crew only, because of their attack upon the captain,
C : both the pirates and the crew, because the crimes occurred while at sea,
D : neither the pirates nor the crew, because these are criminal, not maritime crimes,

Correct Answer : C

46 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.Final authority on the scope of Indian tribal jurisdiction is held by:
A : each individual tribe.
B : the American Congress of Indian Tribes.
C : Congress.
D : the President.

Correct Answer : C

47 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.How many Indian tribes does the US currently recognize with some attributes of sovereignty?
A : 120
B : 280
C : 310
D : 409

Correct Answer : C

48 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.In order for a Native American who has been convicted of a felony to be imprisoned in tribal facilities, it must be approved by the:
A : Bureau of Indian Affairs.
B : Indian Lands Commission.
C : Native American Bureau.
D : Sovereignty Commission.

Correct Answer : A

49 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.A state of military control over civilian populations as declared by state or federal governments is called:
A : martial law.
B : extradition.
C : posse comitatus.
D : jurisdiction.

Correct Answer : A

50 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.Persons in US military service are subject to military jurisdiction and the:
A : Military Criminal code.
B : Penal Code.
C : Uniform Code of Military Justice.
D : Military Penal Law.

Correct Answer : C

51 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.Should a member of the US military commit a crime off-base, jurisdiction will be with:
A : the state.
B : US District Court.
C : military court.
D : United Nations.

Correct Answer : C

52 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.If a member of the US military serving in another country commits an offense while off duty and off base, jurisdiction will be:
A : only in that country.
B : only in military court.
C : only in the Supreme Court.

D : with either the military or that country.

Correct Answer : D

53 : The crew of a cargo ship traveling in US waters successfully revolts against the captain, claiming he has not done enough to make the ship safe. The cargo ship is then attacked and boarded by a vessel which does not fly any nation s flag.What federal act forbids the use of federal military forces to enforce civilian laws unless there is other constitutional or congressional authorization?
A : Martial Law
B : Military Law
C : Posse Comitatus
D : Martial Jurisdiction

Correct Answer : C

54 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.Tommys actions would be in violation of which body of law?
A : Military Criminal Code
B : Penal Code
C : Uniform Code of Military Justice
D : Military Penal Law

Correct Answer : C

55 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.In this case, jurisdiction rests with:
A : the US military only.
B : the host country only.
C : either the US military or the host country.
D : neither the US military nor the host country.

Correct Answer : C

56 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.If Tommy was stateside when he committed his crime, then jurisdiction would lie with the:
A : state or town where the crime was committed.
B : US District Court.
C : military court only.
D : both the military court and the town or state.

Correct Answer : C

57 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.It is a federal offense to use military forces to execute the law without specific congressional authorization based on what principle?
A : Martial law

B : Habeas corpus
C : Posse comitatus
D : Jurisdictional prerogatives

Correct Answer : C

58 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.National Guard troops can lawfully be used following instances of:
A : disaster relief.
B : search and rescue missions.
C : civil disturbances.
D : All of these choices

Correct Answer : D

59 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.In order to deploy federal troops, the president must receive authorization from the:
A : Senate only.
B : state legislature.
C : state governor.
D : Congress.

Correct Answer : D

60 : Tommy joined the military when he was 18 years old. After serving his first enlistment contract, he re-enlisted with plans on making a career out of it. While overseas on deployment, Tommy steals some merchandise from the local town store.An agreement between nations, which lays down general principles of laws on such topics as piracy at sea, is referred to as a:
A : United Nations Convention.
B : international convention.
C : military agreement.
D : executive action.

Correct Answer : A

FILL IN THE BLANK

61 : The _____ government may pass laws only in situations authorized by the Constitution.

Correct Answer : federal

62 : Federal ____ are federally owned and controlled lands.

Correct Answer : enclaves

63 : The procedure by which a person who has fled to avoid criminal prosecution is brought back to the jurisdiction is called _____.

Correct Answer : extradition

64 : Crimes committed in places beyond the ____ of any state may be prosecuted on the federal level.

Correct Answer : jurisdiction

65 : If an activity (e.g., legal or illegal drug trade) involves more than a single state, Congress has the power to regulate it by either criminal or civil laws because of the ____ Clause in Article I of the Constitution.

Correct Answer : Commerce

66 : Americans who commit crimes in ____ countries are subject to prosecution before foreign courts, whether they are military personnel or tourists.

Correct Answer : foreign

67 : Because of the statutes giving many nations jurisdictions over crimes, situations could exist in which a number of nations have _____ jurisdiction.

Correct Answer : concurrent

68 : The United States claims jurisdiction extending _____ nautical miles beyond its shores.

Correct Answer : 200

69 : When the crew of a ship or aircraft seizes control against lawful authority, this is the offense of _____.

Correct Answer : mutiny

70 : A _____ is an agreement between nations on a specific subject, such as piracy at sea.

Correct Answer : United Nations convention

71 : The seizure of a ship or aircraft while it is underway is called ____.

Correct Answer : piracy

72 : Indian ___ courts have power to try Indians who commit crimes on or within their reservation.

Correct Answer : tribal

73 : Persons in US military service become subject to the _____.

Correct Answer : Uniform Code of Military Justice

74 : _____ is a state of military control over civilian populations as declared by state or federal government.

Correct Answer : Martial law

75 : _____ is Latin, meaning power of the country. In the United States, it traditionally has referred to the military forces.

Correct Answer : Posse comitatus

ESSAY

76 : Identify the specific powers granted to the federal government to make criminal laws.

Correct Answer : N/A

77 : Explain how the Commerce Clause is the basis for the federal governments authority to enact some criminal laws. Discuss a Supreme Court case that addressed the federal governments powers under the Commerce Clause to make a particular action a federal offense.

Correct Answer : N/A

78 : Discuss the general powers states have to make criminal law and to prosecute those who violate it.

Correct Answer : N/A

79 : Define and discuss extradition and the circumstances when it becomes necessary.

Correct Answer : N/A?

80 : Define federal enclaves and explain the effect of the Assimilative Crimes Act on the issue of jurisdiction.

Correct Answer : N/A

81 : Identify the crimes which may be committed against ships and aircraft. By use of examples, identify where might different jurisdictions apply.

Correct Answer : N/A

82 : Define international criminal law. Discuss the International Criminal Courts role in international criminal law and its relationship of the United States.

Correct Answer : N/A

83 : Describe the system of criminal justice on Indian reservations and the role of tribal courts and the state courts where the reservations are located.

Correct Answer : N/A

84 : What is the 1878 Posse Comitatus Act? How does it limit the use of military troops in civil law enforcement?

Correct Answer : N/A

85 : Explain the jurisdiction of military courts, and what jurisdictions can prosecute American citizens who commit crimes in foreign countries.

Correct Answer : N/A