Chapter 5 Study Guide

Question 1 2.5 / 2.5 points

Black’s Law Dictionary defines law as “that which must be obeyed....”

A) True
B) False

Question 2 0 / 2.5 points

Approximately 50% of all lawsuits are settled prior to trial.

A) True
B) False

Question 3 0 / 2.5 points

All of the following are primary functions served by U.S. law except:

A) Keeping the peace.
B) Shaping moral standards.
C) Promoting economic equality.
D) Maximizing individual freedom.

Question 4 0 / 2.5 points

All of the following are constitutionally created branches of government except:

A) Administrative branch.
B) Executive branch.
C) Judicial branch.
D) Legislative branch.

Question 5 0 / 2.5 points

Stare Decisis is:

A) The doctrine on which our common law system is based.
B) The phrase that is used in the Constitution to describe legislative authority.
C) The method of resolving disagreement between the federal branches of government.
D) Inappropriate, because staring is rude.

Question 6 0 / 2.5 points

The U.S. Constitution serves which two major functions:
A) It creates the federal judiciary and the manner of electing the president.
B) It creates the manner of electing the president and protects individual rights.
C) It creates a form of government and defines rights of citizens which are protected.
D) It creates the three branches of government and establishes the method of legislative authority.

Question 7

The doctrine of separation of powers:

A) Requires the U.S. Supreme Court to take cases from the state courts.
B) Requires the federal government to remain separate from the state governments.
C) Divides the U.S. Congress into a House of Representatives and a Senate.
D) Divides the federal government into three branches.

Question 8

The supremacy clause:

A) Makes federal law superior to state law when there is a conflict between them.
B) Makes state law superior to federal law when there is a conflict between them.
C) Makes the judiciary superior to the other branches of government.
D) Makes the executive branch of government superior to the legislative branch.

Question 9

The Bill of Rights consists of:

A) The Magna Carta.
B) The first 10 amendments of the Constitution.
C) The Due Process Clause and the Equal Protection Clause.
D) Articles I-III of the Constitution.

Question 10

The following type of speech is generally considered unprotected by the First Amendment:

A) Political protests against the government.
B) Flag burning.
C) Atheistic speech.
Question 11

One type of fully protected speech is:

A) Commercial speech.
B) Advertising.
C) Political speech.
D) None of the above.

Question 12

Courts have come to recognize the following as two categories of due process:

A) Substantive and Ethical.
B) Substantive and Procedural.
C) Procedural and Commercial.
D) Commercial and Religious.

Question 13

The school of jurisprudential thought that states the central concern of legal decision making is to promote market efficiency or the "bottom line" is:

A) Law and Economics.
B) Natural
C) Sociological
D) Historical

Question 14

Which of the following does not come from the Executive branch of government?

A) Agency regulations.
B) Treaties.
C) Codified law.
D) All of the above.

Question 15

If a state statute conflicts with a provision in the U.S. Constitution
Question 16 0 / 2.5 points

Certain powers in the United States Constitution are said to be enumerated. This means:

A) These powers were specifically delegated to the federal government.
B) These powers were specifically left to the state governments.
C) These powers are considered shared between the state and federal governments.
D) These powers are balanced by the state checking actions of the federal government

Question 17 0 / 2.5 points

The right to criticize the President’s position concerning the free trade with Southeast Asia is:

A) Not protected by the 1st Amendment.
B) Protected by the 1st Amendment but may be limited as to time, manner and place
C) Fully protected by the 1st Amendment.
D) all of the above

Question 18 0 / 2.5 points

Local zoning laws are an example of:

A) The commerce clause.
B) Enumerated powers.
C) Federalism.
D) State police power.

Question 19 0 / 2.5 points

Decisions of an appellate court, like the Supreme Court:

A) Serve to resolve the dispute before the court.
B) Serve as guidance in resolving similar disputes in the future.
C) Both a and b
Procedural due process requires:

- **A)** Laws on their face be clear and not overly broad.
- **B)** Laws must not treat similarly situated persons differently.

Laws which permit the government to take action against individuals must provide for notice and hearing.

- **C)**

- **D)** All of the above