

Chapter 01-The Nature and Sources of Law

True / False

1. The pattern of rules that society establishes to control the conduct of individuals in their relationships is called law.

- a. True
- b. False

ANSWER: True

2. The law often works to cause our society to operate in a very inefficient manner.

- a. True
- b. False

ANSWER: False

3. Law is often defined as the body of principles that courts or administrative agencies will enforce.

- a. True
- b. False

ANSWER: True

4. Jane asserts she has a legal right. Jane is really saying she has an obligation to perform or refrain from performing an act.

- a. True
- b. False

ANSWER: False

5. Rights always stand alone, without any duties.

- a. True
- b. False

ANSWER: False

6. Rights guaranteed in the U.S. Constitution are accompanied by duties.

- a. True
- b. False

ANSWER: True

7. Court decisions and statutes can take away rights created by the U.S. Constitution.

- a. True
- b. False

ANSWER: False

8. One of our most important rights is the right of privacy.

- a. True
- b. False

ANSWER: True

9. The right to be secure against unreasonable searches and seizures conducted by the police is guaranteed by the Fifth

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Amendment of the U.S. Constitution

- a. True
- b. False

ANSWER: False

10. The U.S. Constitution provides that we have a right to be free from unreasonable intrusions by others.

- a. True
- b. False

ANSWER: True

11. The private life of an ordinary citizen is subject to strict scrutiny.

- a. True
- b. False

ANSWER: False

12. The U.S. Supreme Court has held that the right of privacy does not apply to intrusions into our privacy by means of new technology.

- a. True
- b. False

ANSWER: False

13. Although laws are enacted at different levels of government to provide the framework for business and personal rights and duties, the framework for this legal system is constitutional law.

- a. True
- b. False

ANSWER: True

14. A constitution is a body of principles that establishes the structure of a government and the relationship of that government to the people who are governed.

- a. True
- b. False

ANSWER: True

15. One advantage of our current legal system is that the growth of technology has not created many new laws.

- a. True
- b. False

ANSWER: False

16. Statutory law includes U.S. Supreme Court opinions.

- a. True
- b. False

ANSWER: False

17. Within each state in the United States, only the U.S. Constitution is in force.

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- a. True
- b. False

ANSWER: False

18. All cities, counties, and other governmental subdivisions have basic powers to adopt ordinances, such as traffic and zoning laws, within their sphere of operation.

- a. True
- b. False

ANSWER: True

19. Criminal laws carry damage penalties for a wronged individual.

- a. True
- b. False

ANSWER: False

20. Procedural law specifies the steps that must be followed in enforcing those rights and liabilities.

- a. True
- b. False

ANSWER: True

21. Administrative regulations generally do not have the force of law.

- a. True
- b. False

ANSWER: False

22. Individuals can create their own private law when they contract among themselves.

- a. True
- b. False

ANSWER: True

23. A right is an obligation of law imposed on a person to perform or refrain from performing a certain act.

- a. True
- b. False

ANSWER: False

24. When a court decides a new question or problem, it can ignore precedent.

- a. True
- b. False

ANSWER: False

25. The history of a statute's passage used in court decisions is called precedent.

- a. True
- b. False

ANSWER: False

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26. Common law consists of court-enforced unwritten principles originally based on the usages and customs of the community.

- a. True
- b. False

ANSWER: True

27. Treaties made by the United States are not deemed part of the law.

- a. True
- b. False

ANSWER: False

28. The Uniform Commercial Code is a good example of uniform state laws.

- a. True
- b. False

ANSWER: True

29. Those uniform state laws that have been adopted by individual states were first written by Congress.

- a. True
- b. False

ANSWER: False

30. Procedural law creates legal rights and duties.

- a. True
- b. False

ANSWER: True

31. Civil laws define wrongs against society.

- a. True
- b. False

ANSWER: False

32. Equity provides justice when the law is inadequate.

- a. True
- b. False

ANSWER: True

33. A party may ask for legal, but not equitable, remedies in a single court.

- a. True
- b. False

ANSWER: False

34. *Stare decisis* is a term for the courts' use of precedent in making decisions.

- a. True

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b. False

ANSWER: True

35. A police officer who stops a driver for expired tags can search the driver's cell phone without a warrant.

a. True

b. False

ANSWER: False

36. The U.S. Supreme Court has held that a right to obtain an abortion is protected under the right of privacy.

a. True

b. False

ANSWER: True

37. A university regulation that prohibits posting of pictures without prior approval is an example of administrative law.

a. True

b. False

ANSWER: False

Multiple Choice

38. Law is:

- a. a body of religious principles held by all members of society.
- b. a body of principles that society establishes to keep things running smoothly.
- c. always the result of case-law decisions.
- d. derived solely from the United States Constitution.

ANSWER: b

39. Law consists of:

- a. principles that govern conduct.
- b. mere guidelines.
- c. arbitrary rules.
- d. traditions.

ANSWER: a

40. The law could best be described as:

- a. only statutory in nature.
- b. only the creation of our courts.
- c. a collection or bundle of rights.
- d. a bundle of political choices.

ANSWER: c

41. Our rights flow from all the following sources *except*:

- a. the Constitution.
- b. federal statutes.

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- c. city ordinances.
- d. ethical values.

ANSWER:

d

42. A right can exist:

- a. by itself.
- b. only if created by a court.
- c. only if there is a corresponding duty.
- d. only under local law.

ANSWER:

c

43. A right is defined as:

- a. an obligation of law imposed to perform an act.
- b. a legal capacity to require another party to perform an action.
- c. any written promise.
- d. a political power to do the right thing.

ANSWER:

b

44. The Securities Exchange Commission creates

- a. case precedent.
- b. statutory law.
- c. Constitutional law.
- d. administrative regulations.

ANSWER:

d

45. Rights guaranteed in the United States Constitution:

- a. cannot be taken away by statutes or court decisions.
- b. can be taken away by statutes.
- c. can be taken away by court decisions.
- d. can be taken away by local ordinances.

ANSWER:

a

46. The right of privacy consists of:

- a. the right to be secure against unreasonable searches by the government only.
- b. the right to protection against intrusions by others only.
- c. both the right to be secure against unreasonable searches by the government and the right to protection against intrusions by others.
- d. the right to be secure against warrantless searches only.

ANSWER:

c

47. Suppose Sheriff Roland desires to search your home. What law requires that the sheriff obtain a search warrant?

- a. the Fourth Amendment of the United States Constitution
- b. the Equal Protection Clause

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- c. state statute
- d. local uniform police ordinances

ANSWER:

a

48. The right to privacy applies to protect you from unreasonable searches in all of the following scenarios except:

- a. to you personally.
- b. to your home.
- c. to your business.
- d. in the commission of a crime.

ANSWER:

d

49. _____ law creates, defines, and regulates rights and liabilities.

- a. Statutory
- b. Constitutional
- c. Substantive
- d. Procedural

ANSWER:

c

50. If a court issues an injunction, the court would be ordering a(n) _____.

- a. equitable remedy
- b. legal remedy.
- c. private remedy.
- d. order of equitable damages.

ANSWER:

a

51. Suppose Jack signs a contract to purchase a home from Jill, but Jill later refuses to transfer title to the home to Jack. Jack could force Jill to transfer title to the home by asking a court for an order of _____

- a. injunctive law.
- b. specific performance.
- c. legal damages.
- d. substantive law.

ANSWER:

b

52. A good example of a uniform state law would be:

- a. statutory law.
- b. case law.
- c. constitutional law.
- d. the Uniform Commercial Code.

ANSWER:

d

53. The right to privacy means that individuals:

- a. cannot gossip about each other
- b. cannot be lawfully searched.

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- c. can yell "Fire" in a crowded theater.
- d. are protected against intrusions by others.

ANSWER: d

54. If your home or business is searched unlawfully, any items obtained during that unlawful search could be excluded as evidence in a criminal trial because of the _____.

- a. Fourth Amendment's exclusionary rule
- b. Constitutional common law
- c. Fifth Amendment's right to privacy
- d. common law

ANSWER: a

55. Statutory law can be created by all of the following *except*:

- a. Congress.
- b. state legislatures.
- c. local governments.
- d. by the courts.

ANSWER: d

56. Administrative regulations:

- a. are essentially industry advisories.
- b. are case-law precedents.
- c. generally have the force of statute.
- d. are Constitutional principles.

ANSWER: c

57. A _____ is a legal principle expressed for the first time in court decision.

- a. statutory law
- b. *stare decisis*
- c. case law
- d. precedent

ANSWER: d

58. Statutes which are drafted from Uniform State Laws are often used to regulate:

- a. business.
- b. foreign countries.
- c. criminal behavior.
- d. personal family matters.

ANSWER: a

59. The Uniform Partnership Act is a good example of a(n):

- a. Congressional statute.
- b. substantive law.

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- c. uniform state law.
- d. procedural law.

ANSWER:

c

60. Substantive law:

- a. specifies the steps to follow to enforce legal rights.
- b. concerns equitable relief only.
- c. creates, defines, and regulates rights and liabilities.
- d. draws solely on English legal principles.

ANSWER:

c

61. Criminal laws:

- a. define wrongs against society.
- b. define the rights of one person against another.
- c. carry damage remedies against the wronged individual.
- d. are punished by individuals who have been wronged.

ANSWER:

a

62. _____ is a body of law that provides justice when the law does not offer an adequate remedy.

- a. Ethics
- b. Regulations
- c. Equity
- d. Statutes.

ANSWER:

c

63. The right to an abortion was held to exist:

- a. under federal statutory law.
- b. under state laws.
- c. under regulations passed by the Department of Health and Human Services
- d. under the U.S. Constitution.

ANSWER:

d

64. The landlord's duty that corresponds with the right of a tenant to have an apartment in working order and good condition is:

- a. payment of rent.
- b. the duty of eviction.
- c. providing hot and cold running water.
- d. regulating noise.

ANSWER:

c

65. Which of the following laws would be part of federal (congressional) statutory law?

- a. zoning laws
- b. consumer credit protections

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- c. probate of wills
- d. creation of corporations

ANSWER:

b

66. Case law is used by courts:

- a. to develop new statutory law.
- b. in applying precedent.
- c. to amend state and the federal constitutions.
- d. only when there is a statute to interpret.

ANSWER:

b

67. Which of the following is an example of procedural law?

- a. the time limits for filing a civil lawsuit
- b. a law that provides a right to claim treble damages
- c. a law that created Medicare rights
- d. a law that defines monopoly

ANSWER:

a

Essay

68. Jacob just won the state lottery. Discuss his right to privacy.

ANSWER: Within the context of the Fourth Amendment, Jacob continues to be protected to the same extent he was prior to winning. Regarding his right to be protected from intrusions by others, however, he most likely will have to give up some privacy rights because of his good fortune; that is, although he remains a private citizen, he will not have quite the same degree of privacy protection in this arena as he had before winning the lottery.

69. A new state law mandates that all employers must prohibit smoking on employer premises. The law further provides that any employer who allows an employee or a client/customer to smoke on its premises is subject to a court order requiring the employer to enforce the law. Describe this statute in terms of all possible classification methods.

ANSWER: The law is substantive because it defines rights and liabilities of business owners. The law is also equitable, based on the remedy of specific performance, since it subjects the employer to a court order requiring the employer to actually do something; i.e., forbid smoking on its premises.

70. The U.S. Constitution provides that each state must send electors to cast their votes for president, called the electoral college. The electors are chosen based on the winner of the state's popular vote for presidential candidates, or on an allocation formula provided for in some states. In the 2016 presidential election, some electors chose not to follow their state's popular vote and cast a different vote. The case went to the U.S. Supreme court for a decision. List all the sources of law that would be used by the court in deciding whether "faithless" electors could cast a vote different from what was required under their state laws.

ANSWER: The U.S. Constitution would be interpreted because it establishes the process for presidential elections. There would also be the rights of voters under the U.S. Constitution. There would be state laws because the states establish how they will determine how their electors will vote. In some states, there would be constitutional provisions that would also apply. There are also administrative regulations at both federal and state levels that would have procedural details on the electoral college. Finally, there would be precedent. The court would look at the previous court decisions on issues related to presidential elections. There are both substantive rights and laws as well as procedural laws involved in the decision.

Name _____ Class _____ Date _____
: _____ : _____ e: _____

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In *Chiafalo v. Washington*, 140 S. Ct. 2318 (2020), the court held in a 9-0 decision that there could not be “faithless” electors. They are required to vote according to the processes established for their selection in their states. The court held that allowing electors to not follow those rules would undermine the results of the election and the voting rights of citizens.