

Name

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Chapter 01 The Historical Basis and Current Structure of the American Legal System

1. The naturalist theory was based on what belief?

- a. Very few individuals have the ability to distinguish between right and wrong.
- b. The aristocracy has the ability to distinguish between right and wrong.
- c. All individuals have the ability to distinguish between right and wrong.
- d. The court system has the ability to distinguish between right and wrong.

ANSWER:

c

POINTS:

1

QUESTION TYPE:

Multiple Choice

HAS VARIABLES:

False

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2. The colonists considered the Articles of Confederation largely ineffective because of what factor?

- a. Widespread corruption within the government.
- b. The national government lacked enforcement power.
- c. Lack of cooperation between the three branches of government.
- d. The governmental staff had grown too large and ineffective.

ANSWER:

b

POINTS:

1

QUESTION TYPE:

Multiple Choice

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False

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3. During formation of the national government, individual states were left intact because

- a. the fledgling nation was at war.
- b. the federal government was too weak to force the states into giving up the notion of individual statehood.
- c. the states threatened secession and civil war.
- d. they could more effectively respond to the citizens' needs.

ANSWER:

d

POINTS:

1

QUESTION TYPE:

Multiple Choice

HAS VARIABLES:

False

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4. Federal laws take precedence over conflicting state laws because of the

- a. legislative clause.
- b. judicial clause.
- c. statutory clause.
- d. supremacy clause.

ANSWER:

d

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POINTS: 1
QUESTION TYPE: Multiple Choice
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5. Before 1913, how were the House of Representatives and the Senate elected?

- a. The people elected both indirectly.
- b. The people elected the Senate indirectly.
- c. The people elected both directly.
- d. The people elected the House of Representatives indirectly.

ANSWER: b
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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6. Congress has the sole authority to pass

- a. state treaties.
- b. criminal law.
- c. international law.
- d. statutory law.

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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7. At the state level, the head of the executive branch is the

- a. state governor.
- b. state attorney general.
- c. state legislator.
- d. state senators.

ANSWER: a
POINTS: 1
QUESTION TYPE: Multiple Choice
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8. Each state is entitled to appoint a number of electors based on
- a. the state's total number of registered voters.
 - b. the state's total number of national convention delegates.
 - c. the state's total number of senators and representatives.
 - d. the state's total number of federal judges.

ANSWER: c
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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9. Who elects the President if there is not a candidate with a majority of the electoral vote?
- a. House of Representatives
 - b. President of the Senate
 - c. Senate
 - d. Supreme Court

ANSWER: a
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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10. Federal law-enforcement agencies are considered a component of the
- a. executive branch.
 - b. Federal Bureau of Investigation.
 - c. judicial branch.
 - d. legislative branch.

ANSWER: a
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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11. The primary source of new law is the
- a. executive branch.
 - b. U.S. Constitution.
 - c. Congress.
 - d. popular vote.

ANSWER: c

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POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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12. The traditional balance equals the rights of the people versus

- a. the rights of society.
- b. the rights of the state.
- c. the rights of the individual.
- d. the rights of the government.

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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13. Federal judges are appointed by the

- a. U.S. Senate.
- b. U.S. attorney general.
- c. President.
- d. U.S. Supreme Court.

ANSWER: c
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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14. Which law uses precedent as a key element?

- a. Statutory law
- b. Criminal law
- c. Administrative law
- d. Judicial law

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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15. *Stare decisis* literally means what?

- a. Let the decision stand.
- b. Let the decision rest.
- c. Let the verdict stand.
- d. Let the verdict rest.

ANSWER:

a

POINTS:

1

QUESTION TYPE:

Multiple Choice

HAS VARIABLES:

False

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16. The ability to enforce law consistently while retaining enough flexibility to adapt to changes in societal standards is the definition of

- a. modern law.
- b. modern balance.
- c. current law.
- d. current balance.

ANSWER:

b

POINTS:

1

QUESTION TYPE:

Multiple Choice

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False

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17. What type of law is most effective in dealing with a large or national industry that requires monitoring for public welfare or safety?

- a. Administrative law
- b. Business law
- c. Commercial law
- d. Delegated law

ANSWER:

a

POINTS:

1

QUESTION TYPE:

Multiple Choice

HAS VARIABLES:

False

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18. What has had the most influence on the way all U.S. law is implemented?

- a. Legal traditions
- b. An established hierarchy of authority among the branches
- c. The British system of law

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d. The Supreme Court

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
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19. State governments are responsible for handling matters not addressed by

- a. administrative laws.
- b. Congress.
- c. federal regulations.
- d. the U.S. Constitution.

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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20. The Bill of Rights does not reflect the language of

- a. naturalist theory.
- b. sociological theory.
- c. positivist theory.
- d. unionist theory.

ANSWER: d
POINTS: 1
QUESTION TYPE: Multiple Choice
HAS VARIABLES: False
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21. Criminal law is the term used to describe all federal statutory law.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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22. The U.S. Supreme Court is the main source of all law in this country.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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23. The majority of Americans have more frequent personal contact with the legislative branch than with any other branch of government.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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24. Because of the influence of societal standards on behavior, the sociological theory plays a critical role in our governmental structure.

- a. True
- b. False

ANSWER: True
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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25. Because the naturalist theory was ideally suited for the complex legal issues of the period, it played a key role in the creation of the Supreme Court.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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26. Each state legislature determines the manner in which the electors are appointed.

- a. True
- b. False

ANSWER: True
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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27. The executive branch was the first governmental branch established in the federal structure.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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28. One of the first priorities for settlers in the New World was to establish a formal legal system different from the ones they left in Europe and Britain.

- a. True
- b. False

ANSWER: False
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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29. Administrative law is primarily made up of two elements.

- a. True
- b. False

ANSWER: True
POINTS: 1
QUESTION TYPE: True / False
HAS VARIABLES: False
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30. The Articles of Confederation was the document that guided the new government in advance of the U.S. Constitution.

- a. True

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b. False

ANSWER: True
 POINTS: 1
 QUESTION TYPE: True / False
 HAS VARIABLES: False
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Match the most appropriate term to the definition.

- a. modern balance
- b. *stare decisis*
- c. common law
- d. statutory law
- e. administrative law
- f. precedent
- g. sociological theory
- h. traditional balance
- i. positivist theory
- j. legal standard

QUESTION TYPE: Matching
 HAS VARIABLES: False
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31. Regulations and decisions that explain and detail statutes, and are issued by administrative agencies.

ANSWER: e
 POINTS: 1

32. Creation of law by the judiciary

ANSWER: c
 POINTS: 1

33. Law created by one of the three sources of government, including the legislature, administrative agencies, and the judiciary

ANSWER: j
 POINTS: 1

34. The goal of law-making authorities to balance the need for consistency and stability against the need for a flexible and adaptive government

ANSWER: a
 POINTS: 1

35. The political belief that there should be a superior government entity that is not subject to question or challenge

ANSWER: i

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POINTS: 1

36. Existing legal standards that courts look to for guidance when making a determination of a legal issue

ANSWER: f

POINTS: 1

37. The doctrine that follows the principle that government should adapt laws to reflect the current needs and beliefs of society

ANSWER: g

POINTS: 1

38. "Let the decision stand." The method used by the judiciary when applying precedent to current situations.

ANSWER: b

POINTS: 1

39. A statute; law that is created by the legislature

ANSWER: d

POINTS: 1

40. The goal of the judiciary to allow maximum personal freedom without detracting from the welfare of the general public.

ANSWER: h

POINTS: 1

Match the most appropriate term to the definition.

- a. naturalist theory
- b. legislative branch
- c. positivist theory
- d. executive branch
- e. judicial branch
- f. sociological theory
- g. Bill of Rights
- h. modern balance
- i. legal standard
- j. traditional balance

QUESTION TYPE:

Matching

HAS VARIABLES:

False

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41. The first branch of government created

ANSWER: e

POINTS: 1

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42. Follows the principle that government should adopt laws to reflect the current needs and beliefs of society

ANSWER: a

POINTS: 1

43. Belief that there should be a superior governmental entity not subject to question or challenge

ANSWER: c

POINTS: 1

44. Is headed by the President at the national level and governors at the state level

ANSWER: d

POINTS: 1

45. Based on the belief that all persons inherently know the difference between right and wrong

ANSWER: f

POINTS: 1

46. Has the authority to interpret laws and protect the Constitution from violation by Congress, the President, and the states

ANSWER: b

POINTS: 1

47. Establishes the standards of fundamental fairness by which the government must deal with its citizens

ANSWER: g

POINTS: 1

48. Legal principle or point of law that may appear in the form of statutory, judicial, or administrative law

ANSWER: i

POINTS: 1

49. Goal of law-making authorities to balance the need for consistency and stability against the need for flexible and adaptive government

ANSWER: h

POINTS: 1

50. Goal of the judiciary to allow maximum personal freedom without detracting from the welfare of the general public

ANSWER: j

POINTS: 1