

Chapter 2: The Sources of Criminal Procedure

Test Bank

Multiple Choice

1. Which of the following is the primary source of criminal procedure?

- A. the U.S. Constitution
- B. statutes passed by the U.S. Congress
- C. Judicial rulings
- D. common law

Ans: A

Cognitive Domain: Application

Answer Location: Introduction

Difficulty Level: Medium

2. All of the following were addressed in the original U.S. Constitution (excluding the Bill of Rights) *except* _____.

- A. protection against *ex post facto* laws
- B. protection against excessive bail
- C. the right to *habeas corpus*
- D. the right to a trial by jury

Ans: B

Cognitive Domain: Application

Answer Location: The U.S. Constitution

Difficulty Level: Medium

3. Which of the following is the only crime mentioned by name in the U.S. Constitution?

- A. espionage
- B. treason
- C. sedition
- D. forgery

Ans: B

Cognitive Domain: Application

Answer Location: The U.S. Constitution

Difficulty Level: Medium

4. Which of the following guarantees individuals the right to go before a court and require the government to explain why they are incarcerated?

- A. *ex post facto* laws
- B. jury trials
- C. *habeas corpus*
- D. treason

Ans: C

Cognitive Domain: Application

Answer Location: The U.S. Constitution

Difficulty Level: Medium

5. Which of the following Amendments protections against unreasonable searches and seizures?

A. Fourth

B. Fifth

C. Sixth

D. Eighth

Ans: A

Cognitive Domain: Application

Answer Location: The U.S. Constitution

Difficulty Level: Medium

6. Which of the following Amendments ensures the right to a speedy trial?

A. Fourth

B. Fifth

C. Sixth

D. Eighth

Ans: C

Cognitive Domain: Application

Answer Location: The U.S. Constitution

Difficulty Level: Medium

7. The _____ Amendment protects against excessive bail and fines.

A. Fourth

B. Fifth

C. Sixth

D. Eighth

Ans: D

Cognitive Domain: Knowledge

Answer Location: The U.S. Constitution

Difficulty Level: Easy

8. Which of the following states that the U.S. Constitution and laws passed by the U.S. Congress eclipse state constitutions and state laws?

A. the First Amendment

B. the Supremacy Clause

C. the Federalist Article

D. the Jefferson Addendum

Ans: B

Cognitive Domain: Application

Answer Location: The U.S. Supreme Court

Difficulty Level: Medium

9. In which case did a Supreme Court Justice make this famous proclamation: “an act that is repugnant to the Constitution is void” and that “[i]t is emphatically the province and duty of the judicial department to say what the law is?”

- A. *Marbury v. Madison*
- B. *Madison v. United States*
- C. *Marshall v. Madison*
- D. *Brown v. Board of Education*

Ans: A

Cognitive Domain: Comprehension

Answer Location: The U.S. Supreme Court

Difficulty Level: Medium

10. Which of the following has been used by the Supreme Court to impose standards that are not required by the U.S. Constitution?

- A. judicial review
- B. supremacy clause
- C. supervisory authority
- D. precedent

Ans: C

Cognitive Domain: Application

Answer Location: The U.S. Supreme Court

Difficulty Level: Medium

11. As a general rule, state constitutions _____.

- A. mirror the U.S. Constitution and grant additional rights
- B. mirror the U.S. Constitution and remove certain rights
- C. mirror the U.S. Constitution almost verbatim
- D. have nothing to do with the U.S. Constitution

Ans: A

Cognitive Domain: Comprehension

Answer Location: State Constitutions and Court Decisions

Difficulty Level: Easy

12. All of the following are responsible for establishing federal rules of criminal procedure *except* _____.

- A. Judicial Conference of the United States
- B. Chief Justice of the U.S. Supreme Court
- C. Congress
- D. the President

Ans: D

Cognitive Domain: Application

Answer Location: Rules of Criminal Procedure

Difficulty Level: Medium

13. All of the following are sets of rules or guidelines for criminal procedure *except* _____.

- A. the *Model Code of Pre-Arrest Procedure*
- B. the United States Attorney's *Manual of the Department of Justice*
- C. the *Standards for Criminal Justice*
- D. the Model Penal Code

Ans: D

Cognitive Domain: Application

Answer Location: A Model Code of Pretrial Procedure

Difficulty Level: Medium

14. Which of the following addresses pretrial police investigations and has been cited by judges grappling with criminal procedure issues.

- A. the *Model Code of Pre-Arrest Procedure*
- B. the United States Attorney's *Manual of the Department of Justice*
- C. the *Standards for Criminal Justice*
- D. the Model Penal Code

Ans: A

Cognitive Domain: Application

Answer Location: A Model Code of Pretrial Procedure

Difficulty Level: Medium

15. The _____ sets forth the policy of the Justice Department at every stage of the criminal justice process, including grand juries, the filing of criminal charges, plea bargaining, and sentencing.

- A. *Model Code of Pre-Arrest Procedure*
- B. the United States Attorney's *Manual of the Department of Justice*
- C. *Standards for Criminal Justice*
- D. Model Penal Code

Ans: B

Cognitive Domain: Knowledge

Answer Location: A Model Code of Pretrial Procedure

Difficulty Level: Easy

16. The _____ is responsible for suggesting reforms that might be made to various criminal justice procedures.

- A. *Model Code of Pre-Arrest Procedure*
- B. the United States Attorney's *Manual of the Department of Justice*
- C. *Standards for Criminal Justice*
- D. Model Penal Code

Ans: C

Cognitive Domain: Knowledge

Answer Location: A Model Code of Pretrial Procedure

Difficulty Level: Easy

17. In which constitutional Amendment is the Due Process Clause?

- A. First
- B. Ninth
- C. Fourteenth
- D. Seventeenth

Ans: C

Cognitive Domain: Knowledge

Answer Location: Nationalization

Difficulty Level: Easy

18. The constitutionalization of criminal procedure is known as _____.

- A. nationalization
- B. retroactivity
- C. new judicial federalism
- D. supervisory authority

Ans: A

Cognitive Domain: Knowledge

Answer Location: Nationalization

Difficulty Level: Easy

19. Which of the following events in U.S. history served as a major turning point in the application of the Bill of Rights to the states?

- A. the Boston Massacre
- B. the Civil War
- C. the Great Depression
- D. the Civil Rights Movement

Ans: B

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

20. A person who believes in the federalist notion of states' rights would most likely support which of the following approaches of incorporation?

- A. fundamental fairness
- B. fundamental principles
- C. total incorporation
- D. total incorporation plus

Ans: A

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

21. A person who favors a strong central government yet supports only those rights clearly written in the Bill of Rights would most likely support which of the following approaches of incorporation?

- A. fundamental fairness
- B. fundamental principles

- C. total incorporation
- D. total incorporation plus

Ans: C

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

22. A person who favors a strong central government and who believes that government must extend as many rights and privileges as possible would most likely support which of the following approaches of incorporation?

- A. fundamental fairness
- B. fundamental principles
- C. total incorporation
- D. total incorporation plus

Ans: D

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

23. Which approach to incorporation focuses on the concept of “ordered liberty?”

- A. fundamental fairness
- B. total incorporation
- C. total incorporation plus
- D. selective incorporation

Ans: A

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

24. Why was the Fourteenth Amendment added to the constitution?

- A. to establish the separate-but-equal policy in the United States
- B. to establish that federal law took precedence over state law
- C. to guarantee equal treatment and opportunity for African Americans
- D. to guarantee women the right to vote

Ans: C

Cognitive Domain: Comprehension

Answer Location: The Fourteenth Amendment

Difficulty Level: Easy

25. Which of the approaches of incorporation grants the states the most flexibility?

- A. fundamental fairness
- B. total incorporation
- C. total incorporation plus
- D. selective incorporation

Ans: A

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

26. The belief that the Supreme Court should decide on a case-by-case basis whether rights are fundamental to the concept of ordered liberty and therefore apply to the states is reflected in which of the following approaches to incorporation?

- A. fundamental fairness
- B. total incorporation
- C. total incorporation plus
- D. selective incorporation

Ans: A

Cognitive Domain: Application

Answer Location: The Fourteenth Amendment

Difficulty Level: Medium

27. The fundamental fairness approach to incorporation emphasizes that rights must be ensured that _____.

- A. provide "equality for all"
- B. preserve "liberty and justice"
- C. "level the playing field"
- D. support the "infallibility of justice"

Ans: B

Cognitive Domain: Comprehension

Answer Location: Fundamental Fairness

Difficulty Level: Easy

28. According to the ruling in *Twining v. New Jersey*, which reinforced the fundamental fairness approach to incorporation, a right must be _____ to be forced upon the states.

- A. "an immutable principle of justice"
- B. "a God-given right"
- C. "crucial to prevent deadly peril"
- D. "a fundamental standard of procedure"

Ans: A

Cognitive Domain: Comprehension

Answer Location: Fundamental Fairness

Difficulty Level: Medium

29. The test established in *Rochin v. California* is known as the _____ test.

- A. "constitutional violation"
- B. "violation-of-ethics"
- C. "shocks-the-conscience"
- D. "sum of the parts"

Ans: C

Cognitive Domain: Knowledge

Answer Location: Fundamental Fairness

Difficulty Level: Easy

30. The fundamental fairness test was established by which of the following U.S. Supreme Court cases?

- A. *Hurtado v. California*
- B. *Marbury v. Madison*
- C. *Twining v. New Jersey*
- D. *Moore v. Dempsey*

Ans: A

Cognitive Domain: Knowledge

Answer Location: Fundamental Fairness

Difficulty Level: Easy

31. Which of the following U.S. Supreme Court cases was considered to be a small step toward recognizing that the Fourteenth Amendment protected individuals against abuse by state authorities?

- A. *Hurtado v. California*
- B. *Marbury v. Madison*
- C. *Twining v. New Jersey*
- D. *Moore v. Dempsey*

Ans: D

Cognitive Domain: Application

Answer Location: Fundamental Fairness

Difficulty Level: Medium

31. According to the authors, all of the following points should be kept in mind when discussing the fundamental rights approach to the Fourteenth Amendment and Due Process Clause *except* _____.

- A. Bill of Rights
- B. procedures
- C. legal test
- D. states' rights

Ans: D

Cognitive Domain: Application

Answer Location: Fundamental Fairness

Difficulty Level: Medium

32. During which decade did the U.S. Supreme Court decidedly shift from the fundamental fairness doctrine to total incorporation?

- A. 1860s
- B. 1910s
- C. 1940s
- D. 1960s

Ans: D

Cognitive Domain: Knowledge

Answer Location: Total Incorporation

Difficulty Level: Easy

33. Which of the following is most likely to be a criticism leveled at the fundamental fairness doctrine by one who is supportive of total incorporation?

- A. Fundamental fairness is unfair to ethnic minorities.
- B. Fundamental fairness is unfair to women.
- C. Fundamental fairness is too specific.
- D. Fundamental fairness is too general.

Ans: D

Cognitive Domain: Analysis

Answer Location: Total Incorporation

Difficulty Level: Medium

34. Those supporting extending the Bill of Rights to the states with additional rights, such as health care, are supporting which approach to incorporation?

- A. fundamental fairness
- B. total incorporation
- C. total incorporation plus
- D. selective incorporation

Ans: C

Cognitive Domain: Application

Answer Location: Total Incorporation

Difficulty Level: Medium

35. The total incorporation approach involves all of the following steps *except* _____.

- A. incorporation
- B. selection
- C. due process
- D. the Bill of Rights

Ans: B

Cognitive Domain: Application

Answer Location: Total Incorporation

Difficulty Level: Medium

36. Which of the approaches to incorporation is being used in the United States today?

- A. fundamental fairness
- B. total incorporation
- C. total incorporation plus
- D. selective incorporation

Ans: D

Cognitive Domain: Application

Answer Location: Selective Incorporation

Difficulty Level: Medium

37. Justice Douglas's term "coextensive coverage" means that _____.

- A. all of the rights in the Bill of Rights apply to the states
- B. incorporated amendments apply equally to the state and federal governments

- C. some amendments inherently apply to both state and federal governments
- D. incorporated rights apply to all citizens regardless of race, age, or gender

Ans: B

Cognitive Domain: Comprehension

Answer Location: Selective Incorporation

Difficulty Level: Medium

38. Each of the following Amendments has been incorporated at least partially *except* _____.

- A. Second
- B. Third
- C. Sixth
- D. Eighth

Ans: B

Cognitive Domain: Application

Answer Location: Selective Incorporation

Difficulty Level: Medium

39. All of the following were identified as elements of selective incorporation *except* _____.

- A. the Bill of Rights
- B. fundamental rights
- C. federalism
- D. application

Ans: A

Cognitive Domain: Application

Answer Location: Selective Incorporation

Difficulty Level: Medium

40. _____ in selective incorporation refers to the claim that states are free to design their own systems of criminal procedures in those areas that are not incorporated into the Fourteenth Amendment.

- A. Application
- B. Federalism
- C. Fundamental rights
- D. Bill of Rights

Ans: B

Cognitive Domain: Comprehension

Answer Location: Selective Incorporation

Difficulty Level: Medium

41. Which of the following cases incorporated the Sixth Amendment right to a jury trial into the Fourteenth Amendment?

- A. *Marbury v. Madison*
- B. *Duncan v. Louisiana*
- C. *Fiske v. Kansas*

D. *McDonald v. Chicago*

Ans: B

Cognitive Domain: Application

Answer Location: Equal Protection

Difficulty Level: Medium

42. Which of the following cases incorporated the Eighth Amendment protection against cruel and unusual punishment into the Fourteenth Amendment?

A. *Robinson v. California*

B. *Duncan v. Louisiana*

C. *Fiske v. Kansas*

D. *McDonald v. Chicago*

Ans: A

Cognitive Domain: Application

Answer Location: Equal Protection

Difficulty Level: Medium

43. The assumption on the part of the courts that prosecutors will just good “judgment and common sense” is known as the _____.

A. Equal Protection Clause

B. presumption of regularity

C. right of discretion

D. principle of balance

Ans: B

Cognitive Domain: Knowledge

Answer Location: Equal Protection

Difficulty Level: Easy

44. In order for a defendant to make a successful claim of selective prosecution, what must he demonstrate?

A. discriminatory intent and actual malice by a preponderance of the evidence

B. clear and convincing evidence of actual malice

C. some evidence of discriminatory impact

D. clear and convincing evidence of a discriminatory impact and discriminatory intent

Ans: D

Cognitive Domain: Comprehension

Answer Location: Equal Protection

Difficulty Level: Medium

45. All of the following were identified as examples of successful claims of selective prosecution *except* _____.

A. census questions

B. housing codes

C. Sunday sales

D. postabandonment in the military

Ans: D

Cognitive Domain: Application

Answer Location: Equal Protection

Difficulty Level: Medium

46. To settle concerns over how the courts deal with past cases once a new rule has been decided by the U.S. Supreme Court, the courts apply the _____.

- A. *ex post facto* rule
- B. previous docket rule
- C. retroactivity rule
- D. former cases doctrine

Ans: C

Cognitive Domain: Comprehension

Answer Location: The Impact of Supreme Court Decisions

Difficulty Level: Medium

47. All of the following apply for the rule of retroactivity *except* _____.

- A. the new rule applies to cases that have not yet been brought to trial and to trials that are currently being conducted
- B. the new rule applies to cases that are on direct appeal or about to be appealed
- C. the new rule is not available to individuals in cases where the judgments have become "final" before the new judgment is issued
- D. the new rule applies to all cases

Ans: D

Cognitive Domain: Application

Answer Location: The Impact of Supreme Court Decisions

Difficulty Level: Medium

48. Striving for both efficiency and accuracy, which are the two competing models of criminal procedure?

- A. crime control and due process
- B. Federalism and Jeffersonianism
- C. criminal courts and civil councils
- D. Bill of Rights and states' rights

Ans: A

Cognitive Domain: Knowledge

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Easy

49. All of the following were identified as fair procedures *except* _____.

- A. fairness
- B. accuracy
- C. equality
- D. loyalty

Ans: D

Cognitive Domain: Application

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Medium

50. All of the following are characteristics of the Crime Control Model *except* _____.

- A. purpose
- B. informal procedures
- C. formal procedures
- D. determination of guilt

Ans: C

Cognitive Domain: Application

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Medium

True/False

1. A law that criminalizes some act that was legal when it was committed is known as a *habeas corpus* law.

Ans: F

Cognitive Domain: Knowledge

Answer Location: The U.S. Constitution

Difficulty Level: Easy

2. The landmark case of *Marbury v. Madison* (1803) established the supremacy of the U.S. Constitution over state constitutions.

Ans: F

Cognitive Domain: Comprehension

Answer Location: The U.S. Supreme Court

Difficulty Level: Medium

3. About one third of the states have laws giving detailed procedural instructions for essentially every step of the criminal justice process.

Ans: T

Cognitive Domain: Knowledge

Answer Location: Federal and State Statutes

Difficulty Level: Easy

4. The process by which the Due Process Clause extended various constitutional rights to the states is known as federalization.

Ans: F

Cognitive Domain: Knowledge

Answer Location: Nationalization

Difficulty Level: Easy

5. The Fourteenth Amendment was drafted and passed primarily to grant citizenship and protection to former slaves.

Ans: T

Cognitive Domain: Knowledge

Answer Location: The Fourteenth Amendment

Difficulty Level: Easy

6. Proponents of total incorporation emphasize the fundamental nature of the rights granted in the U.S. Constitution and the Bill of Rights.

Ans: T

Cognitive Domain: Comprehension

Answer Location: The Fourteenth Amendment

Difficulty Level: Easy

7. According to the fundamental fairness approach to incorporation, the Due Process Clause protects certain rights of citizens because they are in the Bill of Rights.

Ans: F

Cognitive Domain: Comprehension

Answer Location: Fundamental Fairness

Difficulty Level: Medium

8. *Powell v. Alabama*, also known as the Scottsboro Boys case, was a major turning point in the change of focus from fundamental fairness to total incorporation.

Ans: F

Cognitive Domain: Comprehension

Answer Location: Fundamental Fairness

Difficulty Level: Medium

9. The U.S. Supreme Court traditionally acted in a very narrow, limited capacity so as to prevent itself from becoming or being seen as a "super legislator."

Ans: T

Cognitive Domain: Comprehension

Answer Location: Fundamental Fairness

Difficulty Level: Easy

10. Those supportive of total incorporation plus want the entire Bill of Rights applied to the states in addition to other rights not mentioned in the Constitution or the amendments.

Ans: T

Cognitive Domain: Comprehension

Answer Location: Total Incorporation

Difficulty Level: Medium

11. The U.S. currently operates under the incorporation doctrine of total incorporation plus.

Ans: F

Cognitive Domain: Comprehension

Answer Location: Selective Incorporation

Difficulty Level: Medium

12. The Fifth Amendment has been only partially incorporated to the states.

Ans: T

Cognitive Domain: Comprehension

Answer Location: Selective Incorporation

Difficulty Level: Easy

13. A claim of discriminatory prosecution is known as “selective prosecution.”

Ans: T

Cognitive Domain: Knowledge

Answer Location: Equal Protection

Difficulty Level: Easy

14. For the courts to classify individuals based on religion, they must apply the concept of “absolute scrutiny.”

Ans: F

Cognitive Domain: Knowledge

Answer Location: Equal Protection

Difficulty Level: Easy

15. When the prosecutor intentionally or purposefully singles out and targets members of the group for prosecution, it is referred to as discriminatory intent.

Ans: T

Cognitive Domain: Comprehension

Answer Location: Equal Protection

Difficulty Level: Medium

16. Prosecutors discretion is limited.

Ans: F

Cognitive Domain: Comprehension

Answer Location: Equal Protection

Difficulty Level: Easy

17. Retroactivity of judicial decisions refers to the impact of a decision announcing a “new rule” on other cases.

Ans: T

Cognitive Domain: Comprehension

Answer Location: The Impact of Supreme Court Decisions

Difficulty Level: Easy

18. New rule applies to all cases.

Ans: F

Cognitive Domain: Comprehension

Answer Location: The Impact of Supreme Court Decisions

Difficulty Level: Easy

19. The verdict should be relatively quickly affirmed or overturned on appeal.

Ans: T

Cognitive Domain: Comprehension

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Easy

20. The criminal justice system has been compared to an assembly line.

Ans: T

Cognitive Domain: Comprehension

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Easy

Short Answer

1. What is the primary source of criminal procedure in the United States?

Ans: The U.S. Constitution.

Cognitive Domain: Knowledge

Answer Location: Introduction

Difficulty Level: Easy

2. Identify the four provisions that address criminal procedure in the U.S. Constitution.

Ans: Habeas corpus, ex post facto laws, jury trials, and treason.

Cognitive Domain: Knowledge

Answer Location: The U.S. Constitution

Difficulty Level: Easy

3. What is judicial review?

Ans: The right to define the meaning of the Constitution and to throw out federal, state, and local laws as unconstitutional that do not conform to the Constitution.

Cognitive Domain: Knowledge

Answer Location: The U.S. Supreme Court

Difficulty Level: Easy

4. Explain the three approaches to incorporation of the Bill of Rights.

Ans: Students should mention selective incorporation, total incorporation, total incorporation plus, and fundamental fairness.

Cognitive Domain: Comprehension

Answer Location: The Fourteenth Amendment

Difficulty Level: Easy

5. What is the presumption of regularity?

Ans: Prosecutors are expected to use "judgment and common sense" in filing criminal charges, and courts will not second-guess a prosecutor's decision.

Cognitive Domain: Comprehension

Answer Location: Equal Protection

Difficulty Level: Medium

6. What is discriminatory impact?

Ans: Discriminatory impact refers to the following: Equal enforcement of a law focuses on whether individuals of a group or groups and nonmembers of these groups have violated the same law but have not been prosecuted to the same extent.

Cognitive Domain: Comprehension

Answer Location: Equal Protection

Difficulty Level: Medium

7. Explain the concern of retroactivity as it applies to Supreme Court rulings. What is the rule for retroactivity and why is it so important to the functioning of the court system?

Ans: The new rule applies to those in the trial and appeals stages of their case but not to those who have had a final judgment.

Cognitive Domain: Comprehension

Answer Location: The Impact of U.S. Supreme Court Decisions

Difficulty Level: Easy

8. How can the crime control model of criminal procedure be summarized?

Ans: Purpose, informal procedures, and determination of guilt.

Cognitive Domain: Comprehension

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Easy

9. How can the due process model of criminal procedure be summarized?

Ans: The Due Process Model stresses the importance of protecting suspects against the power of police, prosecutors, and judges.

Cognitive Domain: Comprehension

Answer Location: Two Models of Criminal Procedure

Difficulty Level: Easy

10. Name the four factors Tyler identifies that are crucial in determining whether people perceive that fair procedures are being employed in the criminal justice system.

Ans: Voice, neutrality, respect, and trust.

Cognitive Domain: Comprehension

Answer Location: Why Criminal Procedure Matters

Difficulty Level: Easy

Essay

1. Discuss the importance of the U.S. Supreme Court in criminal law and procedure and the provisions afforded to by the U.S. Constitution.

Ans: Students should discuss the supremacy clause, judicial review, and supervisory authority when answer this question.

Cognitive Domain: Comprehension

Answer Location: The U.S. Supreme Court

Difficulty Level: Medium

2. Explain the basic arguments for those on both sides of debate over the nationalization and constitutionalization of criminal procedure, then pick one side of the argument and support it.

Ans: Varies based on the students' comprehension of the material.

Cognitive Domain: Analysis

Answer Location: Nationalization

Difficulty Level: Hard

3. Explain the primary differences between the concepts of fundamental fairness and total incorporation. Give some of the pros and cons of each system.

Ans: The fundamental fairness approach contends that the Due Process Clause left states free to conduct criminal trials so long as the procedures are consistent with fundamental fairness. Selective incorporation argues that only those provisions of the Bill of Rights that are essential to liberty are incorporated into the Fourteenth Amendment.

Cognitive Domain: Analysis

Answer Location: Fundamental Fairness | Total Incorporation | Selective Incorporation

Difficulty Level: Hard

4. Why is equal protection of the law important?

Ans: It is a fundamental principle that all people should be treated equally, regardless of race, religion, or ethnicity.

Cognitive Domain: Analysis

Answer Location: Equal Protection

Difficulty Level: Medium

5. Explain selective prosecution and successful claims.

Ans: Students should focus on the "Equal Protection" section of the text to answer this question. Examples may vary, but can include census questions, housing codes, and Sunday sales.

Cognitive Domain: Analysis

Answer Location: Equal Protection

Difficulty Level: Medium