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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?
- Very few individuals have the ability to distinguish between right and wrong.
  - The aristocracy has the ability to distinguish between right and wrong.
  - All individuals have the ability to distinguish between right and wrong.
  - 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?
- Widespread corruption within the government.
  - The national government lacked enforcement power.
  - Lack of cooperation between the three branches of government.
  - The governmental staff had grown too large and ineffective.

**ANSWER:** b

**POINTS:** 1

**QUESTION TYPE:** Multiple Choice

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3. During formation of the national government, individual states were left intact because
- the fledgling nation was at war.
  - the federal government was too weak to force the states into giving up the notion of individual statehood.
  - the states threatened secession and civil war.
  - they could more effectively respond to the citizens' needs.

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**ANSWER:** d  
**POINTS:** 1  
**QUESTION TYPE:** Multiple Choice

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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  
**POINTS:** 1  
**QUESTION TYPE:** Multiple Choice

**HAS VARIABLES:** False  
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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

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6. Congress has the sole authority to pass
- a. state treaties.

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- b. criminal law.
- c. international law.
- d. statutory law.

**ANSWER:** d  
**POINTS:** 1  
**QUESTION TYPE:** Multiple Choice

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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

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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

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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

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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

**POINTS:** 1

**QUESTION TYPE:** Multiple Choice

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12. The traditional balance equals the rights of the people versus
- the rights of society.
  - the rights of the state.
  - the rights of the individual.
  - 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
- U.S. Senate.
  - U.S. attorney general.
  - President.
  - 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?
- Statutory law
  - Criminal law
  - Administrative law
  - Judicial law

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ANSWER: d  
POINTS: 1  
QUESTION TYPE: Multiple Choice

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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

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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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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

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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
- d. The Supreme Court

**ANSWER:** d

**POINTS:** 1

**QUESTION TYPE:** Multiple Choice

**HAS VARIABLES:** False

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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

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**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

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*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

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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

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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

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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

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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
- 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

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- i. positivist theory
- j. legal standard

**QUESTION TYPE:** Matching

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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

**POINTS:** 1

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

**ANSWER:** f

**POINTS:** 1

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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

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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

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

*ANSWER:* j

*POINTS:* 1