|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. *Law* consists of enforceable rules governing relationships among individuals and between individuals and their society.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2. Administrative law is a source of American law that is comprised of statutes.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 3. Constitutional law includes only the U.S. Constitution.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 4. Whether a law is constitutional depends on its source.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 5. Statutory law includes state statutes.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 6. Statutory law does *not* include county ordinances.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 7. No state has adopted the Uniform Commercial Code in its entirety.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 8. Administrative law includes only state regulations.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 9. In a common law system, judges are *not* obligated to follow the precedents established within their jurisdictions.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 10. The term *common law* refers to law that is common throughout the world.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 11. *Common law* is a term for the laws that are familiar to most of us.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 12. Courts do *not* depart from precedents.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 13. Remedies in equity include injunctions.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 14. In most states, the courts no longer grant “equitable” remedies.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 15. International law is the law of a foreign nation and varies from country to country.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 16. Criminal law focuses on duties that exist between persons.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 17. In a federal form of government, the national government does not share sovereign power with the states.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 18. Under the Constitution, the judicial branch interprets the laws.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 19. The checks and balances in the U.S. Constitution prevent any one branch of government from exercising too much power.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 20. The term *police powers* encompasses just the enforcement of criminal laws.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 21. The Constitution expressly delegated to the states the power to regulate interstate commerce.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 22. All powers not specifically delegated to the federal government are reserved to the states.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 23. Under the supremacy clause, a valid federal statute or regulation will preempt a conflicting state or local law or regulation on the same general subject.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 24. The Bill of Rights protects individuals against various types of conduct by the federal government.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 25. The First Amendment does *not* protect symbolic speech.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 26. The First Amendment prevents limits from being placed on independent political expenditures by corporations.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 27. The First Amendment protects commercial speech more extensively than noncommercial speech.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 28. The establishment clause requires a complete separation of church and state.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 29. A law that has any impact on religion is unconstitutional.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 30. The Fourteenth Amendment guarantees a right to due process of law.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 31. Substantive due process limits what the government can do in its legislative and executive capacities.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 32. A law that discriminates based on gender must substantially relate to an important government objective to be valid under the equal protection clause.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 33. Equal protection means that the government cannot enact laws that treat similarly situated individuals differently.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 34. State laws protect individuals’ privacy rights.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 35. The U.S. Constitution explicitly mentions a general right to privacy.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 36. The Uniform Commercial Code has been adopted, at least in part, in​   |  |  |  | | --- | --- | --- | |  | a. | ​all states. | |  | b. | ​forty-five states. | |  | c. | ​thirty-five states. | |  | d. | ​no state. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 37. The Bay City Planning Department, the Coastal County Zoning Commission, the Delaware Environmental Quality Agency, and the U.S. Bureau of Land Management issue regulations. These rules constitute​   |  |  |  | | --- | --- | --- | |  | a. | ​administrative law. | |  | b. | ​case law. | |  | c. | ​constitutional law. | |  | d. | ​statutory law. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 38. The Consumer Product Safety Commission is a government agency that issues rules, orders, and decisions. The Colorado state legislature enacts statutes. The Washington County Board and the Silver City Council enact ordinances. Administrative law includes​   |  |  |  | | --- | --- | --- | |  | a. | ​all laws that affect a business’s operation. | |  | b. | ​the rules, orders, and decisions of the Consumer Product Safety Commission. | |  | c. | ​statutes enacted by the Colorado state legislature. | |  | d. | ​ordinances enacted by the Washington County Board and the Silver City Council. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 39. Much of American law is based on​   |  |  |  | | --- | --- | --- | |  | a. | ​the English legal system. | |  | b. | ​the Spanish legal system. | |  | c. | ​the civil law of the Greeks. | |  | d. | ​Ancient Chinese law. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 40. Charles is a federal judge whose judicial decisions are part of case law, which does *not* include interpretations of​   |  |  |  | | --- | --- | --- | |  | a. | ​regulations created by administrative agencies. | |  | b. | ​constitutional provisions. | |  | c. | ​statutes enacted by legislatures. | |  | d. | ​parties’ subjective motives for engaging in litigation. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 41. As a judge, Baxter applies common law rules. These rules develop from​   |  |  |  | | --- | --- | --- | |  | a. | ​decisions of the courts in legal disputes. | |  | b. | ​regulations issued by administrative agencies. | |  | c. | ​statutes enacted by Congress and the state legislatures. | |  | d. | ​uniform laws drafted by legal scholars. |  |  |  | | --- | --- | | *ANSWER:* | a | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 42. Ian enters into a contract with Jill’s Farm to provide water for Jill’s irrigation needs. Ian fails to deliver. Jill initiates a suit against Ian, asking the court to order Ian to perform. Jill is​   |  |  |  | | --- | --- | --- | |  | a. | ​the plaintiff. | |  | b. | ​the defendant. | |  | c. | ​the binding authority. | |  | d. | ​the persuasive authority. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 43. In *Benny v. City Car Dealership*, a state supreme court held that a minor could cancel a contract for the sale of a car. Now a trial court in the same state is deciding *Dora v. Even Steven Auto Deals, Inc.,* a case with similar facts. Under the doctrine of *stare decisis*, the trial court is likely to​   |  |  |  | | --- | --- | --- | |  | a. | ​allow the minor to cancel the contract. | |  | b. | ​disregard the Benny case. | |  | c. | ​order the minor to cancel the contract. | |  | d. | ​require the minor to fulfill the contract. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 44. There are no precedents on which the court deciding the case *Standard Resource Co. v. Topline Inventory, Inc.,* can base its decision. The court can consider, among other things,​   |  |  |  | | --- | --- | --- | |  | a. | ​the opinions of the friends and relatives of the judge. | |  | b. | ​the results of a poll of those in the courtroom. | |  | c. | ​public policy or social values. | |  | d. | ​none of the choices. |  |  |  | | --- | --- | | *ANSWER:* | c | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 45. In an action against Gina, Harry obtains a *remedy.* This is​   |  |  |  | | --- | --- | --- | |  | a. | ​an administrative agency’s enforcement of its rule. | |  | b. | ​a principle of the law derived from earlier court cases. | |  | c. | ​a statute enacted by a state legislature or Congress. | |  | d. | ​the means to enforce a right or to compensate for the violation of a right. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 46. James and Kay enter into a contract for the sale of a bicycle, but Kay later refuses to deliver the goods. James asks a court to order Kay to perform as promised. Ordering a party to perform what was promised is​   |  |  |  | | --- | --- | --- | |  | a. | ​an equitable remedy. | |  | b. | ​an unenforceable demand. | |  | c. | ​an action. | |  | d. | ​beyond the court’s authority. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 47. In a suit against Ilene, Jenna obtains an *injunction.* This is​   |  |  |  | | --- | --- | --- | |  | a. | ​an order to do or to refrain from doing a particular act. | |  | b. | ​an order to perform what was promised. | |  | c. | ​a payment of money or property as compensation. | |  | d. | ​the cancellation of a contract. |  |  |  | | --- | --- | | *ANSWER:* | a | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 48. Reba is a state court judge. In her court, legal and equitable remedies have merged. In these circumstances, distinguishing between these types of remedies is​   |  |  |  | | --- | --- | --- | |  | a. | ​not important because legal remedies cannot be granted today. | |  | b. | ​not important because equitable remedies cannot be granted today. | |  | c. | ​important so that statistical data on the remedies can be compiled. | |  | d. | ​important so that the proper remedy can be requested. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 49. The branch of law dealing with the definition and enforcement of all private or public rights is​   |  |  |  | | --- | --- | --- | |  | a. | ​administrative law. | |  | b. | ​civil law. | |  | c. | ​constitutional law. | |  | d. | ​federal law. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 50. Criminal acts are prohibited by​   |  |  |  | | --- | --- | --- | |  | a. | ​local statutes only. | |  | b. | ​state statues only. | |  | c. | ​federal statutes only. | |  | d. | ​local, state, and federal statutes. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 51. Statutes passed by a state legislature apply within the state’s boundaries. Laws enacted by the U.S. Congress pertain to the United States. Treaties between the United States and other nations can affect the signatories’ relations. *National law* is​   |  |  |  | | --- | --- | --- | |  | a. | ​law that pertains to a particular nation. | |  | b. | ​law that has an extraterritorial effect. | |  | c. | ​all law that is applied within a nation’s courts, including international law and the law of another country. | |  | d. | ​federal law, as opposed to state law. |  |  |  | | --- | --- | | *ANSWER:* | a | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 52. The United Energy Resources Association would like a certain law enacted, administered, interpreted, and enforced in the best interest of its members, which include fossil fuel companies. Under the Constitution, Congress​   |  |  |  | | --- | --- | --- | |  | a. | ​administers the laws. | |  | b. | ​enforces the laws. | |  | c. | ​interprets the laws. | |  | d. | ​enacts the laws. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 53. The Constitution sets forth specific powers that can be exercised by the national government and provides that the national government has the implied power to undertake actions necessary to carry its expressly designated powers. All other powers are expressly reserved to​   |  |  |  | | --- | --- | --- | |  | a. | ​none of the choices. | |  | b. | ​the states. | |  | c. | ​the national government. | |  | d. | ​the people. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 54. A statute enacted by the Nebraska state legislature to regulate trucking affects interstate commerce. In evaluating this statute, the courts will balance the burden that it imposes on interstate commerce against​   |  |  |  | | --- | --- | --- | |  | a. | ​the courts’ authority to determine that a law is unconstitutional. | |  | b. | ​the purpose of interstate commerce. | |  | c. | ​the state’s interest in regulating the matter. | |  | d. | ​the statute’s impact on noneconomic activity. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 55. The commerce clause’s express grant of exclusive authority to regulate commerce that substantially affects trade and commerce among states is referred to as the​   |  |  |  | | --- | --- | --- | |  | a. | ​dormant aspect. | |  | b. | ​positive aspect. | |  | c. | ​negative aspect. | |  | d. | ​active aspect. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 56. National Hospital Organization (NHO), a political lobbying group, wants a certain healthcare cost-reimbursement policy enacted into law. If NHO’s policy conflicts with the U.S. Constitution, a law embodying it can be imposed by​   |  |  |  | | --- | --- | --- | |  | a. | ​Congress. | |  | b. | ​a federal court. | |  | c. | ​the President. | |  | d. | ​none of the choices. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 57. A decision by the federal Environmental Protection Agency (EPA) on the amount of carbon that can be emitted from a car’s exhaust system conflicts with a California state law. In this situation, under the supremacy clause,​   |  |  |  | | --- | --- | --- | |  | a. | ​both the decision and the law are invalid. | |  | b. | ​both the decision and the law apply concurrently. | |  | c. | ​California’s law takes precedence. | |  | d. | ​the EPA’s decision takes precedence. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 58. Lyndon, a citizen of Maryland, obtains a federal license to operate a commercial fishing boat in a certain area off the Maryland coast. The Maryland state legislature enacts a law that bans all commercial fishing in that area. The state law most likely violates​   |  |  |  | | --- | --- | --- | |  | a. | ​no provision in the U.S. Constitution. | |  | b. | ​the commerce clause. | |  | c. | ​the due process clause. | |  | d. | ​the supremacy clause. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 59. Bradley, the president of Commerce & Trade, Inc., claims that certain actions by the federal government and the state of Delaware infringe on rights guaranteed by the Bill of Rights. *All* of these rights limit​   |  |  |  | | --- | --- | --- | |  | a. | ​none of the choices. | |  | b. | ​the federal government. | |  | c. | ​private citizens and corporations. | |  | d. | ​the states. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 60. Keralyn creates a Web site to post threatening messages about celebrities. The First Amendment protects such speech​   |  |  |  | | --- | --- | --- | |  | a. | ​all of the time. | |  | b. | ​none of the time. | |  | c. | ​only if it is noncommercial. | |  | d. | ​only if it is symbolic. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 61. Lake City enacts an ordinance that bans the distribution of all printed materials on city streets. Mackensie opposes the city’s latest “revenue-enhancing” measure and wants to protest by distributing handbills. In her suit against Lake City, a court would likely hold the ban on printed materials to be​   |  |  |  | | --- | --- | --- | |  | a. | ​constitutional under the First Amendment. | |  | b. | ​not subject to the U.S. Constitution. | |  | c. | ​unconstitutional under the commerce clause. | |  | d. | ​unconstitutional under the First Amendment. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 62. Mary creates a t-shirt design that expresses her support for a presidential candidate and distributes t-shirts imprinted with the design to her friends. The t-shirts represent​   |  |  |  | | --- | --- | --- | |  | a. | ​unprotected speech. | |  | b. | ​controlled speech. | |  | c. | ​symbolic speech. | |  | d. | ​illegal speech. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 63. Sustainable Crops Corporation regularly expresses opinions on political issues, including whether to ban the use of genetically modified organisms (GMOs). Under the First Amendment, corporate political speech is​   |  |  |  | | --- | --- | --- | |  | a. | ​discouraged. | |  | b. | ​forbidden. | |  | c. | ​protected. | |  | d. | ​required. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 64. Taco Hot Dogs, Inc., regularly advertises its products. Under the First Amendment, in comparison with noncommercial speech, the protection given these ads is​   |  |  |  | | --- | --- | --- | |  | a. | ​equally extensive. | |  | b. | ​less extensive. | |  | c. | ​more extensive. | |  | d. | ​non-existent. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 65. Under the First Amendment, in comparison with commercial speech, the protection given obscene speech is​   |  |  |  | | --- | --- | --- | |  | a. | ​equally extensive. | |  | b. | ​less extensive. | |  | c. | ​more extensive. | |  | d. | ​non-existent. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 66. Marie claims that a Nebraska state statute infringes on her “procedural due process” rights. This claim focuses on​   |  |  |  | | --- | --- | --- | |  | a. | ​procedures used in making decisions to take life, liberty, or property. | |  | b. | ​the content of the statute. | |  | c. | ​the similarity of the treatment of similarly situated individuals. | |  | d. | ​the steps to be taken to protect Marie’s privacy. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 67. Orin claims that a Pennsylvania state statute infringes on his “substantive due process” rights. This claim focuses on​   |  |  |  | | --- | --- | --- | |  | a. | ​procedures used to make decisions to take life, liberty, or property. | |  | b. | ​the content of the statute. | |  | c. | ​the similarity of the treatment of similarly situated individuals. | |  | d. | ​the steps to be taken to protect Orin’s privacy. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 68. A Metro City ordinance imposes a jail term, without a trial, on all vendors who operate in certain areas. A court would likely review this ordinance under the principles of​   |  |  |  | | --- | --- | --- | |  | a. | ​equal protection. | |  | b. | ​free exercise. | |  | c. | ​due process. | |  | d. | ​free speech |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 69. Bay Town enacts an ordinance to allow only a few recreational boating outfits to operate in certain areas of its harbor, for the purpose of reducing traffic. A court would likely review this ordinance under the principles of​   |  |  |  | | --- | --- | --- | |  | a. | ​equal protection. | |  | b. | ​free exercise. | |  | c. | ​due process. | |  | d. | ​free speech |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 70. Jon, a law enforcement official, monitors Kelsey’s Internet activities—e-mail and Web site visits—to gain access to her personal financial data and student information. This may violate Kelsey’s right to​   |  |  |  | | --- | --- | --- | |  | a. | ​equal protection. | |  | b. | ​privacy. | |  | c. | ​due process. | |  | d. | ​engage in interstate commerce. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 71. In a dispute between Digital Hardware Corporation and Software Engineering Associates, Inc., the court applies the doctrine of *stare decisis*.  What is this doctrine?  What does this doctrine have to do with the American legal system?​   |  |  | | --- | --- | | *ANSWER:* | In a common law legal system, past judicial decisions are binding in current disputes with similar facts.  This feature of the common law, which is the basis of the American legal system, is unique because, unlike the law in other legal systems, it is judge made law.  Within the common law system, when possible, judges attempt to be consistent and to base their decisions on the principles suggested by earlier cases.  The body of principles and doctrines that form the common law emerged over time as judges applied the principles announced in earlier cases to subsequent legal controversies. The practice of deciding cases with reference to former decisions, or precedents—the cornerstone of the American legal system—is called the doctrine of *stare decisis*.  Under this doctrine, judges are obligated to follow the precedents established within their jurisdictions.  This helps courts to be more efficient, and makes the law more stable and predictable.​ | |

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| 72. Jim operates Jim’s Fruits & Vegetables, a small market stocked entirely with produce grown on his adjacent farm. Under what clause of the Constitution can the federal government regulate Jim’s activities? What is Jim’s best argument against federal regulation of his farm and business?​   |  |  | | --- | --- | | *ANSWER:* | Under the commerce clause, at least in theory, Congress has the power to regulate any activity—interstate or intrastate—that affects interstate commerce. Thus, under that clause, it could be argued that the farmer’s growing and selling of produce is subject to federal regulation because these activities affect interstate commerce.  The farmer-vendor’s best argument against federal regulation of his farm and business in this problem might be that in his case these activities and their effects are purely local. But because of the economic character of these activities, and hence their effect on interstate commerce, however minimal and despite their local character, it is unlikely that a court would accept this argument. | |