

ch02

Student: _____

1. The primary objective of law is to maintain harmony, stability, and justice within a society.
True False
2. Law should be viewed as a delicate balancing act.
True False
3. Trade-offs occur within the law on a regular basis.
True False
4. The language of the law helps in the execution of the law.
True False
5. Duality in the law is not seen in the work of judges, legislators, and administrators.
True False
6. The principle that states that intent and result never coincide, and when they do it is generally a matter of luck is known as the uncertainty principle.
True False
7. The Articles of Confederation created a strong national government.
True False
8. The principle of the separation of powers divides power between the state and federal government.
True False
9. Article III of the U.S. Constitution gives executive power to the President.
True False
10. The amendments to the U.S. Constitution are attempts to fine-tune the Constitution and update its provisions to meet the demands of a changing socioeconomic structure.
True False
11. The Articles of Confederation set up the democracy.
True False
12. The Eighth Amendment of the U.S. Constitution guaranteed jury trials in common law cases.
True False
13. The Constitution says that all federal laws that are made in line with constitutional principles are to be considered the supreme law of the land.
True False
14. The devolution of a right destroys the right.
True False
15. A code is a compilation of all the statutes of the federal government.
True False
16. The job of a drafting committee is to write the actual uniform law, point by point.
True False
17. Common law is the body of previously recorded legal decisions made by courts in specific cases.
True False

18. Persuasive precedent is a precedent that a court must follow.
True False
19. Judicial review is the process of determining the constitutionality of various legislative statutes, administrative regulations, or executive actions.
True False
20. Legislators are typically experts in the areas over which they have power.
True False
21. It is said that the law should be viewed as a delicate balancing act because:
A. political parties are competing for power.
B. individuals require restraint to prevent chaos.
C. one company's contract rights may be upheld at the expense of another's.
D. one company may overcharge consumers.
22. While one person has found the actual intent of the law, the other has missed its true meaning. This duality in law is the balance between:
A. the spirit and the letter of law.
B. words versus interpretation.
C. the abstract and the concrete.
D. the uncertainty principle and reason.
23. The basic law of a nation or state typically is the:
A. common law.
B. power of the chief executive.
C. constitution.
D. legislation.
24. While living in Oregon, Lillian was accused of molesting several children in Idaho five years earlier, where she had worked as a social worker. Lillian could be brought back to Idaho for trial:
A. under the Uniform Commercial Code.
B. through persuasive precedent.
C. under the Third Amendment to the U.S. Constitution.
D. under Article IV of the U.S. Constitution.
25. Article III of the U.S. Constitution:
A. determines that a presidential term of office runs for six years.
B. states that Congress consists of the Senate and the House of Representatives.
C. provides for trial by jury for crimes.
D. establishes the principle of supremacy.
26. Which of the following Articles of the U.S. Constitution provides for the original ratification of the Constitution.
A. Article I
B. Article III
C. Article VII
D. Article V
27. _____ is the process by which the courts decide that a federal statute must take precedence over a state statute.
A. Devolution
B. Revision
C. Uniformity
D. Preemption

28. _____ includes the freedom of the press, freedom of speech, freedom of assembly, and freedom of religion.
- A. The Bill of Rights
 - B. Modern Amendment
 - C. Articles of Confederation
 - D. The Federal Register
29. Laws passed by a legislature are known as _____
- A. codes
 - B. titles
 - C. amendments
 - D. statutes
30. If Texas attempted to make a trade agreement with Mexico, opposed to the Constitution that establishes tariffs and importing conditions for goods made in Mexico, the U.S. Constitutional objection to Texas' actions would be based upon:
- A. the principle of preemption.
 - B. the doctrine of devolution.
 - C. the principle of separation.
 - D. the principle of supremacy.
31. Codes subdivided into groupings of statutes that deal with a particular area of the law are:
- A. titles.
 - B. articles.
 - C. chapters.
 - D. divisions.
32. _____ is a unified set of statutes designed to govern almost all commercial transactions.
- A. The Uniform Common Law Code
 - B. The Uniform Commercial Code
 - C. The Uniform Civil Code
 - D. The Uniform State Code
33. Which of the following refers to the body of previously recorded legal decisions made by the courts in specific cases?
- A. Statute
 - B. Amendment
 - C. Constitution
 - D. Common law
34. If there are no modern court decisions or statutes dealing with an issue in dispute, the court hearing the case:
- A. will apply common law.
 - B. will inevitably devolve.
 - C. will be unable to decide the case.
 - D. will ask the U.S. Supreme Court for an advisory opinion.
35. Typically, if a decision is made by the Florida Supreme Court, it would be:
- A. persuasive in some Florida states courts.
 - B. binding in all Florida state courts.
 - C. binding in all other state courts.
 - D. persuasive in all Florida states courts.

36. A business asks a court to interpret the way in which newly enacted shoplifter detention legislation will be applied if the business, at some future point, detains a suspected shoplifter. The court may:
- issue an advisory memorandum.
 - convene a conference of business and consumer representatives.
 - not interpret the statute until faced with a case.
 - ask the legislature to issue an advisory memorandum.
37. _____ is the process by which the courts analyze those aspects of a statute that are unclear and ambiguous or that were not anticipated at the time the legislature passed the statute.
- Judicial review
 - Statutory interpretation
 - Devolution
 - Preemption
38. A new administrative regulation allowed the Social Security Administration to charge women for Social Security cards yet enabled men to obtain the cards for free. This regulation was contradictory to the constitution. Hence the U.S. Supreme Court is likely to:
- review common law to see whether a precedent exists.
 - use statutory interpretation to clarify the law.
 - rule the regulation as unconstitutional.
 - let the regulation stand.
39. The process of determining the constitutionality of various legislative statutes, administrative regulations, or executive actions is:
- preemption.
 - statutory interpretation.
 - devolution.
 - judicial review.
40. Once a rule is finalized, it is included in the _____.
- Administrative Register
 - Code of Federal Regulations
 - Uniform Commercial Code
 - Modern Federal Register
41. Stanley runs a business in Middletown. He knows bribing an officer in return for favorable duties is a crime. However, he avoids 'bribery' by sending only 'gifts' to the sheriff as a token of appreciation of the officer's services to the town. The sheriff is impressed by Stanley's act and ensures that his business is 'well protected'. Analyze the situation.
42. Pierce was arrested under a city ordinance that made distributing handbills on the city streets a crime. Pierce argued that the U.S. Constitution guaranteed his right to free speech under the First Amendment. The local prosecutor argued that the First Amendment to the U.S. Constitution did not apply to state laws. Was the prosecutor correct? Explain.

43. Matrix Corp. is fined by the Occupational Safety and Health Administration for violations of workplace safety regulations. Matrix challenges the fine on the basis that it was not allowed to have a jury trial before being fined. Discuss.

44. A state law restricts the sulfur dioxide emissions from electric generation plants more severely than those of the federal Clean Air Act. Must an electric generation plant obey the state law or may it follow the federal statute?

45. A court decides that a state agency, rather than a federal one, can control what governmental employees, in the course of performing their duties, are permitted to talk or write about in relation to official policies, procedures, and programs. Such a prohibition might appear to violate the employee's Constitutional right of free speech as a U.S. citizen. Analyze.

46. Small towns want to restrict the speed of trains passing through the town to 20 miles per hour. The Federal Railroad Administration allows trains to travel through the towns at upto 70 miles per hour. Discuss whether or not the towns may restrict the speed of the trains.

47. A local city council enacts an ordinance that prohibits aircraft from taking off before 7:00 A.M. and disturbing the city's residents. An airline whose schedule is subject to federal regulation challenges this ordinance. Discuss the legal basis of this challenge and the likely outcome.

ch02 Key

1. TRUE
2. TRUE
3. TRUE
4. FALSE
5. FALSE
6. TRUE
7. FALSE
8. FALSE
9. FALSE
10. TRUE
11. FALSE
12. FALSE
13. TRUE
14. FALSE
15. TRUE
16. TRUE
17. TRUE
18. FALSE
19. TRUE
20. FALSE
21. C
22. A
23. C
24. D
25. C
26. C
27. D
28. A
29. D
30. D
31. A
32. B
33. D
34. A
35. B
36. C

37. B

38. C

39. D

40. B

41. According to Chase, one of the most obvious dualities in the law is the balance between the spirit and the letter of the law. Generally, a person who follows the spirit of the law has found its actual intent, while one who is tied to the letter of the law has missed its true meaning. In this case, Stanley seems to have missed the true meaning of the prohibition of bribery that ensures that citizens from all economic sections are treated equally.

42. The prosecutor was wrong. Pierce's argument was correct in that the First Amendment extends the protections of the Bill of Rights to state governments.

43. The Seventh Amendment to the U.S. Constitution only guarantees trials in common law cases, not administrative agency action. Matrix Corp. loses.

44. State statutes can be preempted by federal statutes when they conflict with the objectives of federal legislation. The courts will preempt a state statute that has entered an area of the law that is traditionally an area that the federal government handles, such as foreign affairs or banking.

45. Devolution occurs when the courts redefine a right and shift the obligation to enforce a right from an upper level authority to a lower one. In such cases, the court has decided that the duty and the power to define and enforce that right belong to the state rather than to the federal government. It is important to note that the devolution of a right does not destroy that right. Rather, devolution simply redistributes the authority to define the nature of that right in certain situations.

46. The administration should analyze if this decision of the state comes with the intent of taking extra precaution. However, state statutes can be preempted by federal statutes in areas that are traditionally that of the federal government.

47. The principle of supremacy, the commerce clause in this case, allows federal regulations enacted under Constitutional authority to be superior to state law. The airline wins.

48. The Supreme Court of the United States can use the preemption doctrine to strike down this Massachusetts law. The courts can preempt a state statute that has entered an area of the law that is traditionally an area that the federal government handles, such as foreign affairs or banking.

49. The judge and the jury will arrive at a decision using common law - a body of previously recorded legal decisions made by the courts in specific cases. The process of relying on common law is known as stare decisis. The court is like to use a precedent in using the principle of stare decisis. A precedent is a model case that a court can follow when facing a similar situation.

50. The ruling of the Michigan Supreme Court will have only persuasive power in Illinois, where Helen lives. Persuasive precedent is a precedent that a court is free to follow or ignore.

ch02 Summary

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