

UNIT TEST

GOVT 2305 United States Government

NAME: _____

(GOVERNMENT, CONSTITUTIONS, FEDERALISM, COURTS)

Multiple Choice... place an "x" in the space next to the correct answer (worth 1 point each)

If the Supreme Court of the United States makes a decision to uphold /agree with the decision of a lower court, this is called...

- ☐ affirm
- ☐ remand
- ☐ appeal
- ☐ de novo

A writ of habeas corpus is court paperwork...

- ☐ requiring/compelling an action.
- ☐ requiring an accused person to be presented before a judge to hear the indictment.
- ☐ to stop an action/activity.
- ☐ requiring a change of venue for a trial.

Double jeopardy occurs when a previously...

- ☐ convicted person receives another trial because new evidence was discovered.
- ☐ acquitted person is tried for a similar but second offense/crime.
- ☐ convicted person is tried for a second offense/crime.
- ☐ acquitted person is tried for the crime they were acquitted of because new evidence was discovered.

The 4th Amendment protects...

- ☐ a person's right to a speedy trial.
- ☐ a person's right to a jury trial.
- ☐ a person's right to refuse an attorney's help.
- ☐ a person's right to be free from an unreasonable search of their vehicle.

The Three-Fifths Clause/Compromise included a provision counting individuals living in slavery as 3/5ths of a person...

- ☐ with 3/5ths of a citizens' rights.
- ☐ for representation in the Senate.
- ☐ for voting by citizens.
- ☐ for representation in the House.

Precedent is...

- ☐ set by Supreme Court Rulings; building on principles set by earlier cases.
- ☐ set by federal district court rulings in cases of original jurisdiction.
- ☐ set by lower court rulings in cases of original jurisdiction.
- ☐ set by each court ruling; building on principles set by earlier cases.

The main purpose of the Judiciary Act of 1789 was to establish...

- ☐ a structure of lower courts for the federal/national level of government.
- ☐ lower courts of appellate jurisdiction because the Supreme Court was included in the *Constitution*.
- ☐ courts to handle the overflow of cases refused by the Supreme Court.
- ☐ a system of state and federal courts.

The reason we study precedent set in *Marbury v. Madison* is because it established...

- ☐ the practice of congressional oversight.
- ☐ the court's power to issue writs of mandamus.
- ☐ the practice of judicial review of judicial, executive and legislative action.
- ☐ the court's power to review cases concerning writs of mandamus.

The correct order of criminal procedure consists of...

- ☐ arrest, indictment, habeas corpus, trial, discovery, sentencing.
- ☐ probable cause, warrant, arrest, arraignment, trial, sentencing.
- ☐ warrant, arrest, trial, discovery, clemency, sentencing.
- ☐ warrant, arrest, discovery, voir dire, trial, clemency, arraignment, verdict.

The reason we study precedent set in *Miranda v. Arizona* is because...

- ☐ all citizens need to know their rights to deliberation and instruction.
- ☐ all accused individuals should know about habeas corpus.
- ☐ all accused citizens deserve a free attorney in felony and misdemeanor cases.
- ☐ all accused persons should know about constitutionally protected rights of criminal procedure.

Essay Questions	<i>You may choose</i> to answer as a list or in complete sentences (worth 5 points each).
<p>What are the basic functions of government as described in the Preamble to the US <i>Constitution</i>?</p>	
<p>Describe what is meant by 'shared political culture.'</p> <p>(hint... 5 items)</p>	
<p>What is the central difference between the New Jersey & Virginia Plans</p> <p>OR</p> <p>what is the difference between the attorney general and solicitor general?</p> <p>(choose one)</p>	
<p>Name three (3) concerns of the anti-federalists</p> <p>OR</p> <p>discuss the purpose of the <i>Federalist Papers</i>.</p> <p>(choose one)</p>	

	Term
	hung jury
	stare decisis
	probable cause
	change of venue
	petit jury
	justiciable dispute
	probate
	plaintiff
	trial de novo
	intestate
	prosecutor
	grand jury
	defendant
	ex post facto
	bench trial

	Matching... write the number of the correct phrase next to the corresponding term (1 point each)
1	to die without leaving a last will and testament
2	judge acts as both judge and jury (no jury of a defendant's/plaintiff's peers)
3	judge determines if a last will and testament is valid and dispersal of property may occur
4	12 members of the community sit in judgement for civil or criminal cases before the courts
5	courts rely on past decisions and precedents when making a decision, let the decision stand
6	12 members of the community are unable to reach a unanimous decision in a court case
7	a convicted individual receives a new trial
8	a law making an action a criminal act; retroactively
9	individual accused of criminal action; litigant in a criminal case
10	reasonable suspicion that criminal activity and an accused person are connected to gain warrant
11	individual bringing a suit/dispute before the courts; litigant in a civil case
12	case receives negative publicity; defense requests the trial be moved to a more neutral location
13	court may not hear a case unless a legal/law based answer to the complaint is possible
14	individual representing the people in a criminal case
15	jury of citizens determining if evidence presented by the prosecution connects to the accused

Either/Or Question	Choose one (1) of the options to answer & ONLY one. <i>Read carefully</i> (worth 4 points each).
Consent of the Governed OR Unalienable rights	
Separation of Powers OR Checks & Balances	
Self-Incrimination OR Due Process	
Judicial Review OR Plain View Rule	
Prosecutorial Discretion OR Preponderance of Evidence	

Opinion Questions	<i>You may choose</i> to answer in sentences or bullet points (worth 2 points each).
<p>If you were an attorney, would you practice civil or criminal law? Why?</p>	
<p>Who is in charge of the US government? Why is this important?</p>	
<p>Should the U.S. governmental structure remain federal? Why or why not?</p>	
<p>Are plea bargains a good idea? Why/why not?</p>	
<p>What is the most interesting part of voir dire?</p>	

	Term
	5th Amendment
	democracy
	bicameral
	supremacy clause
	oligarchy
	challenge for cause
	anarchy
	6th Amendment
	republic
	tyranny
	original jurisdiction
	class action
	peremptory challenge
	elastic clause
	appellate jurisdiction

	Matching... write the number of the correct term next to the corresponding answer (1 point each)
1	court has authority to hear testimony, view evidence, and empanel a petit jury for trial procedure
2	protection against denial of speedy trial, counsel representation, ability to confront witnesses, etc.
3	form of government with the people in control; majority rule
4	removal of potential juror without specific reason given to the judge
5	protection against double jeopardy and unreasonable use of eminent domain
6	form of government with no authority in control; no rule of law
7	court has authority to hear oral arguments regarding an error of law or procedure
8	national laws take precedence over state laws when conflict arises
9	Congress may make laws on subjects not specifically written/delegated in the <i>Constitution</i>
10	form of government with near total control of the people; micro-management of citizen's lives
11	legislative body with two chambers of representatives
12	form of government with the people in control; rule of law; representative government
13	law suit where similarly damaged individuals band together for resolution of a dispute
14	removal of potential juror due to answers given during voir dire
15	form of government with small group in control; powerful, wealthy, connected, militarily powerful

Explain It Questions	You may choose to answer as a list, a diagram, or in complete sentences (worth 5 points each).
<p>Explain the Great Compromise OR discuss the purpose of the Declaration of Independence. (choose one)</p>	
<p>Diagram or explain the basic structure of the federal/national court system.</p>	

Bonus Question	What term or concept from unit 1 was the most difficult to understand?
Bonus Question	What term or concept from unit 1 should have received more attention?
Bonus Question	What do you think of the format of this exam?