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| 1. Like most constitutional democracies, the justice system in the United States continually experiences a tension between the need to \_\_\_\_\_ and the need to \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​respect individual rights; maintain public order | |  | b. | ​balance power; maintain public order | |  | c. | ​limit power; allow certain governmental intrusion | |  | d. | ​limit public rights; broaden individual rights |  |  |  | | --- | --- | | *ANSWER:* | a | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 2. Which document preceded the current U.S. Constitution in governing the first thirteen states?​   |  |  |  | | --- | --- | --- | |  | a. | Articles of Confederation​ | |  | b. | ​Bill of Rights | |  | c. | ​Magna Carta | |  | d. | ​Declaration of Independence |  |  |  | | --- | --- | | *ANSWER:* | a | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 3. Which branch of the government plays the largest role in protection of individual liberties?​   |  |  |  | | --- | --- | --- | |  | a. | ​Legislative | |  | b. | ​Executive | |  | c. | ​President | |  | d. | ​Judicial |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 4. Which doctrine allows the Supreme Court to determine if a law violates the Constitution?​   |  |  |  | | --- | --- | --- | |  | a. | ​*habeas corpus* | |  | b. | ​posse comitatus | |  | c. | ​certiorari | |  | d. | ​judicial review |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 5. A person has filed a lawsuit on equal protection grounds claiming racial discrimination. Which standard of review will be used to resolve the issue of law?​   |  |  |  | | --- | --- | --- | |  | a. | ​Fair and adequate notification test | |  | b. | ​Strict Scrutiny | |  | c. | ​Intermediate scrutiny | |  | d. | ​Rational Basis Test |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 6. Constitutional guarantees against self-incrimination are primarily covered by which amendment?​   |  |  |  | | --- | --- | --- | |  | a. | ​First | |  | b. | ​Fourth | |  | c. | ​Fifth | |  | d. | ​Eighth |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 7. If a person in prison believes he or she is being held in violation of the Constitution, they would most likely seek a \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​writ of *corpus delicti* | |  | b. | ​writ of *habeas corpus* | |  | c. | ​bill of attainder | |  | d. | ​*prima facie* case |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.4 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 8. Ex post facto laws \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​impose punishment by an act of the legislature | |  | b. | ​are retroactive laws which act to the detriment of the accused | |  | c. | ​guarantee that federal crimes, except impeachment, be tried before a jury | |  | d. | ​retroactively enhance the rights of the accused |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | Individual Rights in the Original Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.4 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 9. The only crime defined in the United States Constitution is \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​attainder | |  | b. | ​*ex post facto* | |  | c. | forfeiture​ | |  | d. | ​treason |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | Individual Rights in the Original Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.4 | | *KEYWORDS:* | Bloom’s: Define | |

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| 10. ​Judicial decisions have made it clear that “speech” goes beyond oral communication, including both artistic expression and \_\_\_\_\_.   |  |  |  | | --- | --- | --- | |  | a. | ​violence when warranted | |  | b. | ​symbolic speech | |  | c. | ​unrestrained activity | |  | d. | ​freedom of movement |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 11. The right to freedom of speech is considered a fundamental right. In cases involving a fundamental right, the \_\_\_\_\_ standard of review is used to resolve the case.​   |  |  |  | | --- | --- | --- | |  | a. | ​legitimate regulation | |  | b. | ​intermediate scrutiny | |  | c. | ​strict scrutiny | |  | d. | ​rational basis |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Differentiate | |

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| 12. The \_\_\_\_\_ restricts the establishment of any government-sponsored religion.​   |  |  |  | | --- | --- | --- | |  | a. | ​proportionality clause | |  | b. | ​symbolic speech clause | |  | c. | free exercise clause​ | |  | d. | ​probable cause clause |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 13. ​The Fourth Amendment prohibits \_\_\_\_\_ searches and seizures.   |  |  |  | | --- | --- | --- | |  | a. | ​unlawful | |  | b. | ​surreptitious | |  | c. | ​unreasonable | |  | d. | ​unwarranted |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 14. Which of the following is most consistent with the principles of the crime control model?​   |  |  |  | | --- | --- | --- | |  | a. | ​a strong appellate court system with multiple layers of appeals | |  | b. | ​confidence in the police and prosecutors’ judgments | |  | c. | ​a skepticism toward the decisions of police and prosecutors | |  | d. | ​opposition to additional resources to build more prisons |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 15. Freedom from double jeopardy is guaranteed by the \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​Second Amendment | |  | b. | ​Third Amendment | |  | c. | ​Fourth Amendment | |  | d. | ​Fifth Amendment |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 16. The accused is placed in jeopardy (i.e., jeopardy attaches) when \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | (s)he is indicted​ | |  | b. | ​(s)he is arraigned and enters a plea to the indictment | |  | c. | ​the jury is sworn or, in cases tried without a jury, when the judge begins hearing testimony | |  | d. | ​the jury returns a verdict |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 17. The privilege against self-incrimination applies to compelling a person to \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​appear in a lineup in which all individuals will read a standard script | |  | b. | ​furnish a blood sample which might match that of the perpetrator | |  | c. | ​make a statement which indicates they might be guilty | |  | d. | ​furnish their fingerprints for comparison with the perpetrators |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 18. A “due process” clause is found in the \_\_\_\_\_ Amendments.​   |  |  |  | | --- | --- | --- | |  | a. | Second and Fourth​ | |  | b. | ​Fifth and Eleventh | |  | c. | ​Fourth and Fourteenth | |  | d. | ​Fifth and Fourteenth |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Differentiate | |

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| 19. ​The essence of “due process” is best described as \_\_\_\_\_.   |  |  |  | | --- | --- | --- | |  | a. | ​fairness | |  | b. | ​adversarial | |  | c. | ​timely notice | |  | d. | ​equal protection |  |  |  | | --- | --- | | *ANSWER:* | a | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 20. The right to a speedy and public trial is part of the \_\_\_\_\_ Amendment.​   |  |  |  | | --- | --- | --- | |  | a. | ​First | |  | b. | ​Second | |  | c. | ​Fourth | |  | d. | ​Sixth |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 21. The \_\_\_\_\_, issued by the Continental Congress in 1776, contains an explicit statement that individuals have rights that cannot be taken away and that these rights are “self-evident”?​   |  |  |  | | --- | --- | --- | |  | a. | ​Magna Carta | |  | b. | ​Declaration of Independence | |  | c. | ​U.S. Constitution | |  | d. | ​Articles of Confederation |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Summarize | |

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| 22. The right to be free from excessive bail is guaranteed by the \_\_\_\_\_ Amendment.​   |  |  |  | | --- | --- | --- | |  | a. | ​Sixth | |  | b. | ​Seventh | |  | c. | ​Eighth | |  | d. | ​Tenth |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 23. The primary significance of the *Marbury v. Madison* decision is that it \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​created the judicial branch of government and asserted its independence | |  | b. | ​declared that it is the duty of the judiciary to expound and interpret the law | |  | c. | ​established the power and authority of the Chief Justice position on the Court | |  | d. | applied the provisions in the Bill of Rights to state proceedings​ |  |  |  | | --- | --- | | *ANSWER:* | b | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 24. The most significant effect of the Bail Reform Act of 1984 is to \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​imprison those who cannot afford to post money bail | |  | b. | ​presume that bail should be granted while appeals are in process | |  | c. | ​allow consideration of danger to the community posed by the defendant | |  | d. | ​guarantee the defendant’s appearance at judicial proceedings |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 25. Cruel and unusual punishment is forbidden by the \_\_\_\_\_ Amendment.​   |  |  |  | | --- | --- | --- | |  | a. | ​Fifth | |  | b. | ​Seventh | |  | c. | ​Eighth | |  | d. | ​Ninth |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 26. The \_\_\_\_\_ Amendment has been used to make many of the provisions of the Bill of Rights applicable to the states.​   |  |  |  | | --- | --- | --- | |  | a. | ​Fourteenth | |  | b. | ​Thirteenth | |  | c. | ​Fifth | |  | d. | ​Fourth |  |  |  | | --- | --- | | *ANSWER:* | a | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Differentiate | |

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| 27. Although there is inherent tension between the crime control and due process models, \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​criminal justice has consistently focused more on crime control | |  | b. | ​criminal justice has consistently focused more on due process | |  | c. | ​the relative emphasis on crime control or due process has shifted over time | |  | d. | ​activities during the 1960s caused a marked shift towards crime control |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 28. Following the *Harmelin v. Michigan* (1991) decision, the Eighth Amendment proportionality clause was \_\_\_\_\_.​   |  |  |  | | --- | --- | --- | |  | a. | ​removed | |  | b. | ​found to be broadly applicable | |  | c. | ​found to prevent only grossly disproportionate sentences | |  | d. | ​restricted to length of sentence and criminal fine issues |  |  |  | | --- | --- | | *ANSWER:* | c | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 29. The \_\_\_\_\_ Amendment emphasizes that the Constitution did not intend, by expressly guaranteeing certain rights of the people, to grant the government unlimited power to invade other rights of the people.​   |  |  |  | | --- | --- | --- | |  | a. | ​Ninth | |  | b. | ​Third | |  | c. | ​Seventh | |  | d. | ​Tenth |  |  |  | | --- | --- | | *ANSWER:* | a | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Differentiate | |

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| 30. The absence of \_\_\_\_\_ was a substantial impediment to the ratification of the Constitution.​   |  |  |  | | --- | --- | --- | |  | a. | ​a separation clause | |  | b. | ​an entitlement statement | |  | c. | ​tort legislation | |  | d. | ​a Bill of Rights |  |  |  | | --- | --- | | *ANSWER:* | d | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 31. ​The Constitution, as originally proposed to the States in 1787, contained the Bill of Rights.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 32. The judicial branch of law expounds and interprets the law.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 33. All *ex post facto* laws are retroactive.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | Individual Rights in the Original Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.4 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 34. An advocate of the crime control model would support increased funding for police and prosecutors and to build more prisons.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 35. In some situations, a second trial for the same offense is permitted.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 36. Substantive criminal law establishes legal prescriptions and proscriptions, whereas procedural criminal law sets forth the mechanisms through which substantive criminal laws are implemented.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 37. The concepts of due process and equal protection are the same.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 38. The main purpose of the original Constitution was to establish individual liberties and freedoms.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | | *REFERENCES:* | Individual Rights in the Original Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Summarize | |

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| 39. The Sixth Amendment provides a right to be represented by counsel only in criminal prosecutions that may result in imprisonment.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 40. Article III of the Constitution establishes the structure and power of the federal court system.​   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 41. Rules and regulations set forth by a government agency that is empowered through statutory law to make such rules are categorized as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ law.​   |  |  | | --- | --- | | *ANSWER:* | administrative​ | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 42. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ approach held that the Due Process Clause of the Fourteenth Amendment applies rights to state proceedings by considering each right on its own to determine whether the right is fundamental or not.​   |  |  | | --- | --- | | *ANSWER:* | ​selective incorporation | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 43. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ branch of government creates most of the law of criminal procedure.​   |  |  | | --- | --- | | *ANSWER:* | ​ judicial | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 44. The Fourth Amendment’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ requirement stipulates that before an arrest warrant can be issued, the applying officer must produce evidence showing by a fair probability that the specific person named committed a specific offense.​   |  |  | | --- | --- | | *ANSWER:* | probable cause​ | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 45. The fundamental privileges and freedoms enjoyed by U.S. citizens are commonly referred to as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.​   |  |  | | --- | --- | | *ANSWER:* | ​civil rights | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 46. The Supreme Court of the 1960s made policing the police, as well as state courts, a distinctly federal concern. Today, we refer to this shift in policy as the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ revolution of the 1960s.​   |  |  | | --- | --- | | *ANSWER:* | due process​ | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 47. The power of the government to acquire private property is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.​   |  |  | | --- | --- | | *ANSWER:* | eminent domain​ | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 48. According to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ doctrine, double jeopardy does not arise when federal and state courts both have jurisdiction to prosecute.​   |  |  | | --- | --- | | *ANSWER:* | ​dual sovereignty | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 49. Due process is violated if a practice or rule “offends some principle of justice so rooted in the traditions and conscience or our people as to be ranked as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”​   |  |  | | --- | --- | | *ANSWER:* | ​fundamental | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 50. Law made by judicial interpretation of statutes and regulations is called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ law.​   |  |  | | --- | --- | | *ANSWER:* | common​ | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 51. In no less than one paragraph, compare and contrast due process and crime control values.​   |  |  | | --- | --- | | *ANSWER:* | Answer will vary.​ | | *REFERENCES:* | Criminal Procedure as the Balance between Due Process and Crime Control | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.1 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 52. Convey the concept of proportionality. To what extent does the U.S. Supreme Court currently recognize proportionality as a component of the Eighth Amendment?​   |  |  | | --- | --- | | *ANSWER:* | ​Answer will vary. | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 53. Briefly relate the history of the early English Common Law, illustrating how it laid the foundation for the United States Constitution.​   |  |  | | --- | --- | | *ANSWER:* | Answer will vary.​ | | *REFERENCES:* | A Brief History of the United States Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.2 | | *KEYWORDS:* | Bloom’s: Remember | |

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| 54. Discuss and debate “symbolic speech” as interpreted by the courts under the First Amendment.​   |  |  | | --- | --- | | *ANSWER:* | ​Answer will vary. | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 55. Compare and contrast the three standards of judicial review – strict scrutiny, intermediate scrutiny, and the rational basis test.​   |  |  | | --- | --- | | *ANSWER:* | Answer will vary.​ | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.6 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 56. ​Explain the two different types of freedoms having to do with religion.   |  |  | | --- | --- | | *ANSWER:* | Answer will vary.​ | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 57. Provide an example in which double jeopardy might ‘attach’ in a jury trial and a nonjury trial.​   |  |  | | --- | --- | | *ANSWER:* | ​Answer will vary. | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 58. Explain the importance of subpoenas and compulsory process to a criminal trial.​   |  |  | | --- | --- | | *ANSWER:* | ​Answer will vary. | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.5 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 59. Describe the function of a judicial review. Be sure to include important documents/cases that legitimize the notion of judicial review.​   |  |  | | --- | --- | | *ANSWER:* | Answer will vary.​ | | *REFERENCES:* | Select Individual Rights in the Bill of Rights | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.3 | | *KEYWORDS:* | Bloom’s: Understand | |

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| 60. Explain the importance of the Fourteenth Amendment and the right to due process.​   |  |  | | --- | --- | | *ANSWER:* | ​Answer will vary. | | *REFERENCES:* | Individual Rights in the Original Constitution | | *LEARNING OBJECTIVES:* | CPCJ.FERD.16.1.4 | | *KEYWORDS:* | Bloom’s: Remember | |