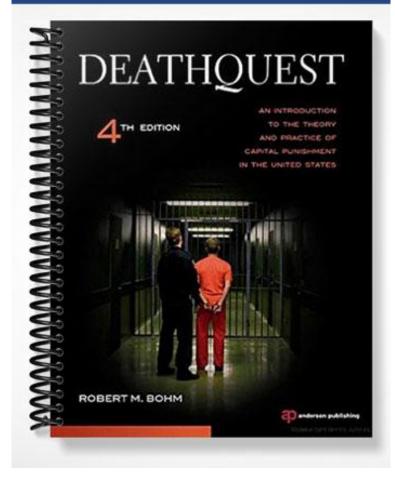
## **TEST BANK**



1. From which of the following did the U.S. Supreme Court derive its appellate jurisdiction in death penalty cases?

- a. the U.S. Constitution
- b. the U.S. President
- \*c. its power of judicial review
- d. the will of the people
- e. none of the above

2. In what case and in what year was the U.S. Supreme Court's power of judicial review confirmed?

- \*a. Marbury v. Madison (1803)
- b. United States v. Wilson (1810)
- c. Ex Parte Wells (1815)
- d. Langworthy v. Hamilton (1818)
- e. none of the above

*3. Solesbee v. Balkcom* (1950) was one of two cases that challenged the constitutionality of capital punishment prior to 1968. What was the issue addressed in this case?

a. whether a state is permitted to attempt a second execution by electrocution after the first attempt failed

\*b. whether a governor is allowed to determine an inmate's sanity where finding an inmate insane would prevent his or her execution

c. whether racial discrimination on the part of jurors, who had total discretion in the sentencing decision, infected death cases for rape in at least some Arkansas counties d. whether prospective jurors could be excused simply because they were opposed to capital punishment

e. none of the above

4. Solesbee v. Balkcom (1950) was one of two cases that challenged the constitutionality of capital punishment prior to 1968. What was the other case?

- a. Powell v. Alabama
- b. In re Kemmler
- c. Wilkinson v. Utah
- \*d. Louisiana ex rel. Francis v. Resweber
- e. none of the above

5. What was the subject of *United States v. Wilson* (1833), *Ex parte Wells* (1855) and *Biddle v. Perovich* (1927)?

- a. execution methods
- \*b. clemency
- c. capital juries
- d. double jeopardy
- e. none of the above

6. What was the subject of *In re Medley* (1890), *Rooney v. North Dakota* (1905), and *Malloy v. South Carolina* (1915)?

- a. double jeopardy
- b. clemency

\*c. ex post facto

- d. sentencing
- e. none of the above

7. What was the subject of *Craemer v. Washington* (1897), *Robinson v. United States* (1945), and *Williams v. New York* (1949)?

- a. double jeopardy
- b. clemency
- c. ex post facto
- \*d. sentencing
- e. none of the above

8. What was the subject of *Winston v. United States*, *Strather v. United States*, and *Smith v. United States* (1899), *Aldridge v. United States* (1931), *Norris v. Alabama* (1935), and *Patton v. Mississippi* (1948)?

- a. execution methods
- b. clemency
- \*c. capital juries
- d. double jeopardy
- e. none of the above

9. Which of the following descriptions best describes what happened to 29-year-old pencil factory manager Leo Frank, who, in 1913, was tried, convicted, and sentenced to death in Atlanta, Georgia, for the murder of his 13-year-old employee Mary Phagan? a. He was discovered to be innocent and pardoned by the governor.

b. His Supreme Court challenge was denied, and he was executed.

- \*c. He was lynched.
- d. He was the first death row inmate to be elected governor of a state.
- e. none of the above

10. Which of the following cases involved the so-called "Scottsboro boys"?

- \*a. Powell v. Alabama
- b. Maxwell v. Bishop
- c. Furman v. Georgia
- d. Proffitt v. Florida
- e. none of the above

11. The Supreme Court has held that failure to provide counsel in a capital case violates "due process" as required under the 14th Amendment.

- \*a. True
- b. False

12. In *Ex parte Milligan* (71 U.S. 2), in 1866, the issue before the Court in this case was the problem of military power over civilians.\*a. Trueb. False

13. *Powell v. Alabama* (287 U.S. 45, 1932) involved the so–called "Scottsboro Boys."\*a. Trueb. False

14. Founding Fathers Alexander Hamilton and James Madison strongly objected to the Supreme Court exercising judicial review.

a. True

\*b. False

15. Throughout its history, the Court has rejected as unworthy of review the vast majority of cases appealed to it.

\*a. True

b. False