

Applying Legal Terms

Part I: Decide if each is an example of a *mala in se* crime or a *mala prohibitum* crime.

- 1) Running a red light.
- 2) Shoplifting items from Target.
- 3) Homicide.
- 4) Smoking marijuana in Missouri.
- 5) Speeding (75 mph) on an interstate.

Part II: Decide if each is an example of a criminal or civil case.

- 6) Bob robbed the bank.
- 7) Bob's tree fell on his neighbor's fence and house.
- 8) Bob wants a divorce from Joanne.
- 9) Bob was charged with possession of cocaine and heroin.
- 10) Bob was ticketed for (unnecessarily) parking in a handicapped spot without a proper tag.

Part III: Decide if each is an example of a felony or misdemeanor.

- 11) Jessie was speeding through Bel-Nor.
- 12) Jessie assaulted the arresting officer when he tried to handcuff her.
- 13) Jessie set the concession stand at St. Joe on fire after a game.
- 14) Jessie stole the Christmas decorations out of Mr. Huber's yard.
- 15) Jessie was charged with kidnapping.

Problem 1.7

Matt and Kenji decide to skip school. They take Kenji's brother's car without telling him and drive to a local shopping center. Ignoring the sign "Parking for Handicapped Persons Only," they leave the car and enter an electronics shop.

After looking around, they buy a portable CD player. Then they buy some sandwiches from a street vendor and walk to a nearby park. While eating, they discover that the CD player does not work. In their hurry to return it, they leave their trash on the park bench.

When Matt and Kenji get back to the shopping center, they notice a large dent in one side of their car. The dent appears to be the result of a driver's carelessness in backing out of the next space. They also notice that the car has been broken into and that the car stereo has been removed.

They call the police to report the accident and theft. When the police arrive, they seize a small, clear bag containing illegal drugs from behind the car's back seat. Matt and Kenji are arrested.

- a. List all the things you think Matt and Kenji did wrong.
- b. What laws are involved in this story?
- c. Which of these are criminal laws? Which are civil laws?

Our Constitutional Framework

The U.S. Constitution is the highest law of the land. Drafted more than two hundred years ago, this remarkable document is the longest-lasting written constitution in the world. It sets forth the basic framework of our government. It also lists the government's powers, the limits on those powers, and the people's freedoms that cannot be taken away by the government. (The text of the entire Constitution is provided on pages 570–599.)

Integral to the Constitution is the principle of **limited government**. Before the U.S. Constitution was written and ratified, the individual states were reluctant to give up power to the national government. After all, a revolution had just been fought against the government of the king of England to preserve individual liberty and the freedom to govern without interference. As a result, the Constitution created a national government of limited powers, with authority to pass laws only in the areas specifically listed in Article I of the Constitution. Those who criticize the power and reach of the federal government today often cite these historic reasons for limiting its power.

Perhaps nothing is more important in the Constitution than the division of lawmaking power among the three branches of government: the executive, the legislative, and the judicial. This division is known as the **separation of powers**. The executive branch, which includes the president and federal agencies, is primarily responsible for enforcing the law. However, the executive branch often issues