

CONSTITUTIONAL AND MILITARY LAW (LW403) WPR 2 PRACTICE TEST (SAMPLE) STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Table of Contents

Copyright	1
Table of Contents	2
Introduction	3
How to Use This Guide	4
Questions	5
Answers	8
Explanations	10
Next Steps	16

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. What flaw did Hialeah ordinances exhibit that led to striking them down in Lukumi Babalu Aye?**
 - A. They targeted Santeria and were underinclusive
 - B. They were neutral and generally applicable
 - C. They banned all animal killings
 - D. They applied only to secular slaughter
- 2. What is the general standard of proof in courts-martial?**
 - A. Preponderance of the evidence.
 - B. Probable cause.
 - C. Beyond a reasonable doubt.
 - D. Clear and convincing evidence.
- 3. Which amendment abolished slavery?**
 - A. Fourth Amendment
 - B. Fifth Amendment
 - C. Sixth Amendment
 - D. Thirteenth Amendment
- 4. Which standard applies to sex-based classifications in United States v. Virginia?**
 - A. Intermediate scrutiny refined into exceedingly persuasive justification
 - B. Strict scrutiny
 - C. Rational basis
 - D. No heightened scrutiny
- 5. The incorporation doctrine relies on which constitutional clause to apply the First Amendment to state governments?**
 - A. The Tenth Amendment
 - B. The Fourth Amendment
 - C. The Fifth Amendment
 - D. The Fourteenth Amendment Due Process Clause

- 6. What is the difference between the general and specific articles within the UCMJ in terms of offenses?**
- A. General Article 134 covers only civil offenses.
 - B. General Article 134 covers offenses not specified elsewhere but prejudicial to good order and discipline; specific articles cover enumerated offenses (e.g., desertion, insubordination).
 - C. General Article 134 applies only during times of peace.
 - D. Specific articles are only procedural rules.
- 7. What does Article 27 UCMJ concern?**
- A. The rules for courts-martial procedures.
 - B. The authority of the President to designate punishment.
 - C. The power of civilian authorities over the armed forces.
 - D. The rights to defense counsel and the appointment of military defense counsel.
- 8. Which statement best describes the primary scope of international humanitarian law?**
- A. Economic sanctions
 - B. The treatment of civilians, prisoners, and combatants in armed conflict
 - C. Intellectual property during war
 - D. Internal organizational structure of armed forces
- 9. Which mechanisms enable continuation of hostilities beyond 60 days under the WPR?**
- A. A presidential executive order alone.
 - B. A unanimous consent vote of both chambers.
 - C. A termination of hostilities by joint resolution.
 - D. A declaration of war or a statutory Authorization for Use of Military Force (AUMF) by Congress.
- 10. Which landmark case central to the doctrine of executive power in war and foreign affairs illustrates limits on presidential authority?**
- A. Korematsu v. United States.
 - B. Marbury v. Madison.
 - C. United States v. Nixon.
 - D. Youngstown Steel & Tube Co. v. Sawyer (1952).

Answers

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1. A
2. C
3. D
4. A
5. D
6. B
7. D
8. C
9. D
10. D

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Explanations

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1. What flaw did Hialeah ordinances exhibit that led to striking them down in *Lukumi Babalu Aye*?

- A. They targeted Santería and were underinclusive**
- B. They were neutral and generally applicable
- C. They banned all animal killings
- D. They applied only to secular slaughter

*The key idea here is neutrality and general applicability of laws that burden religious practice. In *Lukumi Babalu Aye v. Hialeah*, the city adopted ordinances that banned animal slaughter within the city, but the way they were written and applied showed the rules were aimed at Santería ritual sacrifices. The ordinances created exemptions and gaps that allowed other forms of slaughter to continue, while effectively targeting Santería practices. That makes the laws not generally applicable because they singles out a particular religious practice and don't regulate all comparable conduct. The Supreme Court ruled that such targeting violates the Free Exercise Clause, since laws must be neutral toward religion and broadly applicable, not tailored to suppress a specific faith. So, the flaw is that the ordinances targeted Santería and were underinclusive, failing to regulate similar conduct across the board and thereby to treat religious practice with neutrality. The other options don't fit because the laws weren't truly neutral and generally applicable, they didn't ban all animal killings, and they weren't limited to secular slaughter.*

2. What is the general standard of proof in courts-martial?

- A. Preponderance of the evidence.
- B. Probable cause.
- C. Beyond a reasonable doubt.**
- D. Clear and convincing evidence.

The main concept here is the level of proof required to convict in a court-martial. In military trials, the government must prove each element of the charged offense beyond a reasonable doubt. This high standard protects the accused's due process rights and reflects the serious consequence of a conviction in military justice, anchored by the presumption of innocence. Reasonable doubt is not doubt about everything; it means a doubt that would cause a reasonable person to hesitate before acting in important matters. If such doubt exists, the finding should be not guilty. The other standards—probable cause, preponderance of the evidence, or clear and convincing evidence—are used in other contexts (probable cause for initiating investigations or warrants, preponderance or clear and convincing in civil or certain non-criminal matters) but not for convicting someone in a court-martial.

3. Which amendment abolished slavery?

- A. Fourth Amendment
- B. Fifth Amendment
- C. Sixth Amendment
- D. Thirteenth Amendment**

The key idea here is how slavery was ended in law. Slavery in the United States was outlawed by the Thirteenth Amendment, which states that slavery and involuntary servitude are prohibited in the U.S. except as punishment for a crime where the person has been duly convicted. This constitutional prohibition made slavery illegal nationwide and permanent, beyond ordinary statutes or executive orders. The other amendments listed deal with different topics: the Fourth Amendment covers protection against unreasonable searches and seizures; the Fifth Amendment includes due process and protections against self-incrimination and double jeopardy; the Sixth Amendment guarantees rights related to criminal prosecutions, like a speedy and public trial. None of these abolish slavery, so they don't accomplish the central act of emancipation.

4. Which standard applies to sex-based classifications in *United States v. Virginia*?

- A. Intermediate scrutiny refined into exceedingly persuasive justification**
- B. Strict scrutiny
- C. Rational basis
- D. No heightened scrutiny

The standard applied to sex-based classifications is a form of heightened scrutiny that sits between rational basis and strict scrutiny. United States v. Virginia elevated intermediate scrutiny by requiring exceedingly persuasive justification for gender-based classifications. In practice, this means the government must show that the classification serves an important objective and that the means chosen are substantially related to achieving that objective, but the justification must be especially strong and evidence-based, not merely routine or stereotype-based. In the Virginia case, the Court found that the male-only admission policy at the Virginia Military Institute did not meet this exceedingly persuasive standard. The state's justifications—often tied to tradition or broad generalizations about gender—were not sufficiently tailored or supported by the necessary evidence to demonstrate that the gender-based exclusion was essential to achieving an important objective. Therefore, the policy violated equal protection. This is why the other options don't fit: strict scrutiny would demand a compelling state interest and a highly tailored means, which is not the standard used for sex-based classifications; rational basis is too weak for such classifications; and there is indeed heightened scrutiny applied to sex-based distinctions, just not to the level of strict scrutiny.

5. The incorporation doctrine relies on which constitutional clause to apply the First Amendment to state governments?

- A. The Tenth Amendment
- B. The Fourth Amendment
- C. The Fifth Amendment
- D. The Fourteenth Amendment Due Process Clause**

The main idea is that the incorporation doctrine uses the Fourteenth Amendment's Due Process Clause to bind state governments to the First Amendment. Originally, the Bill of Rights only limited the federal government; states could restrict those rights. Over time, the Supreme Court has interpreted the Due Process Clause of the Fourteenth to apply most of those federal protections to state action—one right at a time—through selective incorporation. That makes the Fourteenth Amendment Due Process Clause the vehicle by which the First Amendment is enforced against the states. The Tenth Amendment concerns reserved state powers, and the Fourth and Fifth Amendments protect rights but are not the primary means used to extend the First Amendment to state governments.

6. What is the difference between the general and specific articles within the UCMJ in terms of offenses?

- A. General Article 134 covers only civil offenses.
- B. General Article 134 covers offenses not specified elsewhere but prejudicial to good order and discipline; specific articles cover enumerated offenses (e.g., desertion, insubordination).**
- C. General Article 134 applies only during times of peace.
- D. Specific articles are only procedural rules.

In the UCMJ, offenses fall into two broad categories: specific articles that name particular crimes with defined elements, and the general article that acts as a catch-all for misconduct not covered by those specific offenses. The general or catch-all article covers acts that are prejudicial to good order and discipline in the armed forces and, in many versions, conduct that brings discredit upon the armed forces. Because of that breadth, it can be used for behavior that doesn't neatly fit a listed offense, while still harming the service. Specific articles, by contrast, address enumerated offenses such as desertion or insubordination, with particular elements prosecutors must prove. So the difference is that the general article covers broad, unlisted misconduct that harms the unit, whereas the specific articles define and punish particular, named offenses with their own elements.

7. What does Article 27 UCMJ concern?

- A. The rules for courts-martial procedures.
- B. The authority of the President to designate punishment.
- C. The power of civilian authorities over the armed forces.
- D. The rights to defense counsel and the appointment of military defense counsel.**

The main idea here is that Article 27 deals with the accused's right to defense counsel and how military defense counsel are appointed. It protects the person under investigation or being tried by ensuring they have access to legal representation, and, if needed, that a military defense counsel is appointed to assist them. This guarantees fair treatment and due process within the military justice system, especially when the accused cannot obtain civilian counsel or cannot afford it. Other options describe different aspects of military justice or civilian oversight that aren't about the right to representation. It's not about how courts-martial are conducted, who can designate punishment, or the relationship between civilian authorities and the armed forces. The provision at issue specifically centers on ensuring legal defense for the accused.

- 8. Which statement best describes the primary scope of international humanitarian law?**
- A. Economic sanctions
 - B. The treatment of civilians, prisoners, and combatants in armed conflict
 - C. Intellectual property during war**
 - D. Internal organizational structure of armed forces

International humanitarian law focuses on how wars are fought and on protecting people who are not participating in the fighting or who are no longer participating. Its primary scope is the humane treatment of civilians, prisoners of war, and the wounded or sick combatants, along with rules about what can and cannot be targeted and how force may be used. It sets out protections against torture, collective punishment, and inhumane treatment, and it requires distinction between military objectives and civilian life, with proportionality in the use of force. Other areas of law cover things like economic sanctions, intellectual property, or the internal organization of armed forces, but these are not the central concern of international humanitarian law. So the statement that best describes its primary scope is the treatment of civilians, prisoners, and combatants in armed conflict.

- 9. Which mechanisms enable continuation of hostilities beyond 60 days under the WPR?**
- A. A presidential executive order alone.
 - B. A unanimous consent vote of both chambers.
 - C. A termination of hostilities by joint resolution.
 - D. A declaration of war or a statutory Authorization for Use of Military Force (AUMF) by Congress.**

The key idea is that the War Powers Resolution ties an ongoing military commitment beyond 60 days to explicit congressional authorization. After forces are deployed, the President must inform Congress and the hostilities may continue for up to 60 days unless Congress acts. To push past that window, Congress must provide a formal grant of authority, either by declaring war or by enacting a statutory Authorization for Use of Military Force (AUMF). Those are the only mechanisms that legally extend beyond the 60-day limit. An executive order cannot substitute for congressional authorization, a joint resolution that merely terminates hostilities would stop them instead of extending them, and a procedural unanimous-consent vote does not create the substantive authorization needed to sustain hostilities. So, only a declaration of war or a statutory AUMF enacted by Congress properly enables continuation beyond 60 days.

10. Which landmark case central to the doctrine of executive power in war and foreign affairs illustrates limits on presidential authority?

A. Korematsu v. United States.

B. Marbury v. Madison.

C. United States v. Nixon.

D. Youngstown Steel & Tube Co. v. Sawyer (1952).

The main concept here is the limits of presidential power in war and foreign affairs, clarified by Youngstown Steel & Tube Co. v. Sawyer. In this case the Supreme Court ruled that President Truman overstepped his authority by seizing private steel mills during the Korean War without any congressional authorization. The decision is famous for laying out a framework to evaluate executive action in national security matters: when the President acts with express or implied authorization from Congress, his power is at its maximum; when there is no congressional authorization or prohibition, his power is at its lowest and he must rely on his own constitutional powers with significant checks from Congress and the courts; and when the action conflicts with an express congressional directive, the President's power is at its lowest and is likely unconstitutional. This doctrine shows that even in wartime or foreign affairs, presidential actions are not free from statutory constraints or judicial review. Korematsu involves civil liberties during wartime but not the formal framework for executive power; Marbury v. Madison concerns judicial review; United States v. Nixon addresses executive privilege in a criminal investigation. Youngstown specifically addresses limits on presidential authority in war/foreign affairs.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://lw403wpr2.examzify.com>

We wish you the very best on your exam journey. You've got this!

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