

***Contemporary Business Law, 8e (Cheeseman)***

**Chapter 2 Constitutional Law for Business and E-commerce**

1) The \_\_\_\_\_ was a document that restricted the newly created U.S. federal government from levying and collecting taxes, regulating commerce with foreign countries, and regulating interstate commerce.

- A) U.S. Constitution
- B) Declaration of Independence
- C) Bill of Rights
- D) Articles of Confederation

Answer: D

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

2) The amended U.S. Constitution primarily focuses on \_\_\_\_\_.

- A) providing all citizens with a right to vote
- B) creating individual states in the country
- C) protecting individual rights
- D) promoting a strong economy

Answer: C

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

3) Which of the following is a function of the U.S. Constitution?

- A) create the three branches of federal government
- B) promote a strong economy
- C) establish the electoral college
- D) permit the judicial review of laws

Answer: A

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

4) When the states ratified the Constitution, they delegated \_\_\_\_\_ powers to the federal government.

- A) enumerated
- B) reserved
- C) police
- D) statutory

Answer: A

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

5) Reserved powers are given to the \_\_\_\_\_ by the Constitution.

- A) federal government
- B) judiciary
- C) state governments
- D) U.S. Congress

Answer: C

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

6) Jintopia is a country in which the federal government and the twelve state governments share powers. The form of government in Jintopia is \_\_\_\_\_.

- A) sovereignty
- B) federalism
- C) unitarianism
- D) libertarianism

Answer: B

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

7) The legislative branch of the U.S. federal government is \_\_\_\_\_.

- A) monocameral
- B) bicameral
- C) tricameral
- D) polycameral

Answer: B

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

8) The \_\_\_\_\_ is responsible for making federal law.

- A) President
- B) state governments
- C) legislative branch
- D) Supreme Court

Answer: C

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

9) Article I of the Constitution establishes the \_\_\_\_\_ of the federal government.

- A) electoral branch
- B) legislative branch
- C) executive branch
- D) judicial branch

Answer: B

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

10) Which of the following Articles of the Constitution establishes the executive branch of the federal government?

- A) Article II
- B) Article IV
- C) Article III
- D) Article I

Answer: A

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

11) Article III of the Constitution establishes the \_\_\_\_\_ of the federal government.

- A) executive branch
- B) electoral branch
- C) judicial branch
- D) legislative branch

Answer: C

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

12) Which of the following statements is true of the legislative branch of the federal government?

- A) It is responsible for enforcing federal law.
- B) It permits a state to have two senators in the U.S. Senate.
- C) It provides for the election of the president and vice-president.
- D) It provides for the creation of federal courts by Congress.

Answer: B

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

- 13) Which of the following statements is true of the executive branch of the federal government?
- A) It provides for the election of the president based on popularity.
  - B) It provides for the election of the president who is selected by the Electoral College.
  - C) It provides for the appointment of representatives of the Electoral College who are selected by the citizens of the state.
  - D) It provides for the establishment of the U.S. Supreme Court and the interpretation of the U.S. Constitution and federal law.

Answer: B

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

- 14) Why have checks and balances been built into the U.S. Constitution?
- A) to keep a check on the number and frequency of amendments made to the Constitution
  - B) to ensure the judiciary is not biased or corrupt
  - C) to prevent any one of the three branches of the government from becoming too powerful
  - D) to ensure that people of all races and ethnicities are uniformly represented

Answer: C

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

- 15) The state of Camford in the United States passes a statute containing numerous requirements, some conflicting with the federal rules, covering the licensing of airplane pilots and the operation of aircraft. A pilot's constitutional challenge to this state statute would succeed on the basis of \_\_\_\_\_.

- A) the preemption doctrine
- B) the substantive due process
- C) the procedural due process
- D) the Equal Protection Clause

Answer: A

Difficulty: Moderate

Topic: Supremacy Clause

LO: 2

- 16) The \_\_\_\_\_ provides that federal law takes precedence over state or local law.

- A) preemption doctrine
- B) Bill of Rights
- C) Due Process Clause
- D) Free Exercise Clause

Answer: A

Difficulty: Easy

Topic: Supremacy Clause

LO: 2

17) If a federal statute does not expressly provide for exclusive jurisdiction, state and local governments have \_\_\_\_\_ jurisdiction to regulate an area or activity.

- A) exclusive
- B) concurrent
- C) concordant
- D) discordant

Answer: C

Difficulty: Moderate

Topic: Supremacy Clause

LO: 2

18) Which of the following is established by the Supremacy Clause of the U.S. Constitution?

- A) The President is the supreme and sovereign head of the United States.
- B) The legislative branch of the federal government is the supreme law-making authority in the country.
- C) The judiciary is the supreme law-enforcing authority and cannot be influenced by anyone, however powerful, in any manner.
- D) The U.S. Constitution and federal treaties, laws, and regulations are the supreme law of the land.

Answer: D

Difficulty: Moderate

Topic: Supremacy Clause

LO: 2

19) Which of the following statements is true of the Supremacy Clause of the U.S. Constitution?

- A) A particular federal statute cannot exclusively regulate a specific area or activity.
- B) Any state or local law that "directly and substantially" conflicts with valid federal law is preempted.
- C) A particular federal statute can expressly provide for exclusive jurisdiction.
- D) Any state or local law that "directly and substantially" conflicts with valid federal law is held valid until such a time that the relevance of the federal law is tested and held in harmony with the cultural diversity in the state.

Answer: B

Difficulty: Moderate

Topic: Supremacy Clause

LO: 2

20) The power of the federal government to make treaties with Native American nations regarding land use is derived from the \_\_\_\_\_.

- A) Commerce Clause
- B) Equal Protection Clause
- C) Privileges and Immunities Clause
- D) Supremacy Clause

Answer: A

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

21) The state of Carterbridge in the United States passes a statute that grants all residents who purchase a brand new automobile made in Carterbridge a \$2,000 credit on state sales tax. Such a statute would be \_\_\_\_\_.

- A) a violation of the Due Process Clause in the Fifth Amendment
- B) a procedural due process violation
- C) a First Amendment violation
- D) a violation of the Commerce Clause exists

Answer: D

Difficulty: Difficult

Topic: Commerce Clause

LO: 3

22) The Indian Gaming Regulatory Act sets the terms of \_\_\_\_\_ activities on tribal land.

- A) casino gambling
- B) hunting and gathering
- C) agriculture and animal rearing
- D) mining

Answer: A

Difficulty: Easy

Topic: Commerce Clause

LO: 3

23) Santo belongs to the Eliok tribe in an Indian reservation in southern Nevada. He wants to open a casino in the reservation. However, the state authority denies the tribe permission to open a casino in its own territory. Which of the following permits the tribe to bring suit in federal court and force the state to comply?

- A) the Establishment Clause
- B) the Indian Gaming Regulatory Act
- C) the Dormant Commerce Clause
- D) the Indian Reorganization Act

Answer: B

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

24) Which of the following statements is true of the United States' Foreign Commerce Clause?

- A) Regulation of foreign commerce by state governments is unconstitutional.
- B) A state can enact a law that forbids a foreign country from doing business in that state, if that country engages in activities that are not condoned by that state.
- C) Direct regulation of foreign commerce by the federal government violates the Commerce Clause.
- D) A state government is only permitted to regulate foreign trade indirectly.

Answer: A

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

25) Kingsland is a country that has been exporting apples to the United States for over a century, shipping 300 tons to the state of Georgia each month. However, last month, Kingsland violated a trading norm which was not condoned by Georgia. Which of the following measures should be taken to regulate apple imports from Kingsland?

- A) Georgia can stop trading with Kingsland after serving a notice.
- B) Georgia can stop trading with Kingsland without serving a notice.
- C) Georgia can appeal to the federal authority which can stop imports from Kingsland.
- D) Georgia can make Kingsland export its apples to North Carolina.

Answer: C

Difficulty: Difficult

Topic: Commerce Clause

LO: 3

26) Fierra, Inc. is a German automobile manufacturer that has a 5 percent market share in the United States' automobile market. The company has a unit in North Carolina that imports Fierra automobiles from its parent company in Germany and assembles them. Which of the following measures is in accordance with U.S.A.'s Foreign Commerce Clause?

- A) The government of North Carolina imposes an additional 10% tax on Fierra cars.
- B) The government of North Carolina bans the sale of Fierra cars outside its borders.
- C) The government of North Carolina asks Fierra to shut down its import unit in the state.
- D) The federal government imposes an additional 100 percent tax only on Fierra cars being sold in North Carolina.

Answer: D

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

27) Which of the following statements is true of states' police power?

- A) Police power restricts states from regulating interstate commerce, although it happens within their borders.
- B) The states are allowed to regulate army activities within their borders.
- C) They are given the authority to enact laws that regulate the conduct of business.
- D) The police force of a state is controlled by the federal police department.

Answer: C

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

28) Which of the following is enacted under state police power?

- A) personal property laws
- B) military laws
- C) corporate governance laws
- D) equal opportunity laws

Answer: A

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

29) If the federal government has chosen not to regulate an area of interstate commerce that it has the power to regulate under its Commerce Clause powers, this area of commerce is subject to the \_\_\_\_\_.

- A) Free Exercise Clause
- B) Dormant Commerce Clause
- C) Due Process Clause
- D) Privileges and Immunities Clause

Answer: B

Difficulty: Easy

Topic: Commerce Clause

LO: 3

30) If there is an area of interstate commerce that the federal government has chosen not to regulate, the states \_\_\_\_\_.

- A) cannot regulate in that area, as the federal government's decision implies that there is to be no regulation in that area
- B) cannot regulate in that area because states cannot pass laws on interstate commerce
- C) can regulate in that area so long as the state law does not unduly burden interstate commerce
- D) can regulate in that area so long as it first gets the requisite approval from Congress

Answer: C

Difficulty: Difficult

Topic: Commerce Clause

LO: 3

31) The first ten amendments to the U.S. Constitution are collectively known as the \_\_\_\_\_.

- A) Due Process Clause
- B) Privileges Clause
- C) Bill of Rights
- D) Articles of Confederation

Answer: C

Difficulty: Easy

Topic: Bill of Rights and Other Amendments to the U.S. Constitution

LO: 4



32) Which of the following statements is true about the freedom of speech guaranteed by the Bill of Rights?

- A) The Freedom of Speech Clause was added to the Constitution in the third amendment.
- B) The Freedom of Speech Clause protects speech only, not conduct.
- C) There is no provision for fully protected speech in the Constitution.
- D) Burning the American flag in protest to a federal government military action is in violation of the Freedom of Speech Clause.

Answer: B

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

33) Jerome wears a t-shirt that bears a picture of the current U.S. president. Under this picture, there are words which imply that the President is doing a bad job of running the country. In accordance to the Freedom of Speech Clause, which of the following is valid?

- A) Criticizing the current president is fully protected speech and Jerome cannot be prosecuted.
- B) Jerome could be arrested as his t-shirt violates the Freedom of Speech doctrine.
- C) Jerome wearing that t-shirt is an instance of limited protected speech.
- D) Wearing that t-shirt makes Jerome liable for prosecution on the basis of defamatory language.

Answer: A

Difficulty: Difficult

Topic: Freedom of Speech

LO: 4

34) Which of the following is a form of limited protected speech?

- A) defamatory language
- B) speech that incites the violent or revolutionary overthrow of the government
- C) dangerous speech
- D) offensive speech

Answer: D

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

35) Advertising is categorized as \_\_\_\_\_ speech.

- A) fully protected
- B) limited protected
- C) uncensored
- D) unprotected

Answer: B

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

36) With respect to commercial speech, the government can \_\_\_\_\_.

- A) subject it to time, place or manner restrictions, but not prevent it
- B) prevent it entirely only upon the consent of two-thirds of the Senate
- C) prevent it if the Congress and the President agree
- D) entirely restrict or prevent it, so long as the speech does not have political content

Answer: A

Difficulty: Easy

Topic: Bill of Rights and Other Amendments to the U.S. Constitution

LO: 4

37) A group of students organizing a protest march would be an instance of \_\_\_\_\_ speech.

- A) limited protected
- B) prohibited
- C) unprotected
- D) fully protected

Answer: C

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

38) Which of the following is part of the United States Supreme Court's test for obscene speech?

- A) The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.
- B) The work, taken as a whole, substantially interferes with interstate commerce.
- C) The work depicts or describes, in an implicit way, sexual conduct generally defined by applicable international law.
- D) A reasonable person, applying traditional community standards, would find that the work, in whole or in part, appeals to the salient interest.

Answer: A

Difficulty: Difficult

Topic: Bill of Rights and Other Amendments to the U.S. Constitution

LO: 4

39) Which of the following is a form of unprotected speech?

- A) offensive speech
- B) defamatory language
- C) commercial speech
- D) political speech

Answer: B

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

40) Which of the following types of speech is not protected by the U.S. Constitution?

- A) political speech
- B) commercial speech
- C) obscene speech
- D) offensive speech

Answer: C

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

41) The \_\_\_\_\_ prohibits the government from promoting one religion over another.

- A) Due Process Clause
- B) Privileges Clause
- C) Establishment Clause
- D) Free Exercise Clause

Answer: C

Difficulty: Easy

Topic: Freedom of Religion

LO: 4

42) The \_\_\_\_\_ Clause prevents the government from enacting laws that either prohibit or inhibit individuals from participating in or practicing their chosen religions.

- A) Due Process
- B) Privileges
- C) Establishment
- D) Free Exercise

Answer: D

Difficulty: Easy

Topic: Freedom of Religion

LO: 4

43) Which of the following statements is true about the freedom of religion under the U.S. Constitution?

- A) It gives practitioners absolute rights to take part in actions which are religious-based.
- B) It permits the government to either establish a government-sponsored religion or promote one religion over another.
- C) It permits the government from enacting laws that either prohibit or inhibit individuals from participating in or practicing their chosen religions.
- D) It requires federal, state, and local governments to be neutral toward religion and thus guarantee that there will be no state-sponsored religion.

Answer: D

Difficulty: Difficult

Topic: Freedom of Religion

LO: 4

44) Which of the following amendments to the U.S. Constitution contains the Due Process, Equal Protection, and Privileges and Immunities Clauses?

- A) the Twelfth Amendment
- B) the Thirteenth Amendment
- C) the Fourteenth Amendment
- D) the Fifteenth Amendment

Answer: C

Difficulty: Easy

Topic: Equal Protection

LO: 5

45) Which of the following statements is true of the equal protection clause?

- A) It expressly applies to state and local government actions only.
- B) It is designed to make the classification of individuals unlawful per se.
- C) It is designed to prohibit invidious discrimination.
- D) It fails to protect artificial persons such as corporations.

Answer: C

Difficulty: Moderate

Topic: Equal Protection

LO: 5

46) A law is passed that establishes airline security screening requirements for male passengers that differ from the requirements for female passengers. In evaluating an equal protection challenge to this law, a court would use \_\_\_\_\_.

- A) strict scrutiny
- B) intermediate scrutiny
- C) limited scrutiny
- D) the rational basis test

Answer: B

Difficulty: Moderate

Topic: Equal Protection

LO: 5

47) Which of the following statements is true about how courts address equal protection cases?

- A) If a law treats different groups differently, the court determines whether the difference in treatment is justified using one of three different levels of scrutiny.
- B) If a law treats different groups differently, it will be acceptable so long as there is adequate notice to the persons affected.
- C) Laws that affect persons differently based on race, gender, or age will be invalidated, while laws that affect persons differently based on other factors will be deemed acceptable.
- D) If a law treats a particular group more favorably than others, it will be acceptable, but if a law treats a particular group less favorably than others, it will be invalidated.

Answer: A

Difficulty: Difficult

Topic: Equal Protection

LO: 5

48) A(n) \_\_\_\_\_ test is applied to classifications of people based on a suspect class.

- A) strict scrutiny
- B) intermediate scrutiny
- C) rational basis
- D) cogent basis

Answer: A

Difficulty: Easy

Topic: Equal Protection

LO: 5

49) Vanessa was born to American parents from a minority group in Miami. She applies to a public university which offers scholarships only to students from minority groups. Which of the following standards of review is used to decide if the university violates the Equal Protection Clause by offering Vanessa the scholarship?

- A) rational basis
- B) intermediate scrutiny
- C) strict scrutiny
- D) cogent basis

Answer: C

Difficulty: Moderate

Topic: Equal Protection

LO: 5

50) The lawfulness of government classifications based on a protected class is examined using a(n) \_\_\_\_\_ test.

- A) strict scrutiny
- B) intermediate scrutiny
- C) rational basis
- D) cogent basis

Answer: B

Difficulty: Easy

Topic: Equal Protection

LO: 5

51) An equal protection challenge to a statute that treats adults of different ages differently would be decided under the \_\_\_\_\_.

- A) intermediate scrutiny test
- B) rational basis test
- C) strict scrutiny test
- D) majority scrutiny test

Answer: A

Difficulty: Easy

Topic: Equal Protection

LO: 5

52) An organization provides six months of maternity leave to its female employees, whereas its male employees can avail paternity leave for a maximum of two weeks. Which of the following tests is used to examine the lawfulness of this classification?

- A) rational basis
- B) intermediate scrutiny
- C) strict scrutiny
- D) cogent basis

Answer: B

Difficulty: Moderate

Topic: Equal Protection

LO: 5

53) The lawfulness of all government classifications that do not involve suspect or protected classes is examined using a(n) \_\_\_\_\_.

- A) strict scrutiny test
- B) intermediate basis test
- C) due process test
- D) rational basis test

Answer: D

Difficulty: Easy

Topic: Equal Protection

LO: 5

54) The federal government's Social Security program, which pays benefits to older members of society but not to younger members of society, is lawful as examined by a(n) \_\_\_\_\_ test.

- A) rational basis
- B) intermediate scrutiny
- C) strict scrutiny
- D) due process

Answer: A

Difficulty: Moderate

Topic: Equal Protection

LO: 5

55) Which of the following is an instance of a decision involving the Equal Protection Clause being made on the basis of the rational basis test?

- A) The government requires only men above the age of 18 to volunteer for military service.
- B) The government establishes a trust fund to provide financial aid to minority groups.
- C) A state government employs measures to improve living conditions in the reservations.
- D) The government provides subsidies to farmers, but not to carpenters or lumberjacks.

Answer: D

Difficulty: Moderate

Topic: Equal Protection

LO: 5

56) The \_\_\_\_\_ requires that government statutes, ordinances, regulations, and other laws be clear on their face and not overly broad in scope.

- A) procedural due process
- B) substantive due process
- C) intermediate scrutiny test
- D) rational scrutiny test

Answer: B

Difficulty: Easy

Topic: Due Process

LO: 5

57) A certain state in the United States declares that its citizens should only wear "modest" clothing. Which of the following conclusions is made when this law is tested for substantive due process?

- A) unconstitutional for compulsion
- B) invalid for violation of equal protection clause
- C) void for vagueness
- D) invalid for violating freedom of expression

Answer: C

Difficulty: Moderate

Topic: Due Process

LO: 5

58) The \_\_\_\_\_ requires that the government give a person proper notice and hearing of legal action before that person is deprived of his or her life, liberty, or property.

- A) procedural due process
- B) substantive due process
- C) Supremacy Clause
- D) Equal Protection Clause

Answer: A

Difficulty: Easy

Topic: Due Process

LO: 5

59) The \_\_\_\_\_ Clause in the Constitution collectively prohibit states from enacting laws that unduly discriminate in favor of their residents.

- A) Due Process
- B) Equal Protection
- C) Establishment
- D) Privileges and Immunities

Answer: D

Difficulty: Easy

Topic: Due Process

LO: 5

60) The Privileges and Immunities Clause provides that \_\_\_\_\_.

- A) an individual has the privilege of practicing any religion, and is immune from any government interference with that right
- B) states must generally treat nonresidents as favorably as residents
- C) corporations receive most of the same constitutional protections as individuals
- D) the government is not subject to being sued unless the constitutional matter is a right rather than a privilege

Answer: B

Difficulty: Easy

Topic: Privileges and Immunities

LO: 5

61) The Articles of Confederation granted the federal government the right to levy and collect taxes.

Answer: FALSE

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

62) The Articles of Confederation did not provide the Congress with the power to regulate commerce with foreign countries, or to regulate interstate commerce.

Answer: TRUE

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

63) The U.S. Constitution, itself, provides that it may be amended to address social and economic changes.

Answer: TRUE

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

64) The number of representatives to the U.S. House of Representatives is determined according to the population of each state.

Answer: TRUE

Difficulty: Easy

Topic: Constitution of the United States of America

LO: 1

65) The President of the United States is elected solely on the basis of popularity among the citizens of the country.

Answer: FALSE

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1



66) State and local laws that conflict with valid federal law are considered to be constitutional.

Answer: FALSE

Difficulty: Moderate

Topic: Supremacy Clause

LO: 2

67) The Supremacy Clause is intended to foster the development of a national market and free trade among the states.

Answer: FALSE

Difficulty: Easy

Topic: Supremacy Clause

LO: 2

68) The Commerce Clause of the U.S. Constitution gives the federal government the power to regulate commerce with foreign nations.

Answer: TRUE

Difficulty: Easy

Topic: Commerce Clause

LO: 3

69) Under the effects on interstate commerce test, the regulated activity does not itself have to be in interstate commerce.

Answer: TRUE

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

70) E-commerce is subject to the Commerce Clause of the U.S. Constitution.

Answer: TRUE

Difficulty: Moderate

Topic: E-Commerce and the Constitution

LO: 3

71) Fundamental rights guaranteed in the First Amendment are not applicable to artificial persons like corporations.

Answer: FALSE

Difficulty: Moderate

Topic: Bill of Rights and Other Amendments to the U.S. Constitution

LO: 4

72) The Supreme Court has applied the incorporation doctrine and held that most of the fundamental guarantees contained in the Bill of Rights are applicable to state and local government action.

Answer: TRUE

Difficulty: Moderate

Topic: Bill of Rights and Other Amendments to the U.S. Constitution

LO: 4

73) The First Amendment's Freedom of Speech Clause protects both speech and conduct.

Answer: FALSE

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

74) The First Amendment protects oral, written, and symbolic speech.

Answer: TRUE

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

75) Offensive speech is considered to be the same as obscene speech.

Answer: FALSE

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

76) A speech is considered obscene when the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Answer: TRUE

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

77) States are free to define what constitutes obscene speech.

Answer: TRUE

Difficulty: Easy

Topic: Freedom of Speech

LO: 4

78) The Free Exercise Clause guarantees that there will be no state-sponsored religion.

Answer: FALSE

Difficulty: Easy

Topic: Freedom of Religion

LO: 4

79) The right to be free from government intervention in the practice of religion is not absolute.

Answer: TRUE

Difficulty: Easy

Topic: Freedom of Religion

LO: 4

80) The Free Exercise Clause prohibits the government from interfering with the free exercise of religion in the United States.

Answer: TRUE

Difficulty: Easy

Topic: Freedom of Religion

LO: 4

81) Under the strict scrutiny test, the government must have an important reason for treating persons differently because of their sex in order for such unequal treatment to be lawful.

Answer: FALSE

Difficulty: Moderate

Topic: Equal Protection

LO: 5

82) Under the intermediate scrutiny test, the government must have an exceptionally important reason for treating persons differently because of their race in order for such unequal treatment to be lawful.

Answer: FALSE

Difficulty: Moderate

Topic: Equal Protection

LO: 5

83) Under the rational basis test, the courts will uphold government regulation as long as there is a justifiable reason for the law.

Answer: TRUE

Difficulty: Moderate

Topic: Equal Protection

LO: 5

84) The Due Process Clause of the Fifth Amendment applies to state and local government action.

Answer: FALSE

Difficulty: Easy

Topic: Due Process

LO: 5

85) The Due Process Clause of the Fourteenth Amendment applies to federal government action.

Answer: FALSE

Difficulty: Easy

Topic: Due Process

LO: 5

86) Laws that do not meet the substantive due process test are declared void for vagueness.

Answer: TRUE

Difficulty: Moderate

Topic: Due Process

LO: 5

87) Most government laws are often written in "legalese."

Answer: TRUE

Difficulty: Easy

Topic: Due Process

LO: 5

88) Most government laws are considered not to violate substantive due process.

Answer: TRUE

Difficulty: Moderate

Topic: Due Process

LO: 5

89) The Privileges and Immunities Clause applies to both citizens and corporations.

Answer: FALSE

Difficulty: Easy

Topic: Privileges and Immunities

LO: 5

90) The test of whether procedural due process is met is whether a "reasonable person" could understand the law to be able to comply with it.

Answer: FALSE

Difficulty: Moderate

Topic: Due Process

LO: 5

91) Analyze the federal government's division of powers between its three branches.

Answer: The federal government is divided into three branches:

Article I: Legislative branch—Article I of the Constitution establishes the legislative branch of the federal government. The legislative branch is responsible for making federal law. This branch is bicameral; that is, it consists of the U.S. Senate and the U.S. House of Representatives.

Collectively, they are referred to as U.S. Congress, or simply Congress. Each state has two senators in the U.S. Senate. The number of representatives to the U.S. House of Representatives is determined according to the population of each state. The current number of representatives is determined by the most recent census.

Article II: Executive branch—Article II of the Constitution establishes the executive branch of the federal government by providing for the election of the president and vice-president. The president is not elected by popular vote, but instead is selected by the Electoral College, whose representatives are appointed by state delegations. The executive branch of the government is responsible for enforcing federal law.

Article III: Judicial branch—Article III of the Constitution establishes the judicial branch of the federal government by establishing the U.S. Supreme Court and providing for the creation of other federal courts by Congress. The judicial branch of the government is responsible for interpreting the U.S. Constitution and federal law.

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

92) Why are checks and balances built into the Constitution? Discuss with examples.

Answer: Certain checks and balances are built into the Constitution to ensure that no one branch of the federal government becomes too powerful. For instance, the judicial branch has authority to examine the acts of the other two branches of government and determine whether those acts are constitutional. The executive branch can enter into treaties with foreign governments only with the advice and consent of the Senate. The legislative branch is authorized to create federal courts and determine their jurisdiction and to enact statutes that change judicially made law.

Difficulty: Moderate

Topic: Constitution of the United States of America

LO: 1

93) The state of Ambalin is home to the city that is considered to be the electronics capital of the world as it hosts a number of electronic manufacturing companies. The state legislature of Ambalin imposed a 150 percent tax on any electronic goods imported from a foreign country and sold in Ambalin, but did not impose any tax on domestic electronic goods sold in Ambalin.

Discuss the implications of passing such a tax.

Answer: The Ambalin tax violates the Foreign Commerce Clause and is therefore unconstitutional and void. The federal government, however, could enact a 150 percent tax on all foreign automobiles sold in the United States, but not on domestic automobiles sold in the United States, and that law would be valid. The Commerce Clause of the U.S. Constitution gives the federal government the exclusive power to regulate commerce with foreign nations. This is called the Foreign Commerce Clause. Direct and indirect regulation of foreign commerce by state or local governments that unduly burdens foreign commerce violates the Commerce Clause and is therefore unconstitutional.

Difficulty: Moderate

Topic: Commerce Clause

LO: 3

94) How has the Internet revolutionized commerce? Discuss its impact on the Constitution.

Answer: The advent of the Internet has caused a revolution in how commerce is conducted. The Internet and other computer networks permit parties to obtain website domain names and conduct business electronically. This is usually referred to as electronic commerce or e-commerce. Some businesses that conduct e-commerce over the Internet do not have any physical location, whereas many "brick-and-mortar" businesses augment their traditional sales with e-commerce sales as well. Currently, a significant portion of the sales of goods, licensing of intellectual property, and sales of services are accomplished through e-commerce. Because e-commerce is commerce, it is subject to the Commerce Clause of the U.S. Constitution.

Difficulty: Moderate

Topic: E-Commerce and the Constitution

LO: 3

95) The state of Carterbridge regulates the sale of liquor within its boundaries. It passes a statute permitting in-state liquor stores to sell liquor directly to customers and prohibits out-of-state liquor houses from selling liquor directly to customers. Delightful Dreamz, a liquor store from a neighboring state, challenges the statute passed by the state legislation of Carterbridge, alleging violation of the Commerce Clause. Discuss the outcome of the allegation made by Delightful Dreamz.

Answer: The statute passed by the state of Carterbridge that discriminates against out-of-state liquor houses in favor of in-state liquor stores is likely to cause an undue burden on interstate commerce which is in violation of the Commerce Clause of the U.S. Constitution. If the federal government has chosen not to regulate an area of interstate commerce that it has the power to regulate under its Commerce Clause powers, this area of commerce is subject to what is referred to as the Dormant Commerce Clause. A state, under its police power, can enact laws to regulate that area of commerce. However, if a state enacts laws to regulate commerce that the federal government has the power to regulate but has chosen not to regulate, the Dormant Commerce Clause prohibits the state's regulation from unduly burdening interstate commerce.

Difficulty: Difficult

Topic: Commerce Clause

LO: 3

96) The city of Newvale removes a billboard on the highway that was put up by Fizzard, Inc., a soft drink manufacturer, advertising the soft drink it had launched recently. The city council removed the billboard as they feared that it would distract motorists and other road users. Fizzard challenges the decision taken by the city council of Newvale. Discuss if the city council of Newvale is justified in prohibiting billboards.

Answer: The city of Newvale can prohibit billboards along its highways for safety and aesthetic reasons since this is a lawful place restriction. Commercial speech, such as advertising, was once considered unprotected by the First Amendment. However, today, because of U.S. Supreme Court decisions, the content of commercial speech is protected but is also subject to time, place, and manner restrictions.

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

97) Discuss the circumstances under which certain speech would not be protected by the First Amendment and be totally forbidden by the government.

Answer: The U.S. Supreme Court has held that certain speech is unprotected speech that is not protected by the First Amendment and may be totally forbidden by the government. The Supreme Court has held that the types of speech that are considered unprotected speech include dangerous speech, fighting words that are likely to provoke a hostile or violent response from an average person, speech that incites the violent or revolutionary overthrow of the government, defamatory language, child pornography, and obscene speech.

Difficulty: Moderate

Topic: Freedom of Speech

LO: 4

98) How does the Supreme Court decide whether the government's different treatment of people or businesses violates or does not violate the Equal Protection Clause?

Answer: The Supreme Court has adopted three different standards of review for deciding whether the government's different treatment of people or businesses violates or does not violate the Equal Protection Clause. They include the strict scrutiny test, intermediate scrutiny test, and rational basis test.

The strict scrutiny test is a test that is applied to classifications based on suspected classes such as race, national origin, and citizenship, and fundamental rights such as voting.

The intermediate scrutiny test is a test that is applied to classifications based on protected classes such as gender.

The rational basis test is a test that is applied to classifications not involving a suspect or protected class.

Difficulty: Moderate

Topic: Equal Protection

LO: 5

99) Compare and contrast substantive due process and procedural due process.

Answer: The substantive due process category of due process requires that government statutes, ordinances, regulations, and other laws be clear on their face and not overly broad in scope. The test of whether substantive due process is met is whether a "reasonable person" could understand the law to be able to comply with it. Laws that do not meet this test are declared void for vagueness. The procedural due process form of due process requires that the government give a person proper notice and hearing of legal action before that person is deprived of his or her life, liberty, or property.

Difficulty: Moderate

Topic: Due Process

LO: 5

100) The city of Colrida is considered to be the automobile capital of the world. The state it is part of passed a statute that required employers to hire local residents in preference to non-residents. Discuss the implications of enforcing such a statute.

Answer: The statute passed by the state of Colrida would be considered unconstitutional and void since a state cannot enact a law that prevents residents of other states from owning property or participating in businesses in that state. The purpose of the U.S. Constitution is to promote nationalism. If the states were permitted to enact laws that favored their residents over out-of-state residents, the concept of nationalism would be defeated. Article IV of the Constitution contains the Privileges and Immunities Clause, which provides that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several states." The Fourteenth Amendment contains the Privileges or Immunities Clause, which provides that "No State shall make or enforce any law that shall abridge the privileges or immunities of the citizens of the United States." Collectively, the clauses prohibit states from enacting laws that unduly discriminate in favor of their residents. Note that the clauses apply only to citizens; they do not protect corporations or aliens.

Difficulty: Moderate

Topic: Privileges and Immunities

LO: 5