Business Law Text and Cases An Accelerated Course 14th edition Miller Test Bank

SKU: 9781305967298-TEST-BANK

TRUE/FALSE

1 : The U.S. Constitution is the origin of the authority for making laws that govern business.
A : true
B : false

Correct Answer : A

2 : In a federal form of government, the national government shares sovereign power with the states.
A : true
B : false

Correct Answer : A

3 : All powers not specifically delegated to the federal government are reserved to the states.
A : true
B : false

Correct Answer : A

4 : The checks and balances in the U.S. Constitution prevent any one branch of government from exercising too much power.
A : true
B : false

Correct Answer : A

5 : Under the Constitution, the judicial branch makes the laws.
A : true
B : false

Correct Answer : B

6 : Under the Constitution, the judicial branch is responsible for foreign affairs.
A : true
B : false

Correct Answer : B

7 : The President determines the jurisdiction of the federal courts.
A : true
B : false

Correct Answer : B

8 : The Constitution permits Congress to regulate interstate commerce.
A : true
B : false

Correct Answer : A

9 : The federal government can regulate almost every commercial enterprise in the United States.
A : true
B : false

Correct Answer : A

10 : The judicial branch has the power to hold actions of the other branches of government unconstitutional.
A : true
B : false

Correct Answer : A

11 : If a tax measure is reasonable, it is generally held to be within the national taxing power.
A : true
B : false

Correct Answer : A

12 : The states can establish laws that substantially affect trade and commerce.
A : true
B : false

Correct Answer : B

13 : The term police power encompasses just the enforcement of criminal laws.
A : true
B : false

Correct Answer : B

14 : The Constitution expressly delegated to the states the power to regulate interstate commerce.
A : true
B : false

Correct Answer : B

15 : Under the supremacy clause, a valid federal statute or regulation will preempt a conflicting state or local law or regulation on the same general subject.
A : true
B : false

Correct Answer : A

16 : The Second Amendment to the U.S. Constitution reserves all powers not delegated to the national government to the states.
A : true
B : false

Correct Answer : B

17 : The Bill of Rights protects individuals against types of interference by the federal government.
A : true
B : false

Correct Answer : A

18 : Some constitutional protections apply to business entities.
A : true
B : false

Correct Answer : A

19 : The Fifth Amendment prohibits unreasonable searches and seizures of persons or property.
A : true
B : false

Correct Answer : B

20 : The Eighth Amendment prohibits excessive bail and fines.
A : true
B : false

Correct Answer : A

21 : The rights secured by the Bill of Rights are absolute.
A : true
B : false

Correct Answer : B

22 : The First Amendment protects symbolic speech without limitation.
A : true
B : false

Correct Answer : B

23 : Under the Constitution, speechoral, written, or symbolized by conductcannot be restricted in any way.
A : true
B : false

Correct Answer : B

24 : The First Amendment prevents limits from being placed on independent political expenditures by corporations.
A : true
B : false

Correct Answer : A

25 : The First Amendment protects even speech that violates criminal laws.

A : true
B : false

Correct Answer : B

26 : The First Amendment protects commercial speech more extensively than noncommercial speech.
A : true
B : false

Correct Answer : B

27 : The establishment clause requires a complete separation of church and state.
A : true
B : false

Correct Answer : B

28 : A law that has any impact on religion is unconstitutional.
A : true
B : false

Correct Answer : B

29 : The Fourteenth Amendment guarantees a right to due process of law.
A : true
B : false

Correct Answer : A

30 : Procedural due process requires that any government decision to take a persons property must be made equitably.
A : true
B : false

Correct Answer : A

31 : Substantive due process limits what the government can do in its legislative and executive capacities.
A : true
B : false

Correct Answer : A

32 : The U.S. Constitution explicitly mentions a general right to privacy.
A : true
B : false

Correct Answer : B

33 : A law that prohibits or inhibits a person from exercising a fundamental right because of their national origin will be subject to strict scrutiny under the equal protection clause.
A : true

B : false

Correct Answer : A

34 : A law that discriminates based on gender must substantially relate to an important government objective to be valid under the equal protection clause.
A : true
B : false

Correct Answer : A

35 : An individuals privacy rights can be protected by state law.
A : true
B : false

Correct Answer : A

MULTIPLE CHOICE

36 : The Alternative Energy Association would like a certain law enacted, administered, interpreted, and enforced in the best interest of its members, which include solar power companies. Under the Constitution, Congress
A : administers the laws.
B : enforces the laws.
C : interprets the laws.
D : enacts the laws.

Correct Answer : D

37 : The Constitution sets out the authority and the limits of the branches of the government. The term checks and balances means that
A : Congress writes checks and the other branches balance the budget.
B : each branch has some power to limit the actions of the others.
C : the courts balance their authority to the other branches checklists.
D : the president checks the courts, which balance the laws.

Correct Answer : B

38 : The Constitution sets forth specific powers that can be exercised by the federal government and provides that the federal government has the implied power to undertake actions necessary to carry its expressly designated powers. All other powers are expressly reserved to
A : none of the choices.
B : the states.
C : the national government.
D : the people.

Correct Answer : B

39 : Under the commerce clause, Congress has the power to regulate
A : any commercial activity in the United States that substantially affects interstate commerce.
B : only activities that are in intrastate commerce.

C : only activities that are in local commerce.
D : only activities that are not in commerce.

Correct Answer : A

40 : National Hospital Organization (NHO), a political lobbying group, wants a certain healthcare cost-reimbursement policy enacted into law. If NHOs policy conflicts with the U.S. Constitution, a law embodying it can be imposed by
A : Congress.
B : a federal court.
C : the President.
D : none of the choices.

Correct Answer : D

41 : The state of Massachusetts regulates employment, traffic, land use, and other private activities to protect or promote the public order, health, safety, and general welfare under
A : the states police powers.
B : the federal governments authority to regulate commerce.
C : the Bill of Rights.
D : the supremacy clause.

Correct Answer : A

42 : A statute enacted by the Arizona state legislature to regulate trucking affects interstate commerce. In evaluating this statute, the courts will balance the burden that it imposes on interstate commerce against
A : the courts authority to determine that a law is unconstitutional.
B : the purpose of interstate commerce.
C : the states interest in regulating the matter.
D : the statutes impact on noneconomic activity.

Correct Answer : C

43 : Orinoco.com, an online seller of a variety of consumer streaming products, files a suit against the state of Nevada, claiming that a Nevada state law violates the commerce clause. The court will agree if the statute imposes a substantial burden on
A : the local government.
B : interstate commerce.
C : noneconomic activity.
D : the state.

Correct Answer : B

44 : The commerce clauses implied limitation of a states right to legislate in the area of interstate commerce is the:
A : dormant aspect.
B : regulatory aspect.
C : substantial aspect.
D : exclusive aspect.

Correct Answer : A

45 : A rule promulgated by the Environmental Protection Agency (EPA) limits the amount of carbon that can be emitted from a cars exhaust system. New York has a state law that allows for much higher emissions. In this situation, under the supremacy clause:
A : New Yorks law takes precedence.
B : the EPAs decision takes precedence.
C : both laws are struck down as invalid.
D : both laws are applied concurrently.

Correct Answer : B

46 : A federal law prohibiting the use of a certain pesticide directly conflicts with a state law permitting that use. The state law will be rendered invalid due to
A : the supremacy clause.
B : the commerce clause.
C : the equal protection clause
D : the due process clause.

Correct Answer : A

47 : Brad, a citizen of California, obtains a federal license to operate a commercial fishing boat in a certain area off the coast. The California state legislature enacts a law that bans all commercial fishing in that area. The state law most likely violates
A : no provision in the U.S. Constitution.
B : the commerce clause.
C : the due process clause.
D : the supremacy clause.

Correct Answer : D

48 : Bob claims that certain action by the federal government and the state of Delaware infringe on rights guaranteed by the Bill of Rights in the United States Constitution. These rights protect individuals and some corporations from:
A : the actions of other citizens.
B : the actions of private employers.
C : none of these choices.
D : from the actions of the government.

Correct Answer : B

49 : George burns a U.S. flag in his backyard. He posts a video of the event on YouTube.com. Georges actions are
A : expressly prohibited by the Constitution.
B : protected by the First Amendment.
C : subject to reasonable restrictions under the due process clause.
D : given strict scrutiny under the equal protection clause.

Correct Answer : B

50 : Keralyn creates a Web site to post threatening messages about celebrities. The First Amendment protects such speech
A : all of the time.
B : none of the time.
C : only if it is noncommercial.

D : only if it is symbolic.

Correct Answer : B

51 : The Rapid Transit Institute wants the federal government to spend money on inner city and inter-city light rail systems. Congress can spend revenue
A : only to carry out Congresss enumerated powers.
B : to promote any objective that Congress deems worthwhile.
C : without regard to whether the expenditure violates the Bill of Rights.
D : without regard to whether the expenditure violates the Constitution.

Correct Answer : B

52 : Ryan, a follower of a certain religion, sells an article to Sunday! magazine in which he insists that Congress base all federal law on his religious principles. The First Amendment guarantees Ryans
A : freedom of religion.
B : right to engage in interstate commerce.
C : right to due process.
D : right to privacy.

Correct Answer : A

53 : The members of Citizens Aware believe that a recently enacted federal law is unconstitutional. They write and sign a petition to the government to repeal the law, refuse to obey the law, and stop others from complying with the law. Under the First Amendment, these individuals have a right to
A : petition the government.
B : refuse to obey any law with which they disagree.
C : stop others from complying with the law.
D : all of the choices.

Correct Answer : A

54 : Lake City enacts an ordinance that bans the distribution of all printed materials on city streets. Mac opposes the citys latest revenue-enhancing measure and wants to protest by distributing handbills. In his suit against Lake City, a court would likely hold the ban on printed materials to be
A : constitutional under the First Amendment.
B : not subject to the U.S. Constitution.
C : unconstitutional under the commerce clause.
D : unconstitutional under the First Amendment.

Correct Answer : D

55 : Mary creates a design that expresses support for a particular presidential candidate and distributes t-shirts emblazoned with the design to the candidates supporters. This is an example of
A : unprotected speech.
B : controlled speech.
C : symbolic speech.
D : illegal speech.

Correct Answer : C

56 : A federal law requires public libraries to install filtering software on computers to prevent children from accessing adult content online. This law
A : is expressly prohibited by the Constitution.
B : does not substantially burden free speech.
C : is subject to reasonable restrictions under the due process clause.
D : is given strict scrutiny under the equal protection clause.

Correct Answer : B

57 : Sustainable Agro Corporation regularly expresses opinions on political issues, including whether to ban the use of genetically modified organisms (GMOs). Under the First Amendment, corporate political speech is
A : discouraged.
B : forbidden.
C : protected.
D : required.

Correct Answer : C

58 : South Carolina enacts a statute to ban advertising in bad taste. This statute would likely be held by a court to be
A : an unconstitutional restriction of speech.
B : constitutional under the First Amendment.
C : justified by the need to protect individual rights.
D : necessary to protect national interests.

Correct Answer : A

59 : Serene City enacts an ordinance that bans the use of sound amplifying systems on public streets. Tyler wants to campaign for a seat on the city council by broadcasting his message through speakers mounted on a truck. In Tylers suit against the city, a court would likely hold the ordinance to be
A : an unconstitutional restriction of speech.
B : constitutional under the First Amendment.
C : justified by the need to protect individual rights.
D : necessary to protect national interests.

Correct Answer : B

60 : Taco Hot Dogs, Inc., regularly advertises its products. Under the First Amendment, in comparison with noncommercial speech, the protection given these ads is
A : equally extensive.
B : less extensive.
C : more extensive.
D : non-existent.

Correct Answer : B

61 : Congress enacts the Ad Restriction Act (ARA) to limit advertising in certain circumstances. The ARA will be considered valid if it directly advances a substantial government interest
A : and goes no further than necessary to achieve its purpose.

B : without regard to how far it goes.
C : and the parties affected by it can elect how far to go in applying it.
D : and goes further than necessary to ensure full coverage.

Correct Answer : A

62 : Loren stands in front of Roosters Round-Up Café, shouting fighting words that are likely to incite Roosters patrons to respond violently. The First Amendment protects such speech
A : all of the time.
B : none of the time.
C : only if it is noncommercial.
D : only if it is symbolic.

Correct Answer : B

63 : Adult Shop in Bay City sells a variety of publications, including child pornography. Bay City enacts an ordinance prohibiting the sale of such materials. This ordinance is most likely
A : an invalid restriction of individuals privacy.
B : an unconstitutional restriction of speech.
C : a violation of adults rights to enjoy certain privileges.
D : constitutional under the First Amendment.

Correct Answer : D

64 : The police obtain a search warrant and search Jordans apartment. After yelling obscenities at the officers, Jordan confesses to a crime and implicates his friends. The Constitution protects against
A : obscene speech.
B : implication of others.
C : unreasonable searches.
D : none of the choices.

Correct Answer : C

65 : Oklahoma enacts a law requiring all businesses in the state to donate 10 percent of their profits to Protestant churches that provide certain services to persons whose income is below the poverty level. Price-Lo Stores files a suit to block the laws enforcement. The court would likely hold that this law violates
A : no clause in the U.S. Constitution.
B : the establishment clause.
C : the free exercise clause.
D : the supremacy clause.

Correct Answer : B

66 : Marie claims that a Nebraska state statute infringes on her procedural due process rights. This claim focuses on
A : procedures used in making decisions to take life, liberty, or property.
B : the content of the statute.
C : the similarity of the treatment of similarly situated individuals.
D : the steps to be taken to protect Maries privacy.

Correct Answer : A

67 : Coffee Klatch Party Group, a political organization, files a claim to challenge a Delaware statute that limits the liberty of all persons to broadcast annoying radio commercials. This claim is most likely based on the right to
A : equal protection of the law.
B : privacy.
C : procedural due process.
D : substantive due process.

Correct Answer : D

68 : Center City enacts an ordinance that imposes a jail term, without a trial, on all contractors who solicit business without a city permit. A court would likely review this ordinance under the principles of
A : equal protection.
B : free exercise.
C : due process.
D : free speech

Correct Answer : C

69 : In an effort to reduce traffic, Bay Town enacts an ordinance that allows only a few specific street vendors to operate in certain areas. A court would likely review this ordinance under the principles of
A : the commerce clause.
B : the equal protection clause.
C : the due process clause.
D : the First Amendment.

Correct Answer : B

70 : Jon, a law enforcement official, monitors Kelseys Internet activitiese-mail and Web site visitsto gain access to her personal financial data and student information. This may violate Kelseys right to
A : equal protection.
B : privacy.
C : due process.
D : engage in interstate commerce.

Correct Answer : B

ESSAY

71 : Jim operates Jims Fruits & Vegetables, a small market stocked entirely with produce grown on his adjacent farm. Under what clause of the Constitution can the federal government regulate Jims activities? What is Jims best argument against federal regulation of his farm and business?

Correct Answer : Under the commerce clause, at least in theory, Congress has the power to regulate any activity—interstate or intrastate—that affects interstate commerce. Thus, under that clause, it could be argued that the farmer’s growing and selling of produce only locally and

within his own state is still subject to federal regulation because these activities affect interstate commerce by reducing the likelihood of customers purchasing out-of-state produce.The farmer-vendor's best argument against federal regulation of his farm and business in this problem might be that in his case these activities and their effects are purely local. But because of the economic character of these activities, and hence their effect on interstate commerce, however minimal and despite their local character, it is unlikely that a court would accept this argument.

72 : The Wisconsin state legislature enacts a statute that prohibits the advertising of video games because the games might be harmful to minors. Despite this new statute, the president of xGamez, Inc., orders xGamez marketers to place ads in various media. When an xGamez ad appears on YUTV, a local television station, xGamez and YUTV are charged with violating the statute. What is the defendants best defense against a conviction?

Correct Answer : xGamez and YUTV cannot be convicted because a state legislature cannot enact a statute that restricts commercial speech (in this problem, marketing video games) to this extent.The First Amendment protects commercial speech. Commercial speech does not receive as much protection as noncommercial speech, however, so states can place some restraints on the former. For example, to protect consumers, a state may ban certain kinds of marketing practices, such as deceptive or misleading advertising. Generally, a restriction on commercial speech will be considered valid as long as it (1) seeks to implement a substantial government interest, (2) directly advances that interest, and (3) goes no further than necessary to accomplish the objective.Here, the complete ban on ads for video games "because the games might be harmful to minors" is too restrictive: it goes too far in attempting to protect minors for an apparently unsubstantiated purpose.