

Chapter 2

Constitutional Law

N.B.: TYPE indicates that a question is new, modified, or unchanged, as follows.

- N A question new to this edition of the Test Bank.
- + A question modified from the previous edition of the Test Bank,
- = A question included in the previous edition of the Test Bank.

TRUE/FALSE QUESTIONS

1. A confederal form of government is a confederation of independent states with a central government of very limited powers.

ANSWER: T PAGE: 34 TYPE: +
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Critical Thinking

2. In a country with a federal form of government, the national government and the states share sovereign power.

ANSWER: T PAGE: 34 TYPE: N
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Critical Thinking

3. All powers not specifically delegated to the federal government are reserved to the states.

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ANSWER: T PAGE: 34 TYPE: +
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

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

ANSWER: T PAGE: 34 TYPE: =
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

5. Under the Constitution, the judicial branch interprets the laws.

ANSWER: T PAGE: 34 TYPE: =
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

6. Under the Constitution, the judicial branch is responsible for foreign affairs.

ANSWER: F PAGE: 34 TYPE: N
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

7. The President determines the jurisdiction of the federal courts.

ANSWER: F PAGE: 34 TYPE: +
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

8. The President appoints federal judges with the advice and consent of the Senate.

ANSWER: T PAGE: 34 TYPE: N
BUSPROG: Analytic LO: 2-1 BLOOM'S: Knowledge
DIF: Easy AICPA: BB-Legal

9. The judicial branch has the power to hold actions of the other branches of government unconstitutional.

ANSWER: T
BUSPROG: Analytic
DIF: Easy

PAGE: 34
LO: 2-1

TYPE: N
BLOOM'S: Knowledge
AICPA: BB-Critical Thinking

ANSWER: F PAGE: 40 TYPE: N
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Knowledge
 DIF: Easy AICPA: BB-Legal

16. The Bill of Rights protects individuals against types of interference by the federal government.

ANSWER: T PAGE: 40 TYPE: =
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Comprehension
 DIF: Easy AICPA: BB-Legal

17. The Fifth Amendment prohibits unreasonable searches and seizures of persons or property.

ANSWER: F PAGE: 40 TYPE: N
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Knowledge
 DIF: Easy AICPA: BB-Legal

18. The Eighth Amendment prohibits excessive bail and fines, as well as cruel and unusual punishment.

ANSWER: T PAGE: 40 TYPE: N
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Knowledge
 DIF: Easy AICPA: BB-Legal

19. Symbolic speech is defined as nonverbal expressions of belief and is protected by the First Amendment.

ANSWER: T PAGE: 41 TYPE: N
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Comprehension
 DIF: Moderate AICPA: BB-Legal

20. A restriction on commercial speech is valid as long as it forbids only the expression of views on controversial issues.

ANSWER: F PAGE: 44 TYPE: N
 BUSPROG: Analytic LO: 2-4 BLOOM'S: Comprehension
 DIF: Moderate AICPA: BB-Legal

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21. The First Amendment protects corporate political speech.

ANSWER: T

BUSPROG: Reflective

DIF: Easy

PAGE: 44

LO: 2-4

TYPE: N

BLOOM'S: Knowledge

AICPA: BB-Critical Thinking

22. The First Amendment protects defamatory speech.

ANSWER: F	PAGE: 45	TYPE: +
BUSPROG: Reflective	LO: 2-4	BLOOM'S: Knowledge
DIF: Easy		AICPA: BB-Critical Thinking

23. The Children's Internet Protection Act requires public schools and libraries to use filtering software to block children's access to adult content on Web sites.

ANSWER: T	PAGE: 46	TYPE: N
BUSPROG: Reflective	LO: 2-4	BLOOM'S: Knowledge
DIF: Easy		AICPA: BB-Critical Thinking

24. The First Amendment requires a complete separation of church and state.

ANSWER: F	PAGE: 47	TYPE: =
BUSPROG: Reflective	LO: 2-4	BLOOM'S: Knowledge
DIF: Easy		AICPA: BB-Critical Thinking

25. The establishment clause of the U.S. Constitution prohibits the federal government from establishing a state-sponsored religion.

ANSWER: T	PAGE: 47	TYPE: +
BUSPROG: Analytic	LO: 2-4	BLOOM'S: Knowledge
DIF: Easy		AICPA: BB-Legal

26. A law that has any impact on religion is unconstitutional.

ANSWER: F	PAGE: 47	TYPE: N
BUSPROG: Reflective	LO: 2-4	BLOOM'S: Comprehension
DIF: Easy		AICPA: BB-Critical Thinking

27. The Fourteenth Amendment guarantees a right to due process of law.

ANSWER: T	PAGE: 49	TYPE: N
BUSPROG: Analytic	LO: 2-5	BLOOM'S: Knowledge
DIF: Easy		AICPA: BB-Legal

DIF: Moderate

AICPA: BB-Critical Thinking

6. South Dakota, like other states, may regulate private activities to protect or promote the public order, health, safety, and general welfare under
- the state’s police powers.
 - the dormant commerce clause.
 - the due process clause.
 - the free exercise clause.

ANSWER: A PAGE: 38 TYPE: +
 BUSPROG: Reflective LO: 2-2 BLOOM’S: Comprehension
 DIF: Easy AICPA: BB-Legal

7. Tami’s Tasty Tacos, a fast food outfit, files a suit against the state of Texas, claiming that a Texas state law violates the commerce clause. The court will agree if the statute imposes a substantial burden on
- a local government.
 - interstate commerce.
 - noneconomic activity.
 - the state.

ANSWER: B PAGE: 38 TYPE: N
 BUSPROG: Reflective LO: 2-2 BLOOM’S: Comprehension
 DIF: Easy AICPA: BB-Legal

8. The commerce clause’s express grant of exclusive authority to regulate commerce that substantially affects trade and commerce among states is referred to as the
- dormant aspect of the commerce clause.
 - positive aspect of the commerce clause.
 - negative aspect of the commerce clause.
 - exclusive aspect of the commerce clause.

ANSWER: B PAGE: 38 TYPE: N
 BUSPROG: Analytic LO: 2-2 BLOOM’S: Knowledge
 DIF: Easy AICPA: BB-Legal

9. Congress enacts a law that sets out a rigorous medical-device premarket approval process for the U.S. Food and Drug Administration to follow. The law includes a preemption provision. Moe is injured by a device that underwent the process and files a claim under New Hampshire state law to recover for the injury. The court will most likely rule that
- a. Moe's state law claim preempts the federal law.
 - b. the federal law and state law claim are concurrent.
 - c. the federal and state law claim cancel each other out.
 - d. the federal law preempts Moe's state law claim.

ANSWER: D PAGE: 39 TYPE: =
BUSPROG: Reflective LO: 2-3 BLOOM'S: Application
DIF: Moderate AICPA: BB-Legal

10. A federal law regarding the labeling of pesticides directly conflicts with a state law. The state law will be rendered invalid due to the
- a. supremacy clause.
 - b. commerce clause.
 - c. federal spending power.
 - d. First Amendment.

ANSWER: A PAGE: 39 TYPE: N
BUSPROG: Analytic LO: 2-3 BLOOM'S: Comprehension
DIF: Moderate AICPA: BB-Critical Thinking

11. Congress enacts a law prohibiting toys made in China from being sold in the United States. The Hawaii state legislature enacts a law allowing the sale of Chinese-made toys. Hawaii's law will most likely be struck down under
- a. the commerce clause.
 - b. the equal protection clause.
 - c. the due process power.
 - d. the supremacy clause.

ANSWER: D PAGE: 39 TYPE: =
BUSPROG: Reflective LO: 2-3 BLOOM'S: Application

DIF: Moderate

AICPA: BB-Legal

12. Don, a U.S. citizen, is the owner of Egrets Unlimited, Inc. Egret's competitors include Feathered Friends Company (FFC), which is owned by Greg and Huey. The Bill of Rights embodies a series of protections for Don against types of interference by
- a. FFC and its other competitors only.
 - b. FFC, Greg, Huey, others, and the government.
 - c. Greg, Huey, and other private individuals only.
 - d. the government only.

ANSWER: D PAGE: 40 TYPE: =
BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
DIF: Moderate AICPA: BB-Legal

13. Bailey, the president of Carmichael Commodities Company, claims that certain actions by the federal government and by the state of Delaware infringe on rights guaranteed by the Bill of Rights. All of these rights limit
- a. neither Delaware nor the federal government.
 - b. the federal government only.
 - c. Delaware and the federal government.
 - d. Delaware only.

ANSWER: B PAGE: 40 TYPE: =
BUSPROG: Reflective LO: 2-4 BLOOM'S: Comprehension
DIF: Moderate AICPA: BB-Critical Thinking

14. Martin, a U.S. citizen, feels that a recently enacted federal law is unfair. He assembles a group of friends and they write a petition to the government. Martin and friends then stand quietly in front of the White House with signs declaring their belief that the law is unfair. Under the First Amendment, Martin has a right to
- a. petition the government, but not to assemble a group peaceably.
 - b. assemble peaceably, but not to petition the government.
 - c. both petition the government and assemble peaceably.
 - d. neither petition the government nor assemble peaceably.

ANSWER: C PAGE: 40 TYPE: N

DIF: Easy

AICPA: BB-Critical Thinking

18. Serenity 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 Tyler’s suit against the city, a court would likely hold the ordinance to be
- an unconstitutional restriction of speech.
 - constitutional under the First Amendment.
 - justified by the need to protect individual rights.
 - necessary to protect national interests.

ANSWER: B PAGE: 41 TYPE: =
 BUSPROG: Reflective LO: 2-4 BLOOM’S: Application
 DIF: Moderate AICPA: BB-Critical Thinking

19. Beachside City enacts an ordinance that bans the distribution of all printed materials on city streets. Carl opposes the city’s latest “revenue-enhancing” measure and wants to protest by distributing handbills. In his suit against the city, a court would likely hold the printed-materials ban to be
- an unconstitutional restriction of speech.
 - constitutional under the First Amendment.
 - justified by the need to protect individual rights.
 - necessary to protect national interests.

ANSWER: A PAGE: 42 TYPE: =
 BUSPROG: Reflective LO: 2-4 BLOOM’S: Application
 DIF: Moderate AICPA: BB-Legal

20. Reusable Energy Corporation regularly expresses opinions on political issues. Under the First Amendment, corporate political speech is
- discouraged.
 - forbidden.
 - protected.
 - required.

ANSWER: C PAGE: 44 TYPE: N
 BUSPROG: Reflective LO: 2-4 BLOOM’S: Knowledge
 DIF: Easy AICPA: BB-Legal

21. California enacts a statute to ban advertising in “bad taste.” This statute would likely be held by a court to be
- an unconstitutional restriction of speech.
 - constitutional under the First Amendment.
 - justified by the need to protect individual rights.
 - necessary to protect national interests.

ANSWER: A PAGE: 44 TYPE: =
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Comprehension
 DIF: Moderate AICPA: BB-Decision Modeling

22. Machismo Motor Sales Corporation regularly advertises its off-the-road vehicles, all-terrain vehicles, and other products. Under the First Amendment, these ads and other commercial speech are given
- less extensive protection than noncommercial speech.
 - more extensive protection than symbolic speech.
 - no protection.
 - the same protection as defamatory speech.

ANSWER: A PAGE: 44 TYPE: =
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Comprehension
 DIF: Moderate AICPA: BB-Critical Thinking

23. ViolentVideoGames, Inc. markets a variety of shooting, fighting and hunting video games. A state statute is enacted that requires all video game manufacturers to label any games with an option to kill something as “excessively violent.” A court would likely hold this regulation to be
- an unconstitutional restriction of speech.
 - constitutional under the First Amendment.
 - justified by the need to protect individual rights.
 - necessary to protect national interests.

ANSWER: A PAGE: 44 TYPE: N
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
 DIF: Moderate AICPA: BB-Legal

24. In 2013, Congress enacts the Act to Restrict Commercial Speech (ARCS). The ARCS will be considered valid if it directly advances a substantial government interest
- but goes no further than necessary to achieve its purpose.
 - without regard to how “far” it goes.
 - and the parties affected by it can elect how “far” to go in applying it.
 - and goes further than necessary to ensure full coverage.

ANSWER: A PAGE: 44 TYPE: +
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
 DIF: Moderate AICPA: BB-Legal

25. Julia is a U.S. citizen. She establishes a website that posts threatening messages about celebrities. Her website is
- protected by the First Amendment.
 - not protected by the First Amendment.
 - protected by the Fifth Amendment.
 - protected by the Tenth Amendment.

ANSWER: B PAGE: 45 TYPE: N
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Comprehension
 DIF: Moderate AICPA: BB-Critical Thinking

26. Brad stands in front of Rooster's Round-Up Café, shouting “fighting words” that are likely to incite Rooster's patrons to respond violently. The First Amendment protects such speech
- all of the time.
 - none of the time.
 - only if it is noncommercial.
 - only if it is symbolic.

ANSWER: B PAGE: 45 TYPE: =
 BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
 DIF: Moderate AICPA: BB-Critical Thinking

27. Adult Shoppe 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.

ANSWER: D PAGE: 46 TYPE: =
BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
DIF: Moderate AICPA: BB-Legal

28. Which of the following does not necessarily make material obscene?
- a. The average person finds that it violates contemporary community standards.
 - b. The work taken as a whole appeals to a prurient interest in sex.
 - c. The work shows patently offensive sexual conduct.
 - d. The work shows animals mating.

ANSWER: D PAGE: 46 TYPE: N
BUSPROG: Reflective LO: 2-4 BLOOM'S: Comprehension
DIF: Moderate AICPA: BB-Decision Modeling

29. 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. PriceLess Stores files a suit to block the law's 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.

ANSWER: B PAGE: 47 TYPE: =
BUSPROG: Reflective LO: 2-4 BLOOM'S: Application
DIF: Moderate AICPA: BB-Decision Modeling

30. Marie claims that a Nebraska state statute infringes on her “procedural due process” rights. This claim focuses on
- procedures used in making decisions to take life, liberty, or property.
 - the content of the statute.
 - the similarity of the treatment of similarly situated individuals.
 - the steps to be taken to protect Marie’s privacy.

ANSWER: A PAGE: 49 TYPE: =
BUSPROG: Reflective LO: 2-5 BLOOM’S: Comprehension
DIF: Moderate AICPA: BB-Legal

31. A Massachusetts state statute imposes a prison term, without a trial, on all street performers who operate in certain areas. A court would likely review this statute under the principles of
- the commerce clause.
 - the equal protection clause.
 - the due process clause.
 - the First Amendment.

ANSWER: C PAGE: 49 TYPE: +
BUSPROG: Reflective LO: 2-5 BLOOM’S: Comprehension
DIF: Moderate AICPA: BB-Legal

32. Orin claims that a Pennsylvania state statute infringes on his “substantive due process” rights. This claim focuses on
- procedures used to make decisions to take life, liberty, or property.
 - the content of the statute.
 - the similarity of the treatment of similarly situated individuals.
 - the steps to be taken to protect Orin’s privacy.

ANSWER: B PAGE: 50 TYPE: =
BUSPROG: Reflective LO: 2-5 BLOOM’S: Comprehension
DIF: Moderate AICPA: BB-Legal

33. Justice For All, a political organization, files a claim to challenge a Colorado statute that limits the liberty of all persons to broadcast “annoying” radio commercials. This claim is most likely based on the right to
- equal protection of the law.
 - indictment.
 - procedural due process.
 - substantive due process.

ANSWER: D PAGE: 50 TYPE: =
 BUSPROG: Reflective LO: 2-5 BLOOM’S: Application
 DIF: Moderate AICPA: BB-Legal

34. To reduce traffic, Harbor Town enacts an ordinance that allows only a few street vendors to operate in certain areas. A court would likely review this ordinance under the principles of
- the commerce clause.
 - the equal protection clause.
 - the due process clause.
 - the First Amendment.

ANSWER: B PAGE: 51 TYPE: +
 BUSPROG: Reflective LO: 2-5 BLOOM’S: Application
 DIF: Moderate AICPA: BB-Critical Thinking

35. Jon, a law enforcement official, monitors Kelsey’s Internet activities—e-mail and Web site visits—to gain access to her personal financial data and student information. This may violate Kelsey’s right to
- equal protection of the law.
 - privacy.
 - procedural due process.
 - substantive due process.

ANSWER: B PAGE: 54 TYPE: N
 BUSPROG: Reflective LO: 2-5 BLOOM’S: Comprehension
 DIF: Moderate AICPA: BB-Risk Analysis

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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.

PAGES:	44–45		TYPE:	=
BUSPROG:	Reflective	LO: 2-4	BLOOM'S:	Analysis
DIF:	Challenging		AICPA:	BB-Decision Modeling