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| --- |
| **True / False** |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. The legal rules that control a business’s actions reflect past and current thinking about how similar businesses should and should not act.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 2. Because laws may change, the ability to analyze and evaluate the legal ramifications of situations as they arise is *not* a lasting skill.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 3. Courts often refer to secondary sources of law for guidance in interpreting and applying a primary source of law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 4. A constitution is a primary source of law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 5. A statute is a secondary source of law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 6. Even if it conflicts with the U.S. Constitution, a state constitution is supreme within that states’ borders.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 7. Only if a state legislature adopts a uniform law does that law become part of the statutory law of that state.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 8. A federal statute applies only to those states that agree to apply it within their borders.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 9. If an administrative agency fails to follow the rulemaking procedures imposed by the Administrative Procedure Act, the resulting rule may *not* be binding.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 10. Courts give significant weight—deference—to an agency’s judgment and interpretation of its rules.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 11. Controlling precedents are binding authorities.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 12. A *precedent* is any legal authority or source of law that a court may look to for guidance but need not follow when making its decision.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 13. Because courts of law and equity have merged, the principles of equity are no longer applied.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 14. Courts will *not* grant an equitable remedy unless the remedy at law is adequate.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 15. In a criminal case, the object is to obtain a remedy.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 16. Civil law has to do with wrongs committed against society for which society demands redress.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 17. The basis of a civil law system is a written code of laws.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 18. The system of checks and balances in the U.S. Constitution allows each branch of government to limit the actions of the other branches.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 19. The commerce clause has had *no* greater impact on business than any other provision in the Constitution.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 20. The commerce clause has never been held to support the federal regulation of noncommercial activities that take place wholly within a state’s borders.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 21. State governments do *not* have any authority to regulate interstate commerce.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 22. When there is a direct conflict between a federal law and a state law, both laws are rendered invalid.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 23. Corporations enjoy many of the same constitutional rights and privileges as natural persons do.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 24. If a restriction imposed by the government is content neutral, then a court will *not* allow it.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 25. Political speech by corporations falls within the protection of the First Amendment.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 26. When religious practices work against public policy, the government can act.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 27. The Fifth Amendment allows persons to be deprived of property without due process of law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 28. *Substantive* due process requires that a person have an opportunity to object to a proposed action before a fair, neutral decision maker.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 29. *Procedural* due process focuses on the content of legislation.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 30. A law that limits a fundamental right may be held to violate substantive due process.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 31. In situations involving fundamental rights, a law that rationally relates to a legitimate government end will be struck down under the due process clause.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 32. Equal protection means that the government must treat all individuals the same.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 33. A law based on a suspect trait will *not* stand under the equal protection clause even if it is necessary to promote a compelling government interest.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 34. Privacy rights receive *no* protection under federal law.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 35. The United States Supreme Court has held that a constitutional right to privacy is implied by several of the amendments in the Bill of Rights.   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| --- |
| **Multiple Choice** |

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| 36. *Primary* sources of law include   |  |  |  | | --- | --- | --- | |  | a. | legal encyclopedias. | |  | b. | official comments to statutes. | |  | c. | case law. | |  | d. | legal treatises. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 37. *Secondary* sources of law include   |  |  |  | | --- | --- | --- | |  | a. | state constitutions. | |  | b. | legal scholars’ research. | |  | c. | laws passed by local governing bodies. | |  | d. | regulations created by administrative agencies. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 38. A constitution sets forth a government’s   |  |  |  | | --- | --- | --- | |  | a. | limits, but not powers. | |  | b. | limits and powers. | |  | c. | neither limits nor powers. | |  | d. | powers, but not limits. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 39. The basis of all law in the United States is   |  |  |  | | --- | --- | --- | |  | a. | the U.S. Constitution. | |  | b. | laws passed by Congress. | |  | c. | case law. | |  | d. | regulations created by administrative agencies. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 40. On a challenge to a provision in a state constitution that conflicts with a provision in the U.S. Constitution   |  |  |  | | --- | --- | --- | |  | a. | neither provision will be enforced. | |  | b. | both provisions will be enforced. | |  | c. | the state provision will be enforced only within that state’s borders. | |  | d. | the state provision will not be enforced. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 41. Laws enacted by legislative bodies at any level of government make up the body of law generally referred to as   |  |  |  | | --- | --- | --- | |  | a. | statutory law. | |  | b. | the basis of all law in the United States. | |  | c. | the supreme law of the land. | |  | d. | uniform law. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 42. The Uniform Commercial Code facilitates commerce   |  |  |  | | --- | --- | --- | |  | a. | among the states. | |  | b. | between the states and the federal government. | |  | c. | in countries that were once colonies of Great Britain. | |  | d. | in international markets. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 43. The Uniform Commercial Code provides a set of rules governing   |  |  |  | | --- | --- | --- | |  | a. | commercial transactions. | |  | b. | state legislative adoptions. | |  | c. | congressional procedures. | |  | d. | administrative processes. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 44. The Food and Drug Administration (FDA) is an executive agency. As an executive agency, the FDA is subject to the authority of   |  |  |  | | --- | --- | --- | |  | a. | no government official or entity. | |  | b. | the president. | |  | c. | state legislatures. | |  | d. | the U.S. Attorney General |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 45. Persons who favor the creation of a federal agency to regulate the production of genetically modified agricultural products should concentrate their lobbying efforts on   |  |  |  | | --- | --- | --- | |  | a. | Congress. | |  | b. | administrative agencies that oversee agricultural products. | |  | c. | the United States Supreme Court. | |  | d. | the president of the United States. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 46. The Securities and Exchange Commission decides to create a new rule relating to the dissemination of material nonpublic information through social media. The first step is to   |  |  |  | | --- | --- | --- | |  | a. | compile the rule with others in the *Federal Register*. | |  | b. | draft the rule. | |  | c. | publish a notice of the proposed rulemaking. | |  | d. | solicit public comment. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 47. Rehab Care Company is charged with violating a rule of the Social Security Administration. Most likely, Rehab will be required to appear at a hearing presided over by   |  |  |  | | --- | --- | --- | |  | a. | a federal appellate court judge. | |  | b. | a federal district court judge. | |  | c. | an administrative law judge. | |  | d. | a U.S. Marshal. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 48. The Environmental Protection Agency (EPA) discovers that Fish Farm Inc. has violated an EPA regulation. If no settlement is reached, the EPA can   |  |  |  | | --- | --- | --- | |  | a. | issue a formal complaint. | |  | b. | do nothing. | |  | c. | take the matter to the U.S. Supreme Court. | |  | d. | immediately impose sanctions. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 49. *Stare decisis* is best defined as   |  |  |  | | --- | --- | --- | |  | a. | a doctrine under which judges follow established precedents. | |  | b. | the authority to decide a specific dispute. | |  | c. | a judicial proceeding to redress a wrong. | |  | d. | a situation giving a person a right to initiate a judicial proceeding. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 50. A *precedent* is   |  |  |  | | --- | --- | --- | |  | a. | the chief executive officer of the United States. | |  | b. | a court decision that furnishes an example for deciding subsequent cases involving similar or identical facts or principles. | |  | c. | a lawsuit in which a number of persons join together. | |  | d. | the fundamental procedure by which the government exercises its authority. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 51. Each court has a jurisdiction. *Jurisdiction* is best defined as   |  |  |  | | --- | --- | --- | |  | a. | a doctrine that follows established precedents. | |  | b. | the geographic area in which a court has the power to apply the law. | |  | c. | a judicial proceeding to redress a wrong. | |  | d. | a situation giving a person a right to initiate a judicial proceeding. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 52. Applying the relevant rule of law to the facts of a case requires a judge to find previously decided cases that, in relation to the case under consideration, are   |  |  |  | | --- | --- | --- | |  | a. | as different as possible. | |  | b. | as similar as possible. | |  | c. | at odds. | |  | d. | exactly identical. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 53. A court may rule contrary to a precedent if the court decides that the precedent   |  |  |  | | --- | --- | --- | |  | a. | is incorrect or inapplicable. | |  | b. | is not in line with the judge’s personal values. | |  | c. | would lead to unintended consequences. | |  | d. | would not bring about the result the judge prefers. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 54. Criminal statutes proscribe   |  |  |  | | --- | --- | --- | |  | a. | the prosecution of private individuals by other private individuals. | |  | b. | the prosecution of public officials by private individuals. | |  | c. | the relief available when a person’s rights are violated. | |  | d. | wrongs committed against society for which society demands redress. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 55. In a civil case, the object is to   |  |  |  | | --- | --- | --- | |  | a. | resolve a dispute to the satisfaction of all concerned parties. | |  | b. | take coercive action against a violating party. | |  | c. | punish a wrongdoer to deter others from similar actions. | |  | d. | obtain a remedy to compensate the injured party. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 56. The classification of law that concerns the rights and duties that exist between persons and between citizens and their government is   |  |  |  | | --- | --- | --- | |  | a. | criminal law. | |  | b. | civil law. | |  | c. | procedural law. | |  | d. | international law. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 57. Generally, given the broad language of the Constitution, the line between state and national powers is often determined by   |  |  |  | | --- | --- | --- | |  | a. | Congress. | |  | b. | the courts. | |  | c. | the President. | |  | d. | the administrative branch. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 58. Under the U.S. Constitution, the federal government has the power to regulate commercial activities among the states. This grant implies that the regulation of such activities is *not* within the authority of   |  |  |  | | --- | --- | --- | |  | a. | Congress. | |  | b. | the states. | |  | c. | the President. | |  | d. | the courts. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 59. Under the U.S. Constitution, Congress has the power to regulate   |  |  |  | | --- | --- | --- | |  | a. | every commercial enterprise in the United States. | |  | b. | only *intrastate* commercial enterprises. | |  | c. | only *local* commercial enterprises. | |  | d. | only *non*-commercial activities. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 60. Federal regulations concerning medical devices directly conflict with a certain state law. Under the U.S. Constitution, which law takes precedence is determined by   |  |  |  | | --- | --- | --- | |  | a. | the equal protection clause. | |  | b. | the commerce clause. | |  | c. | the due process clause. | |  | d. | the supremacy clause. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 61. 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 it, and stop others from complying with it. 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 any law. | |  | d. | none of the choices. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 62. Nick, the chief executive officer of On/Off Inc., a website for short rants, claims that certain government actions infringe on rights guaranteed by the Bill of Rights. Most of these guarantees have been held to limit   |  |  |  | | --- | --- | --- | |  | a. | only federal power. | |  | b. | federal and state actions. | |  | c. | only individual liberty. | |  | d. | only state conduct. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 63. Lake City enacts an ordinance that bans the distribution of all printed materials on city streets. Mackensie opposes the city’s latest “revenue-enhancing” measure and wants to protest by distributing handbills. In her 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. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 64. 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 Tyler’s 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. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 65. George burns a U.S. flag in his backyard. He films the activity and posts the video on YouTube.com. George’s conduct is most likely   |  |  |  | | --- | --- | --- | |  | 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. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 66. V-Games Inc. markets a variety of shooting, fighting, and hunting video games. A state statue is enacted to require all game makers to label any games with an option to kill something as “excessively violent.” A court would likely hold this regulation 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. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 67. Pros in Politics, a bookstore in Capitol City, sells publications that criticize government actions and policies. The city enacts an ordinance prohibiting the sale of such materials in the interest of preserving public tranquility. This ordinance is most likely   |  |  |  | | --- | --- | --- | |  | a. | an invalid invasion of individuals’ privacy. | |  | b. | an unconstitutional restriction of speech. | |  | c. | a violation of corporations’ rights to certain privileges. | |  | d. | constitutional under the First Amendment. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 68. 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 objective. | |  | 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. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 69. Georgia 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 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 | |

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| 70. A city enacts an ordinance that prohibits all advertising on the sides of trucks. A court would likely review this ordinance under the principles of   |  |  |  | | --- | --- | --- | |  | a. | equal protection. | |  | b. | free exercise. | |  | c. | privacy. | |  | d. | due process |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| **Essay** |

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| 71. The National Rights Council, a nonprofit organization, files a suit against the U.S. Department of Justice (DOJ), claiming that a certain federal statute the DOJ is empowered to enforce conflicts with the U.S. Constitution and with a state constitution. In each situation, which source of law has priority?   |  |  | | --- | --- | | *ANSWER:* | The U.S. Constitution is the supreme law of the land. A law in violation of the Constitution, no matter what its source, will be declared unconstitutional and will not be enforced. Thus, the federal statute does not have priority over the Constitution. The federal statute would have priority over the state constitution, however, because under the U.S. Constitution, when there is a conflict between a federal law and a state law, the state law is rendered invalid. | |

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| 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 x-Games, Inc., orders x-Game marketers to place ads in various media. When an x-Game ad appears on YUTV, a local television station, x-Games and YUTV are charged with violating the statute. What is the defendants’ best defense against a conviction?   |  |  | | --- | --- | | *ANSWER:* | x-Games and YUTV cannot be convicted because a state legislature cannot enact a statute that restricts commercial speech (in this situation, marketing video games) to this extent.  The First Amendment protects commercial speech. Because commercial speech does not receive as much protection as noncommercial speech, however, 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. | |