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Topic: Business and the Constitution

Subtopic: Business and the Bill of Rights

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### Multiple-Choice Question Type

<question type="mc">

1. The Bill of Rights is comprised of \_\_\_\_\_.

- a. all of the Constitutions articles and amendments that offer or protect citizen's rights.
- b. all of the amendments to the Constitution submitted by the first Continental Congress.
- c. all of the twenty-seven amendments to the Constitution.
- d. ten amendments to the Constitution adopted in 1971.

Analysis:

- a. Incorrect. The Bill of Rights is made up of the first ten amendment to the Constitution, out of the twelve that were submitted by the first Continental Congress. They were adopted in 1791.
- b. Incorrect. The Bill of Rights is made up of the first ten amendment to the Constitution, out of the twelve that were submitted by the first Continental Congress. They were adopted in 1791.
- c. Incorrect. The Bill of Rights is made up of the first ten amendment to the Constitution, out of the twelve that were submitted by the first Continental Congress. They were adopted in 1791.
- d. Correct. The Bill of Rights is made up of the first ten amendment to the Constitution, out of the twelve that were submitted by the first Continental Congress. They were adopted in 1791.

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Level of difficulty: Medium

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<question type="mc">

2. The rights extended under the Bill of Rights are \_\_\_\_\_.

- a. absolute, and unequivocal.
- b. conferred on individual citizens, but not corporations.
- c. set forth in general terms and in need of interpretation.
- d. constantly changing.

Analysis:

- a. Incorrect. The rights extended in the Bill of Rights are neither absolute nor unequivocal. They are conferred on individuals, and many of them carry over to protect the rights of corporations. Written in

relatively general terms, these amendments require regular examination and interpretation by the Supreme Court.

b. Incorrect. The rights extended in the Bill of Rights are neither absolute nor unequivocal. They are conferred on individuals, and many of them carry over to protect the rights of corporations. Written in relatively general terms, these amendments require regular examination and interpretation by the Supreme Court.

c. Correct. The rights extended in the Bill of Rights are neither absolute nor unequivocal. They are conferred on individuals, and many of them carry over to protect the rights of corporations. Written in relatively general terms, these amendments require regular examination and interpretation by the Supreme Court.

d. Incorrect. The rights extended in the Bill of Rights are neither absolute nor unequivocal. They are conferred on individuals, and many of them carry over to protect the rights of corporations. Written in relatively general terms, these amendments require regular examination and interpretation by the Supreme Court.

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Level of difficulty: Medium

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<question type="mc">

3. The Freedom of Speech, granted to individuals under the First Amendment, \_\_\_\_\_.

a. carries over to corporations in the form of the protection of corporate political speech.

b. does not transfer to corporation, who are prohibited from speaking out on political matters.

c. applies to corporation under certain conditions but stops short of protecting corporate political speech, which is prohibited.

d. has yet to be tested in relationship to corporations, since most corporations are wary of speaking out on most subjects.

Analysis:

a. Correct. Political speech by corporations falls under the protection of the First Amendment. Corporations are free to express political views as loudly as they like.

b. Incorrect. Political speech by corporations falls under the protection of the First Amendment. Corporations are free to express political views as loudly as they like.

c. Incorrect. Political speech by corporations falls under the protection of the First Amendment. Corporations are free to express political views as loudly as they like.

d. Incorrect. Political speech by corporations falls under the protection of the First Amendment. Corporations are free to express political views as loudly as they like.

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Level of difficulty: Medium

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<question type="mc">

4. Protection of commercial speech (mostly advertising) is protected under the Bill of Rights. The government is able to regulate commercial speech if three conditions are met. Which one of the following is NOT one of those conditions?

- a. A substantial government interest is served by restricting the commercial speech.
- b. The corporation must be informed as to why their commercial speech is being taken away from them.
- c. The restriction of this particular speech must directly protect the government's interest.
- d. There is no way to accomplish this interest of the government's without regulating this particular speech.

Analysis:

- a. Incorrect. The corporation does not need to be informed of why this particular restriction is being placed on their commercial work at that time.
- b. Correct. The corporation does not need to be informed of why this particular restriction is being placed on their commercial work at that time.
- c. Incorrect. The corporation does not need to be informed of why this particular restriction is being placed on their commercial work at that time.
- d. Incorrect. The corporation does not need to be informed of why this particular restriction is being placed on their commercial work at that time.

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Level of difficulty: Difficult

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<question type="mc">

5. The Fifth Amendment of the Bill of Rights guarantees that no person "shall be compelled in any criminal case to be a witness against himself." The right of Freedom from self-incrimination\_\_\_\_\_.

- a. extends equally to corporations and partnerships in the same way that it does to individuals.
- b. can extend to corporations and partnerships or not based solely on judicial discretion.
- c. is nothing new, businesses have enjoyed this right as far back as the 16<sup>th</sup> century.
- d. does not extend to corporations or partnerships.

Analysis:

- a. Incorrect. When a corporation or partnership is required to produce business records, it must do so whether or not those records incriminate any member of the firm, the board, the management, or contain any other sensitive materials.
- b. Incorrect. When a corporation or partnership is required to produce business records, it must do so whether or not those records incriminate any member of the firm, the board, the management, or contain any other sensitive materials.

c. Incorrect. When a corporation or partnership is required to produce business records, it must do so whether or not those records incriminate any member of the firm, the board, the management, or contain any other sensitive materials.

d. Correct. When a corporation or partnership is required to produce business records, it must do so whether or not those records incriminate any member of the firm, the board, the management, or contain any other sensitive materials.

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Level of difficulty:

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<question type="mc">

6. What effect did the Fourteenth Amendment have on the ten Amendments of the Bill of Rights?

a. It took all of the rights applied to individuals and applied them to corporations and partnerships.

b. It restricted the corporations' abilities to take advantage of the rights contained in the first ten amendments.

c. It took those protections that applied under federal procedures and extended them to apply to state procedures as well.

d. It added a range of other freedoms and rights to the first ten.

Analysis:

a. Incorrect. The Fourteenth Amendment extended all of the freedoms of the original first ten amendments so that they not only were protected under federal procedures but now were protected under state procedures as well.

b. Incorrect. The Fourteenth Amendment extended all of the freedoms of the original first ten amendments so that they not only were protected under federal procedures but now were protected under state procedures as well.

c. Correct. The Fourteenth Amendment extended all of the freedoms of the original first ten amendments so that they not only were protected under federal procedures but now were protected under state procedures as well.

d. Incorrect. The Fourteenth Amendment extended all of the freedoms of the original first ten amendments so that they not only were protected under federal procedures but now were protected under state procedures as well.

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Level of difficulty: Medium

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<question type="mc">

7. The Fourth Amendment requires that the government needs to obtain a warrant to search business property for an instrument or evidence of a crime unless

- a. the evidence or instrument is in plain sight of the public.
- b. the evidence or instrument is found during a lawful arrest.
- c. the evidence or instrument is at risk of loss and there is an emergency.
- d. the evidence or instrument is property of an employee not the company.

Analysis:

- a. Incorrect. This is one of the exceptions to the search warrant requirement.
- b. Incorrect. This is one of the exceptions to the search warrant requirement.
- c. Incorrect. This is one of the exceptions to the search warrant requirement.
- d. Correct. Whether the evidence or instrument is company property or not, if the search occurs on private property (commercial or otherwise) there must be a valid warrant or an exception to the warrant requirement.

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Level of difficulty: Moderate

<question type="mc">

8. Corporations, under the Sixth Amendment, have all of the following rights EXCEPT
- a. the right to a public trial without unreasonable delay.
  - b. the right to have compulsory process of the prosecution's witnesses.
  - c. the right not to be subject to excessive fines.
  - d. the right to know the nature and cause of the accusations.

Analysis:

- a. Incorrect. This right is afforded criminal defendants, including corporations, under the Sixth Amendment.
- b. Incorrect. This right is afforded criminal defendants, including corporations, under the Sixth Amendment.
- c. Correct. This right is afforded criminal defendants, including corporations, under the Eighth, not the Sixth Amendment.
- d. Incorrect. This right is afforded criminal defendants, including corporations, under the Sixth Amendment.

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Level of difficulty: Moderate

<question type="true-false">

9. The Constitution does not expressly grant state and federal government eminent domain power.

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Correct. The power of eminent domain is implied by the Takings Clause of the Fifth Amendment.

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Incorrect. The power of eminent domain is implied by the Takings Clause of the Fifth Amendment.

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Level of difficulty: Moderate

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