

### 1.4.1.E: Assessment Questions

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1. Explain Police Power and the Dormant Commerce Clause.

#### Answer

The authority of the federal government to regulate interstate commerce has, at times, come into conflict with state authority over the same area of regulation. The courts have tried to resolve these conflicts with reference to the police power of the states.

Police power refers to the residual powers granted to each state to safeguard the welfare of their inhabitants. Examples of areas in which states tend to exercise their police power are zoning regulations, building codes, and sanitation standards for eating places. However, there are times when the states' use of police power impacts interstate commerce. If the exercise of the power interferes with, or discriminates against, interstate commerce, then the action is generally deemed to be unconstitutional. The limitation on the authority of states to regulate in areas that impact interstate commerce is known as the dormant commerce clause.

In using the dormant commerce clause to resolve conflicts between state and federal authority, the courts consider the extent to which the state law has a legitimate purpose. If it is determined that the state law has a legitimate purpose, then the court tries to determine whether the impact on interstate commerce is in the interest of the citizens of the state, and will rule accordingly. For instance, an ordinance that banned spray paint, issued in the city of Chicago, was challenged by paint manufacturers under the dormant commerce clause, but was ultimately upheld by the U.S. Court of Appeals because the ban was intended to reduce graffiti and related crimes.

2. The Patient Protection and Affordable Care Act's (also known as Obamacare) provision that mandated that individuals not insured through employment obtain minimum essential health insurance or face a penalty was upheld as constitutional by the 11th Circuit.
  - a. True.
  - b. False.
3. The \_\_\_\_\_ gives the federal government the authority to regulate interstate and international commerce.
  - a. Supremacy Clause.
  - b. 10th Amendment.
  - c. Bill of Rights.
  - d. Commerce Clause.

#### Answer

d

4. The doctrine aimed at dividing the governing powers between the federal governments and the states is:
  - a. Judicial review.
  - b. Federalism.
  - c. Separation of powers.
  - d. Preemption.
5. The doctrine aimed at dividing the governing powers between the federal governments and the states is:
  - a. Commerce Clause.
  - b. Superior Clause.
  - c. Supremacy Clause.
  - d. Necessary and Proper Clause.

#### Answer

c

6. Describe the 2 types of Due Process.
7. The \_\_\_\_\_ of the constitution offers the most extensive protection for businesses.
  - a. Supremacy Clause.

- b. Equal Protection Clause.
- c. Due Process Clause.
- d. Freedom of Speech Clause.

**Answer**

c

8. The 14th Amendment is a part of the Bill of Rights.

- a. True.
- b. False.

9. Which of the following is correct with regards to the powers of state government in the United States?

- a. All powers not specifically enumerated to the federal government are reserved to the states.
- b. The power over crimes is reserved to the federal government.
- c. The power over the militia is reserved to the states.
- d. The powers over the federal government are superior to every state power.

**Answer**

a

10. All of the sections of the Bill of Rights apply to corporations and commercial activities.

- a. True.
- b. False.

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