

CHAPTER 10 QUIZ

TRUE/FALSE

1. Since 1937, the Supreme Court has not struck down any state or federal economic regulation.
2. The power of eminent domain is found in the Constitution.
3. The power of eminent domain exists only when the government takes property for a public use.
4. The Takings Clause applies to both real and personal property.
5. The power of eminent domain can be exercised only when the property to be taken is in poor repair.
6. A physical taking often occurs through a condemnation proceeding instituted by the government.
7. Whenever any government regulation results in a decrease in property value, the owner of the property must be compensated by the government.
8. Just compensation is generally determined by the fair market value of the property taken.
9. The Takings Clause applies to property taken by the government through forfeiture laws.
10. Case law that affects or impairs the obligation of contracts is generally held to *not* violate the Contract Clause because the Supreme Court has generally interpreted the word “law” as legislative law.

MULTIPLE CHOICE

1. The Supreme Court's expanded recognition of the right of government to enact laws related to economic liberties was a result of
 - A. World War II.
 - B. the Great Depression.
 - C. World War I.
 - D. the selection of a new chief justice.

2. Which of the following laws was held unconstitutional because it violated the Due Process Clause?
 - A. laws setting maximum rates businesses can charge
 - B. consumer protection laws restricting business practices such as price fixing and fraudulent advertising
 - C. laws requiring licensing for certain trades and professions
 - D. laws limiting overtime when neither women nor children were involved

3. The government has the right to take property because of the
 - A. power of eminent domain.
 - B. the Due Process Clause.
 - C. the concept of economic liberty.
 - D. the Takings Clause.

4. The power of eminent domain
 - A. is extended to the federal government in the Constitution.
 - B. is extended to state government in the Constitution.
 - C. is an inherent power of federal and state governments and not found expressly in the Constitution.
 - D. Both a and b.

5. The Fifth Amendment provision that private property should not be taken for public use without just compensation is known as
 - A. eminent domain.
 - B. the Due Process Clause.
 - C. the Takings Clause.
 - D. None of the above.

6. The Takings Clause is expressly found
- A. in Article V of the Constitution.
 - B. in the Fifth Amendment to the Constitution.
 - C. in the Fourteenth Amendment to the Constitution.
 - D. in both b and c.
7. The term public use in relationship to eminent domain includes such uses as
- A. roads.
 - B. public parks.
 - C. historical landmarks.
 - D. All of the above.
8. In which of the following cases did the Supreme Court find that there was a taking for which the property owner was entitled to compensation?
- A. a new zoning law that totally prohibited a property owner from building a house
 - B. a 32-month building moratorium on lakefront property
 - C. a city ordinance that placed restrictions on the development of individual historic landmarks, resulting in petitioner's inability to build offices and causing several million dollars in damages
 - D. Both a and c
9. Which of the following was not considered "property" for purposes of the Takings Clause?
- A. trade secrets
 - B. a football team
 - C. interest on an attorney's trust account
 - D. None of the above; they were all considered property by a court.
10. The obligation of a contract under the Constitution means
- A. duty of the parties to perform.
 - B. the terms of the agreement.
 - C. the rights of the parties under the contract.
 - D. None of the above.