Instructor Manual

Miller, Business Law Today – Comprehensive Edition: Text and Cases 13e 2022, 9780357634783; Chapter 2: Constitutional Law

Table of Contents

[Purpose and Perspective of the Chapter 2](#_Toc61613288)

[Cengage Supplements 2](#_Toc61613289)

[Chapter Objectives 2](#_Toc61613290)

[Key Terms 3](#_Toc61613291)

[What's New in This Chapter 4](#_Toc61613292)

[Chapter Outline 5](#_Toc61613293)

[Discussion Questions 12](#_Toc61613294)

[Additional Activities and Assignments 15](#_Toc61613295)

[Additional Resources 16](#_Toc61613296)

[Cengage Video Resources 16](#_Toc61613297)

# Purpose and Perspective of the Chapter

Many people assume that a government acts from a vague position of strength and can enact any regulation it deems necessary or desirable. This chapter emphasizes a different perspective from which to view the law: action taken by the government must come from authority, and this authority cannot be exceeded.

Neither Congress nor any state may pass a law in conflict with the Constitution. The Constitution is the supreme law in this country. The Constitution is the source of federal power, and to sustain the legality of a federal law or action a specific federal power must be found in the Constitution. States have inherent sovereign power—that is, the power to enact legislation that has a reasonable relationship to the welfare of the citizens of that state. The power of the federal government was *delegated* to it by the states, while the power of the states was *retained* by them when the Constitution was ratified.

The Constitution does not expressly give the states the power to regulate, but limits the states’ exercise of powers not delegated to the federal government.

Cengage Supplements

The following product-level supplements provide additional information that may help you in preparing your course. They are available in the Instructor Resource Center.

* Transition Guide (provides information about what’s new from edition to edition)
* Test Bank (contains assessment questions and problems)
* Solution and Answer Guide (offers textbook solutions and feedback)
* PowerPoint (provides text-based lectures and presentations)
* Guide to Teaching Online (provides technological and pedagogical considerations and resources for teaching online)
* MindTap Educator Guide (describes assets in the MindTap platform with a detailed breakdown of activities by chapter with seat time)

# Chapter Objectives

The following objectives are addressed in this chapter:

1. Identify the three branches of the U.S. government, and how each operates to control and limit agency power.
2. Define state police powers and explain how the federal government’s regulation of commerce using its Commerce Clause powers might interfere with state powers.
3. Explain what the federal Supremacy Clause is, and when it would operate to preempt state

actions/regulations.

1. Identify which fundamental rights are protected by substantive due process, and distinguish between a substantive due process violation and an equal protection violation.
2. Explain the three levels of scrutiny used by courts to determine the constitutionality of a government action.
3. Explain how freedom of religion and the Establishment Clause might impact employment rights.
4. Differentiate between procedural due process and substantive due process.

# Key Terms

**Bill of rights:** the first ten amendments to the U.S. Constitution.

**Checks and balances:** the system under which the powers of the federal government are divided among three separate branches—the executive, legislative, and judicial branches—each of which exercises a check on the actions of the others.

**Commerce clause:** the provision in Article I, Section 8, of the U.S. Constitution that gives Congress the power to regulate interstate commerce.

**Compelling government interest:** a test of constitutionality that requires the government to have convincing reasons for passing any law that restricts fundamental rights, such as free speech, or distinguishes between people based on a suspect trait.

**Due process clause:** the provisions in the Fifth and Fourteenth Amendments that guarantee that

no person shall be deprived of life, liberty, or property without due process of law; state constitutions often include similar clauses.

**Equal protection clause:** the provision in the Fourteenth Amendment that requires state governments to treat similarly situated individuals in a similar manner.

**Establishment clause:** the provision in the First Amendment that prohibits the government from establishing any state-sponsored religion, or enacting any law that promotes religion or favors one religion over another.

**Federal form of government:** a system of government in which the states form a union, and the sovereign power is divided between the central government and the member states.

**Filtering software:** a computer program that is designed to block access to certain websites, based on their content; the software blocks the retrieval of a site whose URL or key words are on a list within the program.

**Free exercise clause:** the provision in the First Amendment that prohibits the government from interfering with people’s religious practices or forms of worship.

**Full faith and credit clause:** a provision in Article IV, Section 1, of the U.S. Constitution that ensures that rights established under deeds, wills, contracts, and similar instruments in one state will be honored by other states and that judicial decisions will be honored and enforced in all states.

**Meta tags:** key words in a document that can serve as index references to the document; on the Web, search engines return results based, in part, on the tags in web documents.

**Police powers:** powers possessed by the states as part of their inherent sovereignty; these powers may be exercised to protect or promote the public order, health, safety, morals, and general welfare.

**Preemption:** a doctrine under which certain federal laws preempt, or take precedence over, conflicting state or local laws.

**Privileges and immunities clause:** Article IV, Section 2, of the U.S. Constitution requires states not to discriminate against one another’s citizens; a resident of one state, when in another state, cannot be denied the privileges and immunities of citizens of that state.

**Sovereignty:** the power of a state to do what is necessary to govern itself; individual state sovereignty is determined by the U.S. Constitution.

**Supremacy clause:** the provision in Article VI of the U.S. Constitution that the Constitution, laws, and treaties of the United States are “the supreme Law of the Land.”

**Symbolic speech:** nonverbal expressions of beliefs; symbolic speech, which includes gestures, movements, and articles of clothing, is given substantial protection by the courts.

[[return to top]](#_top)

# What's New in This Chapter

The following elements are improvements in this chapter from the previous edition:

* New chapter-opening scenario on the constitutional debate over a business refusing to serve a same-sex marriage couple due to the owner’s right of free expression versus the couple experiencing discrimination
* 2 New Numbered Examples
  + on symbolic speech
  + on “Intermediate Scrutiny”
* 4 New Numbered Case Examples:
  + on the dormant commerce clause based on 2019 case
  + on substantial burden on free exercise rights from 2019 case
  + on threatening speech based on 2018 case
  + on “rational basis” test based on 2019 case
* 1 New Spotlight Numbered Case Example:
  + on Laws that Restrict the Content of Free Speech based on 1980 case
* New Ethical Issue: Even though corporations can restrict the speech of their employees, should they do so?
* New Adapting the Law to the Online Environment: Social Media and the Constitution
* New Cybersecurity and the Law: Should Apple Help Law Enforcement?
* NEW Case 2.1: *Classy Cycles, Inc. v. Panama Beach City* (2019) – The question was whether a pair of municipal ordinances regulating the rental of motorized scooters constituted a reasonable exercise of police powers.

[[return to top]](#_top)

# Chapter Outline

*In the outline below, each element includes references (in parentheses) to related content. “PPT Slide #” refers to the slide number in the PowerPoint deck for this chapter (provided in the PowerPoints section of the Instructor Resource Center). Introduce the chapter and review objectives for Chapter 2 (PPT Slide 3).*

1. **2-1 The Constitutional Powers of Government** (PPT Slides 5-20)
   1. **The Federal Form of Government**

The new government created by the Constitution reflected a series of compromises made by the convention delegates on various issues with the end result being a **federal form of government** in which the national government and the individual states share sovereign power.

* + 1. **Federal Powers –** The Constitution sets forth specific powers that can be exercised by the national government, generally referred to as the federal government.
       1. It also provides that the federal government has the implied power to undertake actions necessary to carry out its expressly designated powers. All other powers are “reserved” to the states.
    2. **Regulatory Powers of the State –** As part of their inherent **sovereignty** (power to govern themselves), state governments have the authority to regulate certain affairs within their borders.
       1. State regulatory powers are often referred to as **police powers**. The term encompasses more than just the enforcement of criminal laws.
       2. **Case 2.1: *Classy Cycles, Inc. v. Panama City Beach***
  1. **Relations Among the States**

The U.S. Constitution also includes provisions concerning relations among the states in our federal system. Particularly important are the *privileges and immunities clause,* and the *full faith and credit clause*.

* + 1. **The Privileges and Immunities Clause –** Article IV, Section2, of the Constitution provides that the “Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”
       1. This clause is often referred to as the interstate **privileges and immunities clause**. It prevents a state from imposing unreasonable burdens on citizens of another state.
    2. **The Full Faith and Credit Clause –** Article IV, Section 1, of the U.S. Constitution provides that “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”
       1. This clause, which is referred to as the **full faith and credit clause,** applies only to civil matters.
  1. **The Separation of Powers**
     1. To prevent the federal government from using its powers arbitrarily, the Constitution divides the powers of the federal government among three branches of government.
        1. The legislative branch makes the laws, the executive branch enforces the laws, and the judicial branch interprets the laws.
     2. Additionally, a system of checks and balances allows each branch to limit the actions of the other two branches, thus preventing any one branch from exercising too much power.
  2. **The Commerce Clause**
     1. To prevent states from establishing laws and regulations that would interfere with trade and commerce among the states, the Constitution explicitly gave the federal government the power to regulate interstate commerce.
     2. Article I, Section 8, of the U.S. Constitution expressly permits Congress “[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”
        1. This clause, referred to as the **commerce clause**, has had a greater impact on business than any other provision in the Constitution.
        2. **Landmark in the Law – *Gibbons v. Ogden***
     3. **The Expansion of Federal Powers Under the Commerce Clause –** As the nation grew and faced new kinds of problems, the commerce clause became a vehicle for the additional expansion of the federal government’s regulatory powers.
        1. Even activities that seemed purely local came under the regulatory reach of the federal government, if those activities were deemed to substantially affect interstate commerce.
           + **Case 2.1: *Wickard v. Filburn***
           + **Classic Case 2.2: *Heart of Atlanta Motel v. United States***
     4. **The Commerce Clause Today –** Today, at least theoretically, the power over commerce authorizes the federal government to regulate almost every commercial enterprise in the United States.
        1. **Spotlight Case Example 2.1: *Gonzales v. Raich***
     5. **The “Dormant” Commerce Clause –** The dormant commerce clause comes into play when state regulations affect interstate commerce. In this situation, the courts normally weigh the state’s interest in regulating a certain matter against the burden that the state’s regulation places on interstate commerce.
        1. **Case Example 2.2: *Tennessee Wine and Spirits Retailers Associations v. Thomas***
  3. ***Knowledge Check Activity (1) PPT Slide: 1 minute(s) total (5 minutes with discussion and review of answer).*** *Test students’ knowledge of the Commerce Clause. After answer is provided, review with students the concept of the Commerce Clause and how it affects activity within states, as well as the country****.***
  4. **The Supremacy Clause**

Article VI of the Constitution provides that the Constitution, laws, and treaties of the United States are “the supreme Law of the Land.” This article, commonly referred to as the **supremacy clause**, is important in the ordering of state and federal relationships.

* + 1. **Preemption – Preemption** occurs when Congress chooses to act exclusively in a concurrent area. In this circumstance, a valid federal statute or regulation will take precedence over a conflicting state or local law or regulation on the same general subject.
    2. **Congressional Intent** – Generally, congressional intent to preempt will be found if a federal law regulating an activity is so pervasive, comprehensive, or detailed that the states have little or no room to regulate in that area.
       1. When a federal statute creates an agency—such as the U.S. Food and Drug Administration (FDA)—to enforce the law, the agency’s decisions in matters that come within its jurisdiction will likely preempt state laws**.**
       2. **Classic Case Example 2.3: *Riegel v. Medtronic, Inc.***
  1. ***Knowledge Check Activity (2) PPT Slide: 1 minute(s) total (5 minutes with discussion and review of answer****). Test students’ knowledge of the Supremacy Clause. After answer is provided, review with students’ the intent behind the Supremacy Clause and how it works.*

1. **2-2 Business and the Bill of Rights** (PPT Slides 21-31)

The importance of having a written declaration of the rights of individuals eventually caused the first Congress of the United States to enact twelve amendments to the Constitution and submit them to the states for approval. The first ten of these amendments, commonly known as the Bill of Rights, were adopted in 1791.

* 1. **Limits on Federal and State Government Actions**
     1. **The Fourteenth Amendment –** Passed in 1868 after the Civil War, the Fourteenth Amendment provides, in part, that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law.”
     2. **Judicial Interpretation –** The rights secured by the Bill of Rights are not absolute. Many of the rights guaranteed by the first ten amendments are described in very general terms.
  2. **The First Amendment – Freedom of Speech** 
     1. A democratic form of government cannot survive unless people can freely voice their political opinions and criticize government actions or policies. Freedom of speech, particularly political speech, is thus a prized right, and traditionally the courts have protected this right to the fullest extent possible
        1. **Adapting the Law to the Online Environment – Social Media and the Constitution**
     2. **Symbolic Speech –** Gestures, movements, articles of clothing, and other forms of expressive conduct—is also given substantial protection by the courts.
        1. The burning of the American flag to protest government policies, for instance, is a constitutionally protected form of expression.
        2. **Example 2.4**
     3. **Reasonable Restrictions –** Expressions whether oral, written, or symbolized by conduct, are subject to reasonable restrictions.
        1. ***Content-Neutral Laws.*** Laws that regulate the time, manner, and place, but not the content of speech receive less scrutiny by the courts than do laws that restrict the content of expression.
           + **Case Example 2.5: *Commonwealth of Massachusetts v. Ora***
        2. ***Laws That Restrict the Content of Speech.*** If a law regulates the content of the expression, it must serve a compelling state interest and must be narrowly written to achieve that interest.
           + Under the **compelling government interest** test, the government’s interest is balanced against the individual’s constitutional right to be free of government interference.

**Spotlight Case Example 2.6: *Consolidated Edison Co. v. Public Service Commission***

* + 1. **Corporate Political Speech –** Political speech by corporations also falls within the protection of the First Amendment. Corporate political speech continues to be given significant protection under the First Amendment.
       1. **Classic Case Example 2.7: *Citizens United v. Federal Election Commission***
    2. **Commercial Speech –** The courts also give substantial protection to *commercial speech*, which consists of communications (primarily advertising and marketing) made by business firms that involve only their commercial interests.
       1. 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 its objective.
          - **Example 2.8**
          - **Spotlight on Beer Labels: Case 2.3: *Bad Frog Brewery, Inc. v. New York State Liquor Authority***
    3. **Unprotected Speech –** The United States Supreme Court has made it clear that certain types of speech will not be given any protection under the First Amendment. Speech that harms the good reputation of another, or defamatory speech will not be protected.
       1. ***Threatening Speech.*** Note that in the case of threatening speech, the speaker must have posed a “true threat.”
          - The speaker must have meant to communicate a serious intent to commit an unlawful, violent act against a particular person or group.
          - **Case Example 2.9: *Commonwealth of Pennsylvania v. Knox***
       2. ***Obscene Speech.*** The First Amendment, as interpreted by the Supreme Court, also does not protect obscene speech. Most of Congress’s attempts to pass legislation protecting minors from pornographic materials on the Internet have been struck down on First Amendment grounds when challenged in court.
          - One exception is a law that requires public schools and libraries to install **filtering software** on computers to keep children from accessing adult content.
          - Such software is designed to prevent persons from viewing certain websites based on their Internet addresses or **meta tags**, or key words.
  1. **The First Amendment – Freedom of Religion**
     1. **The Establishment Clause –** The **establishment clause** prohibits the government from establishing a state-sponsored religion, as well as from passing laws that promote religion or show a preference for one religion over another.
        1. ***Applicable Standard.*** Federal or state laws that do not promote or place a significant burden on religion are constitutional even if they have some impact on religion.
           + For a government law or policy to be constitutional, it must not have the primary effect of promoting or inhibiting religion.
        2. ***Religious Displays.*** The Supreme Court eventually decided that public displays having historical, as well as religious, significance do not necessarily violate the establishment clause.
           + **Case Example 2.10: *Trunk v. City of San Diego***
           + **Business Law Analysis – Determining When Public Religious Displays Violate the Establishment Clause**
     2. **The Free Exercise Clause –** The **free exercise clause** guarantees that people can hold any religious beliefs they want or can have no religious beliefs.
        1. ***Restrictions Must Be Necessary.*** The government must have a compelling state interest for restricting the free exercise of religion, and the restriction must be the only way to further that interest.
           + **Case Example 2.11: *Holt v. Hobbs***
        2. ***Restrictions Must Not Be a Substantial Burden.*** To comply with the free exercise clause, a government action must not be a substantial burden on religious practices.
           + A burden is substantial if it pressures individuals to modify their behavior and to violate their beliefs.
           + **Case Example 2.12: *Deotte v. Azar***
        3. ***Public Welfare Exception*.** When religious practices work against public policy and the public welfare, the government can act.
           + When public safety is an issue, an individual’s religious beliefs often must give way to the government’s interests in protecting the public.
           + **Example 2.13**

1. **2-3 Due Process and Equal Protection** (PPT Slides 32-35)
   1. **Due Process**
      1. Both the Fifth and the Fourteenth Amendments provide that no person shall be deprived “of life, liberty, or property, without due process of law.”
         1. The **due process clause** of each of these constitutional amendments has two aspects—procedural and substantive.
      2. **Procedural Due Process –** Procedural due process requires that any government decision to take life, liberty, or property must be made fairly. This means that the government must give a person proper notice and an opportunity to be heard.
         1. **Example 2.14**

* + 1. **Substantive Due Process –** Substantive due process focuses on the content of the legislation, rather than the fairness of the procedures. Substantive due process limits what the government may do in its legislative and executive capacities. Legislation must be fair and reasonable in content, and must further a legitimate governmental objective.
  1. **Equal Protection**
     1. The United States Supreme Court has used the due process clause of the Fifth Amendment to make the **equal protection clause** applicable to the federal government as well.
        1. Equal protection means that the government must treat similarly situated individuals in a similar manner.
        2. **Example 2.15**
     2. **Strict Scrutiny –** If a law or action prohibits or inhibits some persons from exercising a fundamental right, the law or action will be subject to “strict scrutiny” by the courts.
        1. A classification based on a *suspect trait*, such as race, national origin, or citizenship status, will also be subject to strict scrutiny. Under this standard, the classification must be necessary to promote a *compelling government interest*.
        2. **Example 2.16**
     3. **Intermediate Scrutiny –** Another standard, that of “intermediate scrutiny,” is applied in cases involving discrimination based on gender or legitimacy. Laws using these classifications must be substantially related to important government objectives.
        1. **Example 2.17**
        2. **Example 2.18**
     4. **The “Rational Basis” Test –** In matters of economic and social welfare, a classification will be considered valid if there is any conceivable “rational basis” on which the classification might relate to a *legitimate government interest*. It is almost impossible for a law or action to fail the rational basis test.
        1. **Case Example 2.19: *LMP Services, Inc. v. City of Chicago***

1. **2-4 Privacy Rights** (PPT Slides 36-41)
   1. **Federal Privacy Legislation**
      1. The U.S. Constitution does not explicitly mention a general right to privacy. In a 1928 Supreme Court case, *Olmstead v. United States*, Justice Louis Brandeis stated in his dissent that the right to privacy is “the most comprehensive of rights and the right most valued by civilized men.”
      2. Today, privacy rights receive protection under various federal statutes as well as the U.S. Constitution. State constitutions and statutes also secure individuals’ privacy rights, often to a significant degree.
         1. **Cybersecurity and the Law – Should Apple Help Law Enforcement?**
      3. Congress has enacted a number of statutes that protect the privacy of individuals in various areas of concern. Most of these statutes deal with personal information collected by governments or private businesses.
         1. ***See* Exhibit 2-1 – Federal Legislation Relating to Privacy**
   2. **The USA Patriot Act**
      1. The USA Patriot Act was passed by Congress in the wake of the terrorist attacks of September 11, 2001, and then re-authorized twice.
      2. The Patriot Act has given government officials increased authority to monitor Internet activities and to gain access to personal financial information and student information.
         1. **Example 2.20**
   3. ***Knowledge Check Video Activity (3) PPT Slide: 2 ½ minute(s) total (5 minutes with discussion and review of answer****). Test students’ knowledge about Equal Protection and Constitutional Scrutiny. After answer is provided, review with students the concepts of how Equal Protection applies to citizens of different states.*

[[return to top]](#_top)

# Discussion Questions

You can assign these questions several ways: in a discussion forum in your LMS; as whole-class discussions in person; or as a partner or group activity in class.

1. **Discussion – Federal Form of Government, State Police Powers, Separation of Powers, and the Commerce Clause ([2-1** **The Constitutional Powers of Government], PPT Slides 5-20). Duration 15 minutes.**
   1. **What is the basic structure of the American national government?**
      1. A The basic structure of the American government is federal—a form of government in which states form a union, and power is shared with a central authority. The United States Constitution sets out the structure, powers, and limits of the government.
   2. **What is the national government’s relation to the states?** 
      1. The relationship between the national and state governments is a partnership. Neither is superior to the other except as the Constitution provides. When conflicts arise as to which government should be exercising power in a particular area, the United States Supreme Court decides which governmental system is empowered to act under the Constitution.
   3. **What is the doctrine of separation of powers, and what is its purpose?**
      1. There are three governmental branches: 1) executive, 2) legislative, and 3) judicial. Each branch is vested with separate and distinct constitutional powers. This form of government creates a system of checks and balances, and prevents one branch from encroaching upon the powers of the other.
   4. **What is the conflict between the states’ police power and the commerce clause?**
      1. The term police power refers to the inherent right of the states to regulate private activities within their own borders to protect or promote the public order, health, safety, morals, and general welfare.
      2. When state regulation encroaches on interstate commerce, which Congress regulates under the commerce clause, the state’s interest in the merits and purposes of the regulation must be balanced against the burden placed on interstate commerce.
   5. **What is preemption?** 
      1. Preemption occurs when Congress chooses to act exclusively in an area of concurrent federal and state powers, and a valid federal law will override a conflicting state or local law on the same general subject.
      2. Generally, if a federal law is so pervasive, comprehensive, or detailed that the states have no room to supplement it, the federal law will be held to have preempted the area. When a federal statute creates an agency to enforce the law, matters within the agency’s jurisdiction will likely preempt state law.
2. **Discussion – First Amendment Protections, Corporate Political and Commercial Speech, and the Establishment Clause ([2-2** **Business and the Bill of Rights], PPT Slides 21-31). Duration 20 minutes.**
   1. **What is the distinction between the degrees of regulation that may be imposed on commercial and noncommercial speech?**
      1. Commercial speech is not as protected as noncommercial speech. Even if commercial speech concerns a lawful activity and is not misleading, a restriction on it will generally be considered valid as long as the restriction:
         1. Seeks to implement a substantial government interest;
         2. Directly advances that interest; and
         3. Goes no further than necessary to accomplish its objective.
      2. Government regulation of non-commercial speech is constitutional as long as it does not restrict speech based on the message being delivered (i.e., is content neutral), and does not create a prior restraint on one’s right to exercise free speech.
   2. **Should religious displays on public property be held to violate the establishment clause?**
      1. It might be argued that if a religious symbol is only one part of a larger display that features secular symbols, such as reindeer and candy canes in a winter holiday display, the display of the religious symbol does not violate the establishment clause. A particular symbol’s acceptability may depend on such factors as size, number, and how close the symbols are to each other.
   3. **What does it mean that under the establishment clause the government cannot establish any religion or prohibit the free exercise of religious practices?**
      1. Federal or state regulation that does not promote, or place a significant burden on, religion is constitutional even if it has some impact on religion. The clause mandates accommodation of all religions and forbids hostility toward any.
3. **Discussion – Procedural vs. Substantive Due Process, Equal Protection Under the Law, and Standards of Judicial Review ([2-3 Due Process and Equal Protection], PPT Slides 32-35). Duration 15 minutes.**
   1. **Would a state law imposing a fifteen-year term of imprisonment without allowing a trial on all businesspersons who appear in their own television commercials be a violation of substantive due process?**
      1. The law would be unconstitutional on substantive due process grounds, because it abridges freedom of speech.
   2. **Would such a law also violate procedural due process?**
      1. Yes. The law would be unconstitutional on procedural due process grounds as well, because it imposes a penalty without giving an accused a chance to defend his or her actions.
   3. **What are the levels of scrutiny courts apply in determining whether a government regulation unconstitutionally violates the Equal Protection Clause under either the 5th or 14th Amendments of the U.S. Constitution?**
      1. Equal protection means that the government must treat similarly situated individuals in a similar manner. Equal protection requires review of the substance of a law, or other government action instead of the procedures used.
      2. If the law distinguishes between or among individuals, the basis for the distinction is examined.
         1. If the law inhibits some persons’ exercise of a fundamental right or if the classification is based on race, national origin, or citizenship status, the classification must be necessary to promote a compelling interest.
         2. In matters of economic or social welfare, a classification will be upheld if there is any rational basis on which it might relate to any legitimate government interest.
         3. Laws using classifications that discriminate on the basis of gender or legitimacy must be substantially related to important government objectives.
      3. When a law or action limits the liberty of all persons, it may violate substantive due process; when a law or action limits the liberty of some persons, it may violate the equal protection clause.

[[return to top]](#_top)

# Additional Activities and Assignments

1. **MindTap** – Why Does Due Process Matter to Me?
   1. Online auto-graded activities connect the upcoming chapter to a real-world scenario designed to pick engagement and emphasize relevance. Consists of 1 multiple choice question in each.
2. **Mind Tap** – Learn It: Impact of the Federal Supremacy Clause on State Actions; Regulation under the Commerce Clause; Freedom of Speech Rights Available to Business; Procedural Due Process and Substantive Due Process; Freedom of Religion and the Establishment Clause Impacting Employment Rights
   1. Get familiar with one of the key concepts from the chapter.
3. **MindTap** – Check Your Understanding: Law and Legal Reasoning
   1. Online auto-graded activity that assesses students’ foundational knowledge of the concepts presented in this chapter. Consists of 10 multiple choice questions.
4. **MindTap** – Case Problem Analysis: Business and the Bill of Rights
   1. Online auto-graded activity that first walks students through a fact pattern, and then asks them to answer similar questions with slight variations in the fact pattern. Consists of approximately 5 fill-in-the-blank questions.
5. **MindTap** – Brief Hypotheticals: Business and the Constitution
   1. Online auto-graded activity that presents 5 fact patterns in which students are asked to apply the concepts of the chapter, and to come up with a legal conclusion. Consists of 5 multiple choice questions.

[[return to top]](#_top)

# 

# Additional Resources

## Cengage Video Resources

* MindTap Quick Lesson Videos:
  + Dormant Commerce Clause. Duration 2:18 minutes.
  + Constitutional Scrutiny. Duration 3:07 minutes.
  + Free Speech. Duration 3:28 minutes.

[[return to top]](#_top)