CHAPTER 14 - The Courts

At stake in the Marbury v. Madison decision was whether William Marbury
was entitled to financial relief for damage to his reputation.
was eligible for election to the U.S. House of Representatives.
had been unjustly tried twice for the same offense.
had committed treason against the United States.
*had a legal right to be hired as a justice of the peace in the District of Columbia.

With its ruling in the case Marbury v. Madison, the U.S. Supreme Court established
the right of federal courts to hear state disputes.
the power of Congress to create additional federal courts.
the authority of the president to use a line-item veto on appropriations.
that state courts could not apply federal laws.
*that the courts could review laws to determine whether they conflicted with the Constitution.

Judicial review is
the leading journal covering the actions and decisions of the courts.
the right of Congress to approve presidential nominations to the courts.
*the power of the Supreme Court to declare laws invalid if they violate the Constitution.
the power of Congress to review the decisions of the courts.
the authority of a bureaucratic body to overrule judicial action that conflicts with its rules.

Which of the following can be used to overturn a Supreme Court decision declaring a federal law unconstitutional?
Congressional nullification
*An amendment to the Constitution
Presidential veto
A national referendum
Judicial impeachment

State judges are obligated to follow the U.S. Constitution whenever state law conflicts with it under the Constitution's
judicial review clause.
*supremacy clause.
*federalism clause.
uniformity clause.
None of these choices is true.

Alexander Hamilton argued that the judicial branch was the __________ branch of national government.
most legitimate
most reliable
*weakest
wisest
least flexible

According to Alexander Hamilton in Federalist No. 78, the power of judicial review
*was an essential barrier to legislative oppression.
violates the principle of checks and balances.
is inconsistent with the Constitution.
is inherently antidemocratic.
implies the ability of the Supreme Court to usurp the power of other branches.

In the years immediately after ratification of the constitution, the Supreme Court
was seen as a fully co-equal branch of government.
accepted so many cases that they couldn't handle them, and quickly created the certiorari petition to cut down on their workload.
*was not a particularly powerful branch of government.
met and heard cases year round, unlike today.
was immediately, as the highest and most influential court, able to recruit the best legal minds in the nation.

Criminal offenses such as arson, theft, and murder are almost always the sole responsibility of which entity?
*The state
The federal system
The appellate system
The district or local level
Both the local and federal system equally

Plea bargaining is the process by which
a defendant makes an emotional plea for mercy from the court.
a defendant pleads guilty in exchange for a reduced sentence.
jurors bargain among themselves to reach a verdict.
civil cases involving large sums of money are settled out of court.
the prosecuting attorney waives the jury process
To appeal means to

- make a plea on national television.
- *take a case to a higher court.
- submit a “friend of the court” brief.
- argue a case before a judge or a court.
- ask for a reduction in the sentence imposed.

A circuit is

- a group of policymakers with whom a judge is friendly.
- the procedural path along which an appeal must travel.
- *the geographical area over which a court of appeals hears cases.
- the set of procedures that Supreme Court justices use to select cases for review.
- a group of judges joining together to write an opinion.

Federal appellate courts review and can overturn

precedents set by the U.S. Supreme Court.
only federal criminal cases.
*rulings made and procedures followed by the lower federal courts and administrative agencies.
guilt or innocence of defendants.
All of these choices are true.

The judicial principle of tending to honor precedents in similar cases is known as______________.

plea bargaining
voir dire
jurisdiction
equity
*stare decisis

Judicial interpretation of the law means that judges, in effect,

*make policy.
are truly independent.
are not influenced by their own individual values and beliefs.
will rarely disagree when writing their opinions.
All of these choices are true.

The Supreme Court’s decisions in two flag-burning cases have

held that flag burning is a punishable desecration of a sacred national symbol.
been at odds with each other, leaving uncertainty about this symbolically important area of the law.
*held that flag burning is legally protected political expression.
both sent the cases back to lower courts for rehearing, where the litigants settled, so there is no final decision to point to.
been decided on narrow procedural grounds, with no decision on the main legal issue.

The Supreme Court’s original jurisdiction extends to cases involving

*ambassadors.
disputes between citizens of different states.
disputes where the federal government is a defendant.
racial discrimination.
All of these choices are true.

Most cases reach the U.S. Supreme Court through its __________ jurisdiction.

*appellate
concurrent
original
secondary
spatial

The appellate jurisdiction of the U.S. Supreme Court can be changed by

*Congress.
no one.
the president.
the Justice Department.
the Supreme Court itself.

Most requests for cases to be heard by the Supreme Court take the form of petitions for

stare decisis.
lex legis.
oyez.
concordance.
*certiorari.
Approximately how many cases does the Supreme Court select each year as worthy of review?
- More than 500
- Fewer than 100
- Fewer than 50
- More than 1,000
- Around 600

About how many requests for review does the U.S. Supreme Court receive each year?
- 1,500
- *9,000
- 4,000
- 400
- 12,500

To enter the federal court system, litigants in state cases must
- *first have had their case decided by the highest court in the state.
- present a valid constitutional question to be decided by the justices.
- simply pay the required fee and file appropriate paperwork.
- have a case to which the federal government is a party.
- argue before and be approved by a special master.

Supreme Court review is granted to a case
- at the discretion of the chief justice.
- only by a unanimous vote of all justices.
- at the request of any one justice.
- when the district and appellate court rulings disagree.
- *by the permission of any four justices.

The _______ represents the federal government before the Supreme Court.
- attorney general
- *solicitor general
- secretary of justice
- chief justice
- assistant chief litigator

In a case between a large grocery vendor and the Federal Trade Commission, entities sympathetic to the vendor who are not official parties to the suit file supporting briefs for the vendor’s position. This is known as
- stare decisis.
- a writ of mandamus.
- certiorari.
- *amicus curiae.
- Infringement.

Supreme Court oral arguments are typically conducted
- year round.
- from July through September.
- from January through March.
- *from October through April.
- from May through August.

The view that judges should generally defer to the decisions of elected officials in their decisions is known as
- stare decisis.
- *judicial restraint.
- amicus curiae.
- solicitation.
- judicial activism.

A decision disagreeing with the majority opinion’s argument is known as a
- concordium.
- certiorari.
- *dissent.
- concurrence.
- rebuttal.

When judges adjudicate cases and present explanations justifying their rulings, they publish them in the form of
- writs.
- precedents.
- *opinions.
- briefs.
- treatises.
Agreement with a judgment for different reasons from those set forth in the majority opinion is known as
dissent.
judicial activism.
judicial restraint.
*concurrence.
judicial review.

Despite concerns about diversity on the federal bench during the administrations of George H.W. Bush and Bill Clinton, ________ remained the dominant motivating force behind judicial appointments.
  *ideology
  activism
  restraint
  regionalism
  patronage

The idea that the courts are a policymaking branch of government and that the individual values and interests of judges should reflect the different values and interests of the population at large is most consistent with
  majoritarian democracy.
  direct democracy.
  the elite model of the American system.
  *pluralist democracy.
  liberal democracy.