Quiz # 6 – Chapter 16 The Judicial Branch (Supreme Court)

- 1. The chief judicial weapon in the government's system of checks and balances is known as
 - a. judicial activism.
 - b. judicial interpretivism.
 - c. judicial review.
 - d. judicial standing.
 - e. judicial bypass.
- 2. A judicial activist is a judge who holds
 - a. that courts should make as well as interpret law.
 - b. a liberal ideology.
 - c. that courts should make but not interpret law.
 - d. a conservative ideology.
 - e. that courts merely apply the law and enforce norms.
- 3. Which of the following is *most* likely to be *true* of an activist judge?
 - a. He or she is conservative politically.
 - b. He or she is bound by the wording of the U.S. Constitution.
 - c. He or she is liberal politically.
 - d. He or she is an interpretivist.
 - e. He or she feels constrained by precedent.
- 4. In McCulloch v. Maryland, the Supreme Court held that
 - a, state could tax a federal bank.
 - b. state militia were subservient to the federal armed services.
 - c. the federal government could pass any laws necessary and proper to the attainment of constitutional ends.
 - d. the federal government had the power to regulate commerce that occurred among states.
 - e. the judicial branch has the power to determine the legitimate governing power in the states.
- 5. In Federalist 78, Alexander Hamilton described the judiciary as
 - a. "the sword of the community."
 - b. "least dangerous" to political rights.
 - c. "command[ing] the purse."
 - d. "encouraging factions."
 - e. "beyond reproach."
- 6. What is the major issue (or set of issues) confronting the Supreme Court in America today?
 - a. The relationship between government and the economy
 - b. Nationbuilding
 - c. Personal liberty, social equality, and the potential conflict between the two
 - d. Establishing the supremacy of federal government
 - e. The constitutionality of the federal income tax
- 7. The *Dred Scott* case involved
 - a. the right of the national government to charter a bank.
 - b. the doctrine of separate but equal.
 - c. admission of new states to the union.
 - d. a slave owner's property rights to an escaped slave.
 - e. the suspension of habeas corpus.

- 8. A crucial decision involving the protection of private property interpreted the Fourteenth Amendment's reference to "person" to mean
 - a. whites only
 - b. adults.
 - c. labor unions.
 - d. business firms.
 - e. males.
- 9. Between 1887 and 1910, the Supreme Court upheld state regulation of business opportunity approximately _____ of the time?
 - a. 10 percent
 - b. 30 percent
 - c. 50 percent
 - d. 60 percent
 - e. 80 percent
- 10. The period in Supreme Court history from 1936 to the present has been marked by a concern for
 - a. the regulation of commerce.
 - b. states' rights.
 - c. personal liberties.
 - d. private property.
 - e. corporate fraud.
- 11. Court-packing refers to the practice of
 - a. taking away the Supreme Court's appellate jurisdiction.
 - b. appointing only justices who agree with the president's political philosophy.
 - c. appointing only justices who agree with Congress's political philosophy.
 - d. appointing only justices who can be categorized as strict constructionists.
 - e. ignoring decisions in which a majority of justices cannot agree on a single opinion.
- 12. Which court(s) are mandated by the U.S. Constitution?
 - a. The Supreme Court only
 - b. The Supreme and appellate courts
 - c. The Supreme, appellate, and district courts
 - d. Both constitutional and legislative courts
 - e. Legislative courts
- 13. What does the U.S. Constitution have to say about the size of the Supreme Court?
 - a. It specifically sets the number of justices at six, later amended to nine.
 - b. It specifically sets the number of justices at nine.
 - c. It suggests but does not mandate a Court of nine justices.
 - d. It does not indicate how large the Court should be.
 - e. It specifically places the matter in the hands of the House of Representatives.
- 14. The behavior of Justices Holmes, Burger, and Blackmun suggests that
 - a. presidents can sometimes be mistaken in their prediction about the actions of their judicial appointees.
 - b. the Supreme Court follows the election returns.
 - c. the president clearly controls the Supreme Court through his appointments.
 - d. dissenters on the Supreme Court have more influence that the majority.
 - e. Presidents are rarely concerned about "court-packing" today.

 15. Senatorial courtesy is an especially important consideration in nominations to a. legislative courts. b. courts of appeals. c. district courts. d. constitutional courts. e. intermediate appellate courts.
 16. The president who appointed the largest percentage of Hispanics to the federal courts was a. Gerald Ford. b. Jimmy Carter. c. Ronald Reagan. d. George W. Bush. e. Dwight Eisenhower.
 17. The litmus test is perhaps of greatest importance in nominations to a. constitutional courts. b. district courts. c. courts of appeal. d. legislative courts. e. the Supreme Court.
 18. In the century, the number of Supreme Court nominees rejected by the Senate is a. zero. b. fewer than ten. c. between then and twenty. d. more than twenty. e. more than thirty.
19. If it wanted to make its caseload significantly more manageable, the Supreme Court could probably do so <i>most</i> easily be a. requiring fewer votes for <i>certiorari</i> . b. requiring more votes for <i>certiorari</i> . c. eliminating its appeals docket. d. broadening its appeals docket. e. eliminating its original jurisdiction.
20. In a typical year, the Supreme Court may consider over petitions asking it to review decisions of lower of state courts. a. 1,000 b. 2,000 c. 5,000 d. 7,000 e. 30,000
21. In a typical year, the Supreme Court rarely gives full review to more than about of the petitions which request review of the decisions of lower or state courts. a. 10 b. 100 c. 1,000 d. 3,000 e. 10,000

 22. Clarence Gideon managed to have his case heard before the Supreme Court by a. filing a mandatory appeal. b. claiming diversity of citizenship. c. seeking expert legal assistance. d. filing as a pauper. e. appealing to the Court in a personal letter.
23. An organization that has been influential in getting First Amendment cases appealed to the Supreme Court is the a. NRA. b. National Taxpayers' Union. c. AFL-CIO. d. ACLU. e. NWO.
24. Indigent A, Middle-class B, and Rich C are contemplating taking a case to the U.S. Supreme Court. Which one is <i>most</i> likely to be discouraged by the costs involved? a. Indigent A. b. Middle-Class B. c. Rich C. d. a and b. e. All three would be affected equally.
 25. Taxpayer X believes that the federal Endangered Species Act is unconstitutional. What will he have to show before his case can be heard on its merits? a. That he has exhausted all other means to settle his grievance. b. That more than \$10,000 is involved. c. That he has suffered personal harm as a result of enforcement of the act. d. That Congress will not change the law. e. That the legislative branch is incapable of addressing the issue in a competent manner.
 26. Under the doctrine of sovereign immunity, a citizen cannot a. sue the government without its consent. b. bring two suits against one individual for the same crime. c. bring the same suit to courts in two different states. d. appeal a case that has already been ruled on by the Supreme Court. e. appeal a case that was decided more than one year earlier.
 27. Brown v. Board of Education is an example of a a. taxpayer suit. b. class-action suit. c. Section 1983 suit. d. reapportionment suit. e. client participatory suit.
28. Among the current members of the U.S. Supreme Court there is (are) women a. no b. 1 c. 2 d. 3 e. 4

29. The most common background or professional experience among members of the current Supreme Court is experience as
30. Republican presidents Nixon, Ford, Reagan and Bush appointed of the current members of the Supreme Court. a. 9 b. 7 c. 5 d. 3 e. 2
31. In most cases presented to the Supreme Court, the bulk of the argumentation presented by either side will be found in the a. brief. b. certiorari petition. c. oral argument. d. per curiam decision. e. complaint.

- 32. An interest group such as the ACLU or the NAACP is most likely to attempt to influence the Supreme Court by
 - a. appealing a decision directly to the president.
 - b. consulting in the nomination process of a new Supreme Court justice.
 - c. writing an amicus curiae brief.
 - d. raising a political question with the solicitor general.
 - e. lobbying the American Bar Association.
- 33. A chief justice is able to exercise his influence most effectively by
 - a. setting the agenda.
 - b. guiding the voting.
 - c. guiding the debate.
 - d. enforcing the decision.
 - e. directing oral argument.
- 34. What happens if a vote by the Supreme Court ends in a tie?
 - a. The chief justice breaks the tie.
 - b. A majority of both houses of Congress decides the case.
 - c. The lower court decision is left standing.
 - d. A vote cannot end in a tie because all nine justices must participate in every vote.
 - e. The U.S. Attorney General casts the deciding vote.
- 35. Among the types of written opinions issued by the Supreme Court are all of the following except
 - a. majority.
 - b. per curiam.
 - c. concurring.
 - d. dissenting
 - e. mandatory.

- 36. One measure of the policy-making role of the Supreme Court is the frequency with which it
 - a. supports the president.
 - b. supports Congress.
 - c. departs from stare decisis.
 - d. challenges interest groups.
 - e. upholds precedent.
- 37. The argument that justices usually lack expertise in many aspects of society today is *most* likely to be used by those favoring
 - a. judicial activism.
 - b. strict constructionism.
 - c. liberal causes.
 - d. conservative causes.
 - e. legal realists.
- 38. Cases that come before the courts usually originate from
 - a. ambitious lawyers.
 - b. contending interests
 - c. conflicting laws.
 - d. free speech violations.
 - e. incompetent trial court judges.
- 39. Public confidence in the Supreme Court at any given time is most closely related to
 - a. the appointment of a new justice to the court.
 - b. decisions that reflect either a clearly liberal or a clearly conservative outlook.
 - c. the popularity of government as a whole.
 - d. the performance of the economy, especially with regard to inflation.
 - e. the perception of division on the court.
- 40. One cause of today's increased judicial activism is the fact that
 - a. more judges are willing to stretch the U.S. Constitution to achieve certain ends.
 - b. political parties are stronger today then they were fifty years ago.
 - c. interest groups employ more layers today.
 - d. a majority of the senate will simply not confirm anyone who is not an activist.
 - e. more judges believe they should be activists.