The Judiciary Quiz

1) Why did the Framers include life tenure for federal judges?
A) To attract candidates for the positions
B) To make it more difficult for the president and Congress to agree on good candidates
C) To make judges less likely to be moved by political pressures
D) To ensure that judges would remain ethical while in office
E) To make the judiciary more powerful than Congress or the president

2) Included among the checks on the powers of the U.S. Supreme Court are:
I. Congress can alter the jurisdiction of the Supreme Court.
II. The Court’s decisions can be reversed by constitutional amendment.
III. Judges can be impeached and removed from office.
IV. The House of Representatives can appoint Supreme Court judges.
A) I and IV
B) II and III
C) I and II
D) I, II, and III
E) I, II, III, and IV

3) The Judiciary Act of 1789
A) created the Supreme Court and its jurisdiction.
B) established the state court systems.
C) established the basic structure of the federal court system.
D) granted the Supreme Court the power of judicial review.
E) established local court systems within the thirteen states.

4) Why is there an odd number of justices on the Supreme Court?
A) Congress set the precedent as such when it established the Supreme Court.
B) An odd number prevents a tie.
C) It is purely by chance.
D) It has been set that way since 1801.
E) The U.S. Constitution mandates that there be nine justices.

5) Chief Justice John Marshall tried to transform the Court into a coequal branch of government through key decisions such as *McCulloch v. Maryland* that
A) outlawed *seriatim* opinions.
B) made the Court the final arbiter of constitutionality.
C) declared federal laws invalid.
D) broadly interpreted the commerce clause.
E) applied the Bill of Rights to both the federal and state governments.
6) If the Supreme Court decided to rule that an Arizona immigration law is unconstitutional, it would be practicing what is called
A) *stare decisis*.
B) a *seriatim* opinion.
C) judicial review.
D) a partial *en banc* opinion.
E) a summary decision.

7) Although judicial review was not mentioned in the Constitution, ________ publicly endorsed the idea in *Federalist No. ________*.
A) John Jay/10
B) John Jay/50
C) James Madison/50
D) Alexander Hamilton/78
E) John Marshall/51

8) In *Marbury v. Madison*, the opinion of the Court stressed that
A) the Judiciary Act of 1789 was unconstitutional.
B) John Marshall was not to be outdone by his cousin, Thomas Jefferson.
C) it is the authority of the Court to say what the law is.
D) Marbury could not become a justice of peace in the state of New York.
E) Marbury could receive his commission.

9) Before any state or federal court can hear a case, it must have ________, the authority to hear the case as defined by law or constitution.
A) jurisdiction
B) legal approval
C) controversy
D) legitimacy
E) standing

10) The jurisdiction of the federal courts is controlled by
A) the vice president.
B) the president in consultation with the Department of Justice.
C) the Constitution and statutes passed by Congress under its Article III authority.
D) the Constitution alone.
E) the House of Representatives exclusively.

11) Appellate courts usually
A) hear only criminal cases.
B) hear only civil cases.
C) determine the facts of a case.
D) review the legal procedures of a case.
E) hear bankruptcy cases.
12) Under U.S. criminal law, the victim is considered to be
A) the perpetrator.
B) society in general.
C) those who were hurt directly by the conduct of someone else.
D) the state or federal attorney prosecuting the case.
E) the individual who is entitled to final compensation for his or her injuries.

13) Suppose you are injured on the job and decide to sue your employer for negligence. In that case, you will be referred to as the ____ in court.
A) defendant
B) plaintiff
C) appellant
D) attorney general
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14) A document containing the collected legal arguments in a case that is filed with a court prior to trial is called
A) a petition for a writ of certiorari.
B) a petition of habeas corpus.
C) a writ of mandamus.
D) an amicus curiae brief.
E) a brief.

15) The U.S. Supreme Court decided that a certain film was not obscene because it failed to meet the criteria for obscenity established by Miller v. California. This is an example of
A) precedent.
B) being overruled.
C) a constitutional mandate.
D) appellate jurisdiction.
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16) Senatorial courtesy
A) refers to the norm in the Senate to be cordial to other senators.
B) describes the historical deference of the president to senators of the same political party to approve the nomination of federal district court judges within their states.
C) refers to the right of senators to bar the nominations of any federal judge from their home state.
D) refers to the Senate’s refusal to confirm Supreme Court nominees who do not meet the approval of their home state Senators.
E) describes a process used during the filibuster.
17) In hindsight, which presidents would be the MOST likely to be disappointed in their nominees to the U.S. Supreme Court?
A) George Washington
B) Franklin D. Roosevelt
C) Dwight D. Eisenhower
D) Bill Clinton
E) Barack Obama

18) Before Supreme Court justices could be elected,
A) the Constitution would have to be amended.
B) potential justices would have to be discouraged from engaging in partisan politics.
C) common law would have to be abandoned.
D) quotas would be needed to assure minority representation.
E) the size of the Court would have to be enlarged.

19) Since 1988, nearly all appellate cases that have arrived at the Court have been through
A) writs of *certiorari*.
B) *stare decisis*.
C) *in forma pauperis* petitions.
D) original jurisdiction.
E) the state supreme courts.

20) The U.S. Supreme Court has original jurisdiction in all cases EXCEPT
A) cases affecting ambassadors.
B) cases involving public ministers.
C) citizens seeking writs of *mandamus*.
D) cases where two states are the parties.
E) cases involving public consuls.

21) The member of the Justice Department who handles all Supreme Court appeals for the U.S. government is the
A) attorney general.
B) solicitor general.
C) special master.
D) secretary of justice.
E) deputy attorney general.

22) Interest groups most often participate in Supreme Court cases through the use of
A) *amicus curiae* briefs.
B) monetary donations.
C) direct mail campaigns.
D) marches, protests, and petitions.
E) case sponsorship.
23) During conference, Supreme Court justices speak in order by
   A) age.
   B) interest.
   C) ideology.
   D) choice.
   E) seniority.

24) A Supreme Court justice who agrees with the outcome reached by the majority but not with
     the legal reasoning behind the decision may issue a
     A) minority opinion.
     B) _per curiam_ opinion.
     C) _seriatim_ opinion.
     D) concurring opinion.
     E) dissenting opinion.

25) The idea that judges should use their power broadly to further justice is called
    A) _stare decisis_.
    B) original intent.
    C) judicial restraint.
    D) judicial activism.
    E) judicial moderation.
The Judiciary Quiz

1) Why did the Framers include life tenure for federal judges?
A) To attract candidates for the positions
B) To make it more difficult for the president and Congress to agree on good candidates
C) To make judges less likely to be moved by political pressures
D) To ensure that judges would remain ethical while in office
E) To make the judiciary more powerful than Congress or the president
Answer: C
Reference: LO 10.1, pgs. 325-331
Skill: Understanding

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A) I and IV
B) II and III
C) I and II
D) I, II, and III
E) I, II, III, and IV
Answer: D
Reference: LO 10.1, pgs. 325-331
Skill: Understanding

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C) established the basic structure of the federal court system.
D) granted the Supreme Court the power of judicial review.
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Answer: C
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Skill: Understanding
4) Why is there an odd number of justice on the Supreme Court?
A) Congress set the precedent as such when it established the Supreme Court.
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C) It is purely by chance.
D) It has been set that way since 1801.
E) The U.S. Constitution mandates that there be nine justices.
Answer: B
Reference: LO 10.1, pgs. 325-331
Skill: Analysis

5) Chief Justice John Marshall tried to transform the Court into a coequal branch of government through key decisions such as McCulloch v. Maryland that
A) outlawed seriatim opinions.
B) made the Court the final arbiter of constitutionality.
C) declared federal laws invalid.
D) broadly interpreted the necessary and proper clause.
E) applied the Bill of Rights to both the federal and state governments.
Answer: B
Reference: LO 10.1, pgs. 325-331
Skill: Understanding

6) If the Supreme Court decided to rule that an Arizona immigration law is unconstitutional, it would be practicing what is called
A) stare decisis.
B) a seriatim opinion.
C) judicial review.
D) a partial en banc opinion.
E) a summary decision.
Answer: C
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Skill: Application

7) Although judicial review was not mentioned in the Constitution, ________ publicly endorsed the idea in Federalist No. ________.
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B) John Jay/50
C) James Madison/50
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Answer: D
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Answer: C
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Skill: Understanding

9) Before any state or federal court can hear a case, it must have ________, the authority to hear the case as defined by law or constitution.
A) jurisdiction
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C) controversy
D) legitimacy
E) standing
Answer: A
Reference: LO 10.2, pgs. 331-333
Skill: Understanding

10) The jurisdiction of the federal courts is controlled by
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D) the Constitution alone.
E) the House of Representatives exclusively.
Answer: C
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Answer: D
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B) society in general.
C) those who were hurt directly by the conduct of someone else.
D) the state or federal attorney prosecuting the case.
E) the individual who is entitled to final compensation for his or her injuries.
Answer: B
Reference: LO 10.2, pgs. 331-333
Skill: Understanding

13) Suppose you are injured on the job and decide to sue your employer for negligence. In that case, you will be referred to as the ____ in court.
A) defendant
B) plaintiff
C) appellant
D) attorney general
E) accused
Answer: B
Reference: LO 10.2, pgs. 331-333
Skill: Application

14) A document containing the collected legal arguments in a case that is filed with a court prior to trial is called
A) a petition for a writ of certiorari.
B) a petition of habeas corpus.
C) a writ of mandamus.
D) an amicus curiae brief.
E) a brief.
Answer: E
Reference: LO 10.3, pgs. 333-336
Skill: Understanding

15) The U.S. Supreme Court decided that a certain film was not obscene because it failed to meet the criteria for obscenity established by Miller v. California. This is an example of
A) precedent.
B) being overruled.
C) a constitutional mandate.
D) appellate jurisdiction.
E) a seriatim decision.
Answer: A
Reference: LO 10.3, pgs. 333-336
Skill: Application
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C) refers to the right of senators to bar the nominations of any federal judge from their home state.
D) refers to the Senate’s refusal to confirm Supreme Court nominees who do not meet the approval of their home state Senators.
E) describes a process used during the filibuster.
Answer: B
Reference: LO 10.4, pgs. 336-344
Skill: Understanding

17) In hindsight, which presidents would be the MOST likely to be disappointed in their nominees to the U.S. Supreme Court?
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C) Dwight D. Eisenhower
D) Bill Clinton
E) Barack Obama
Answer: C
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Skill: Analysis

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C) common law would have to be abandoned.
D) quotas would be needed to assure minority representation.
E) the size of the Court would have to be enlarged.
Answer: A
Reference: LO 10.4, pgs. 336-344
Skill: Application

19) Since 1988, nearly all appellate cases that have arrived at the Court have been through
A) writs of certiorari.
B) stare decisis.
C) in forma pauperis petitions.
D) original jurisdiction.
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Answer: A
Reference: LO 10.5, pgs. 344-353
Skill: Understanding
20) The U.S. Supreme Court has original jurisdiction in all cases EXCEPT
A) cases affecting ambassadors.
B) cases involving public ministers.
C) citizens seeking writs of mandamus.
D) cases where two states are the parties.
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Answer: C
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Skill: Understanding

21) The member of the Justice Department who handles all Supreme Court appeals for the U.S. government is the
A) attorney general.
B) solicitor general.
C) special master.
D) secretary of justice.
E) deputy attorney general.
Answer: B
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Skill: Understanding

22) Interest groups most often participate in Supreme Court cases through the use of
A) amicus curiae briefs.
B) monetary donations.
C) direct mail campaigns.
D) marches, protests, and petitions.
E) case sponsorship.
Answer: A
Reference: LO 10.5, pgs. 344-353
Skill: Understanding

23) During conference, Supreme Court justices speak in order by
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Answer: E
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