

Checks on the Judicial Branch

Explain how other branches in the government can limit the Supreme Court's power.

1. Judicial review was established in the case

- a. Marbury v. Madison (1803)
- b. Fletcher v. Peck (1810)
- c. McCulloch v. Maryland (1819)
- d. Gibbons v. Ogden (1824)

2. National supremacy was established in the case

- a. Marbury v. Madison (1803)
- b. Fletcher v. Peck (1810)
- c. McCulloch v. Maryland (1819)
- d. Gibbons v. Ogden (1824)

3. A broad interpretation of the commerce clause was established in the case

- a. Marbury v. Madison (1803)
- b. Fletcher v. Peck (1810)
- c. McCulloch v. Maryland (1819)
- d. Gibbons v. Ogden (1824)

4. The Federal judiciary is checked in all of the following ways EXCEPT

- a. Federal judges serve limited terms
- b. The Constitution can be amended
- c. Legislative branch members can rewrite laws deemed unconstitutional
- d. Executive branch officials can choose not to enforce court decisions

5. Having jurisdiction empowers a court to decide a case. Conversely, without jurisdiction courts are limited. There are certain cases that federal courts are restricted from viewing. Which of the following cases would the U.S. Supreme Court most likely not have jurisdiction over?

- a. An issue dealing with free speech
- b. An issue concerned with one state against another
- c. An issue dealing with capital punishment
- d. An issue dealing with school policy

6. Many political scientists have unabashedly said, "The Supreme Court follows election returns." By this they mean

- a. The Court worries about presidential appointments
- b. The Court now carries the authority to decide presidential election outcomes
- c. The Court is made up of previous elected officials
- d. The Court is sensitive to public opinion

7. The following was stated in a recent Court opinion: *“The root of American governmental power is revealed most clearly in the instance of the power conferred by the Constitution upon the Judiciary of the United States and specifically upon this Court. As Americans of each succeeding generation are rightly told, the Court cannot buy support for its decisions by spending money and, except to a minor degree, it cannot independently coerce obedience to its decrees. The Court’s power lies, rather, in its legitimacy, a product of substance and perception that shows itself in the people’s acceptance of the Judiciary as fit to determine what the Nation’s law means and to declare what it demands.”* What is the main idea of this excerpt?

- a. We follow the Court due to its legitimacy, yet its legitimacy depends upon likable decisions
- b. We follow the Court due to financially acceptable opinions that buy our approval
- c. We follow the Constitution and therefore defer to the Courts regardless of their opinions
- d. Legitimacy in government is a fancy way of saying “governments can do whatever they want.”

8. Federalism checks the Courts in all of the following ways EXCEPT

- a. Proposed constitutional amendments are ratified by state legislatures
- b. Our dual court system means there are federal and state courts
- c. State Supreme Courts do not need to follow federal precedents
- d. Certain state cases lack federal jurisdiction

9. All of the following check the United States Supreme Court EXCEPT

- a. Can be fired by the president
- b. Lack of enforcement
- c. Public opinion
- d. Impeachment

10. All of the following serve as checks on the judicial branch EXCEPT

- a. Impeachment
- b. Lack of enforcement
- c. Term limits
- d. Congressional oversight

11. Which of the following scenarios provides the best example of a presidential litmus test?

- a. A Democratic president asks Tom if he voted when he was in college
- b. A Republican president asks Tom if he would limit a women’s right to choose an abortion
- c. A Libertarian president asks Tom if he would consider running as his Vice President
- d. A Democratic president asks Tom if he would uphold the U.S. Constitution

Critical Thinking Prompt: Overtime, what has been the best check and balance on our Supreme Court? Assess data that compares approval ratings on Congress, the president and the Court. What lessons can be learned from this data?