

## The Courts in Action

**Explain how the exercise of judicial review in conjunction with life tenure can lead to debate about the legitimacy of the Supreme Court's power.**

1. What was Hamilton's assessment of the federal courts in Federalist #78?

- a. Least dangerous branch
- b. Most dangerous branch
- c. Least noticed branch
- d. Most noticed branch

2. Judicial review was established in the court case

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

3. Which of the following would best serve as an example of judicial review?

- a. Congress, through its oversight, changes the jurisdiction of the court
- b. The President and the Justice Department analyze the partisanship of the court
- c. The Court rules an act of the President unconstitutional
- d. The bureaucracy has created so many cases for the court, it is back logged.

4. Which of the following helps to keep our judicial branch independent?

- a. Judges tend to be old
- b. Judges are unelected
- c. Judges cannot enforce their decisions
- d. Judges collaborate with other judges

5. Democratic governments depend upon an independent judiciary. This means

- a. Judges who know the president are disqualified
- b. Courts act far away from the seat of government
- c. Courts are free from political influence and persuasion
- d. Judges must demonstrate that their politics is moderate

6. The text claims, "our political socialization process predisposes...loyalty." What does this mean?

- a. We are raised to trust the courts
- b. Modern media only covers the court in a positive light
- c. Modern courts always make the most popular decision
- d. We are blinded by arcane rules and procedures

7. If the court acts illegitimately, Congress can do all of the following EXCEPT

- a. Change the court's jurisdiction
- b. Change the size of the court
- c. Change the pay of the court
- d. Change an opinion through a legislative veto

8. If the court acts illegitimately, the President can do all of the following EXCEPT

- a. Choose not to enforce a decision
- b. Choose a different justice when an opening arises
- c. Speak out against the court
- d. Remove a sitting judge

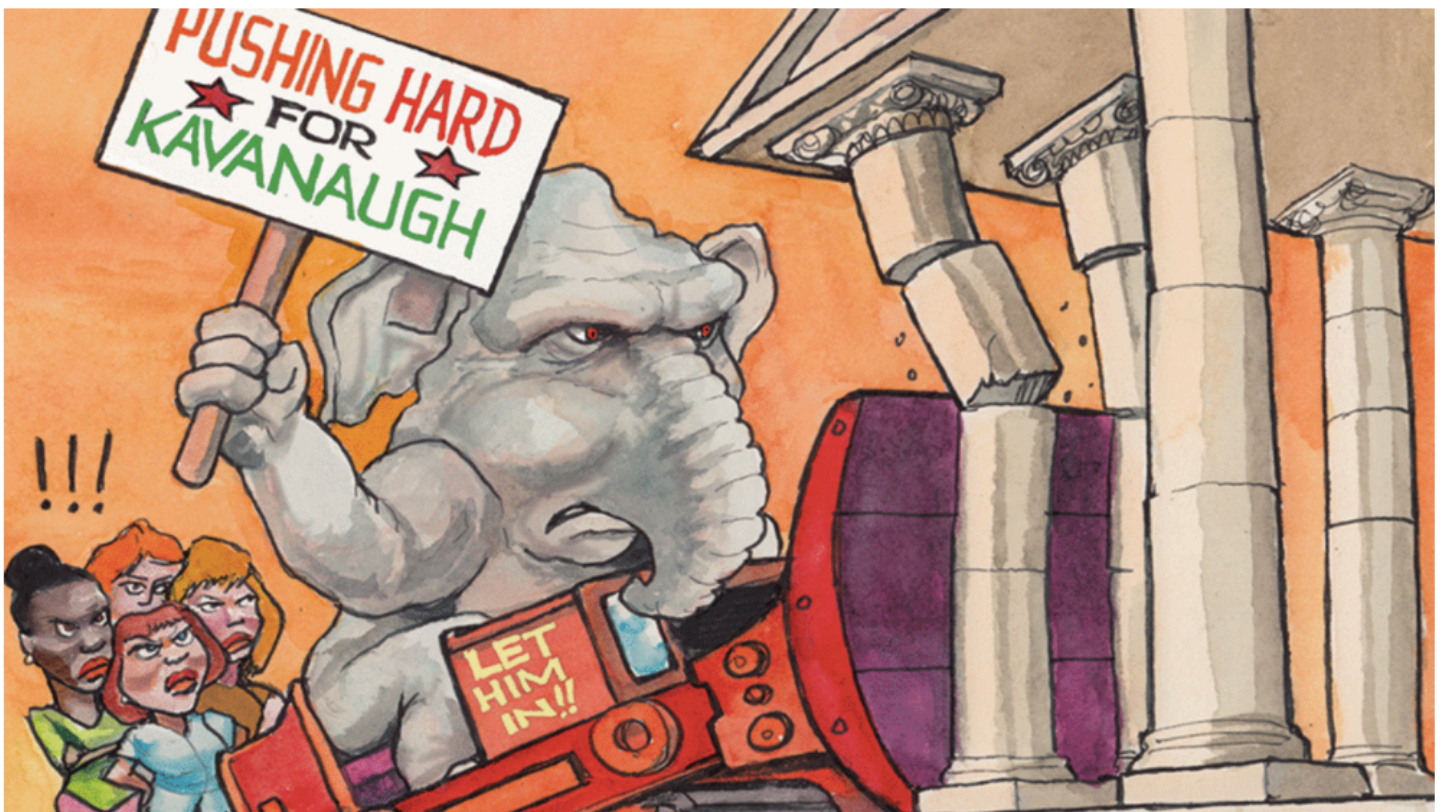
9. What have most political scientist discovered about the alleged partisan revolution by the court?

- a. It has not happened
- b. The court has flipped alliances
- c. The court has avoided all controversial cases
- d. It has been readily accepted by the masses

10. The best way for the court to maintain its legitimacy, according to recent studies, is to

- a. Make decisions that are too complicated to understand
- b. Make decisions that the majority of the public agrees with
- c. Make decisions only in non-controversial cases
- d. Make decisions that are only unanimous

**Critical Thinking Prompt 1:** What would an illegitimate court look like? How can we prevent an illegitimate court? How can we strengthen our court's ability to serve justice, as expected?



**Critical Thinking Prompt 2:** Explain why court confirmations have become so political? What are the dangers and pitfalls of an overtly political federal court system?