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Multiple Choice

1. In the context of Supreme Court conferences, which of the following statements is true of a dissenting opinion?
   a. It can be written by one or more justices.
   b. It refers to the opinion of the Chief Justice of the Supreme Court.
   c. It occurs when a justice is in agreement with the Court's decision, but for reasons different from the majority opinion.
   d. It is expressed by a judge or justice who is in agreement with the majority opinion.
   e. It refers to a consensual disagreement of all the nine justices to the Court's decision.

2. Which of the following statements is true of the U.S. courts of appeals?
   a. They hear evidence or testimony.
   b. A single judge presides over court proceedings in appellate courts.
   c. There are fifty-two federal courts of appeals in the United States.
   d. They review the transcript of the trial court's proceedings.
   e. They form the lowest tier of the federal court system.

3. In the context of approaches to legal interpretation, originalists believe that to determine the meaning of a particular constitutional phrase, _____.
   a. the Court should look to the intentions of the founders
   b. the Court should stick strictly to the text of the Constitution
   c. the government should base their views on the opinion of the majority of the public
   d. the government should base their views on the history of precedents
   e. the Court should examine the Constitution in the context of today's society

4. _____ refers to the authority of a court to hear and decide a particular case.
   a. Administrative responsibility
   b. Impeachment
   c. Stare decisis
   d. Senatorial courtesy
   e. Jurisdiction

5. Which of the following statements is true of the United States Supreme Court?
   a. The Supreme Court has appellate authority over cases decided by the U.S. courts of appeals.
   b. The U.S. Supreme Court is on the middle tier of the federal court system.
   c. The Supreme Court primarily acts as a trial court.
   d. Most cases originate at the Supreme Court level.
   e. The United States Supreme Court consists of ten justices—one chief justice and nine associate justices.

6. ________ is mandated by various established judicial traditions and doctrines, including the doctrine of stare decisis, which theoretically obligates the Supreme Court to follow its own precedents.
   a. Judicial activism
   b. Self-restraint
   c. Original intent
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d. Strict construction
e. Gerrymandering

7. Which of the following is true of the checks and balances on the American judiciary?
   a. The Supreme Court hears meritless appeals so it can rule on such issues.
   b. Congress has the authority to limit or otherwise alter the jurisdiction of the lower federal courts.
   c. Justices make decisions based on their personal values and policy preferences.
   d. The Supreme Court cannot re-open a case that has been heard in the lower courts.
   e. Federal and state legislatures are obligated to appropriate the funds necessary to carry out rulings.

8. Which of the following is true of policymaking in the United States?
   a. Policymaking is the primary function of the trial courts.
   b. Federal courts cannot influence policy when they apply the law.
   c. Policymaking is an unavoidable function of the federal court.
   d. District courts cannot establish policy when they interpret the law.
   e. The doctrine of stare decisis allows the Supreme Court to make policies.

9. The opinion that receives the support of the largest number of justices, but does not command a majority of the Court, is referred to as a(n) _____.
   a. majority opinion
   b. plurality opinion
   c. sanctioned opinion
   d. anteceding opinion
   e. certiorari opinion

10. In the context of federal court jurisdiction, which of the following is one of the criteria that qualify a case as a "diversity of citizenship" case?
    a. The parties in the lawsuit must live in different states.
    b. The parties must have standing to sue.
    c. The accusation against the defendant must be of a criminal nature.
    d. The amount in controversy must be more than $14,000.
    e. The parties in the lawsuit must have been residents of the United States for at least three years.

11. Which of the following statements is true of administrative laws?
    a. They are valid only when enacted by legislative bodies.
    b. Under these laws, judges are obligated to follow the precedents established within their jurisdiction.
    c. They are considered the supreme law of the land.
    d. All the states in the United States follow a common set of administrative laws that have not undergone any changes.
    e. They are the rules, regulations, orders, and decisions of government agencies.

12. The appellate court's decision in a case is final if:
    a. the case involves a federal question.
    b. the defendant is charged with contempt of court.
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c. a panel of experts reviews the transcript of the trial court's proceedings in the case.
d. a panel of ten jurors unanimously agrees with the ruling.
e. the high court declines to review the case.

13. According to Article III of the U.S. Constitution, there is only one national Supreme Court, but _____ is empowered to create additional courts as it deems necessary.
   a. the president
   b. the chief justice
c. Congress
d. the cabinet
e. the Court of Appeals for the Federal Circuit

14. In the context of federal court nominations for judicial positions, the _____ holds hearings and makes its recommendation to the Senate, where it takes a majority vote to confirm the presidential nomination.
   a. Senate Judiciary Committee
   b. House Judiciary Committee
c. Senate Appropriations Committee
d. House Ways and Means Committee
e. Joint Congressional Committee

15. To reverse Supreme Court rulings, _____.
   a. a panel of nine federal justices can express a dissenting opinion
   b. parties involved in cases of federal question can appeal to appellate courts for judicial review
   c. Congress can propose amendments to the United States Constitution
d. state courts can revise old laws or pass new ones in an attempt to negate a court's ruling
e. lower federal courts can alter or limit the jurisdiction of the Supreme Court

16. Which of the following statements is true of the term "jurisdiction"?
   a. It refers to the reasons given by a Supreme Court judge for a particular ruling.
b. It applies to the power of courts to decide matters about certain persons, types of property, or subjects.
c. It describes the absolute power possessed by higher courts to overrule rulings of lower courts.
d. It refers to the obligation of state courts to decide cases based on the documented history of precedents.
e. It describes the power of legislature to veto bills.

17. If the Supreme Court of Georgia holds that a state law requiring candidates for state office to pass drug tests is unconstitutional, that decision will control the outcome of future cases on that issue brought before state courts in Georgia. This best exemplifies:
   a. the implementation of the ex post facto law.
b. the implementation of the due process clause.
c. the implementation of the writ of habeas corpus.
d. the practice of double jeopardy.
e. the practice of stare decisis.

18. The U.S._______, positioned at the lowest tier of the federal court system, hear evidence or testimony pertinent to a particular case.
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19. The _____ to the U.S. Constitution reserves to the states and to the people all powers not granted to the federal government.
   a. Second Amendment
   b. Ninth Amendment
   c. Tenth Amendment
   d. Third Amendment
   e. Fifth Amendment

20. The American judiciary is subjected to a number of checks. One such check is that:
   a. the Supreme Court hears meritless appeals so it can rule on such issues.
   b. justices broaden their rulings to focus on multiple aspects of an issue, not just one aspect.
   c. justices make decisions based on their personal values and policy preferences.
   d. legislatures can revise old laws or pass new ones in an attempt to negate a court's ruling.
   e. federal and state legislatures are obligated to appropriate the funds necessary to carry out rulings.

21. As a result of a practice known as _____, home-state senators of the president's political party can influence the choice of the nominee to a district court.
   a. partisan politeness
   b. senatorial courtesy
   c. representative respect
   d. senatorial chivalry
   e. congressional cordiality

22. In the context of approaches to legal interpretation, modernists differ from originalists in that they__________.
   a. believe that the Court should look to the intentions of the founders
   b. seek to examine the Constitution in the context of today's society
   c. contend that the government should do nothing that is not specifically mentioned in the Constitution
   d. advocate that the Court should stick strictly to the text of the Constitution
   e. propose that the Constitution should be rewritten in its entirety

23. Which of the following statements is true of case laws?
   a. They are valid only when enacted by legislative bodies of the government.
   b. They are specific for each state, independent of the nature of a lawsuit.
   c. They are considered the supreme law of the land.
   d. They include interpretations of constitutional provisions.
   e. They include the ordinances passed by cities and counties.

24. The common law evolved from the _____, established by William the Conqueror in England.
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a. courts of registry  
b. commonwealth courts  
c. criminal houses  
d. king's courts  
e. appellate courts

25. Justices of the Supreme Court are appointed by the president with the advice and consent of the_____.
   a. Senate  
b. vice president  
c. state supreme courts  
d. Kitchen Cabinet  
e. cabinet

26. The_____ is a specialized court that was initially created to issue search warrants against suspected foreign spies inside the United States.
   a. National Security Agency  
b. Foreign Intelligence Surveillance Court  
c. National Security Council  
d. Federal Bureau of Investigation  
e. Central Intelligence Agency

27. Ordinarily, federal judges:
   a. serve twelve-year terms.  
b. cannot be removed from office through the impeachment process.  
c. are nominated by the vice president.  
d. serve until they resign, retire, or die.  
e. serve until their six-year term is completed.

28. The doctrine of stare decisis is based on_____.
   a. precedents  
b. caucuses  
c. writs  
d. objections  
e. mistrials

29. The judicial philosophy known as________holds that the government should do nothing that is not specifically mentioned in the U.S. Constitution.
   a. textual conservatism  
b. broad constructionism  
c. discourse analysis  
d. strict constructionism  
e. deconstructionism

30. Which of the following statements is true about constitutional law?
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a. It consists of the rights and duties set forth in the federal Constitution and not the state constitutions.
   b. It is the supreme law of the United States.
   c. It applies only to ordinances passed by counties.
   d. It relies on local legislatures to determine the constitutionality of a law.
   e. It is the basis of the federal laws in the United States but not of the state laws.

31. The power of the courts to decide on the constitutionality of legislative enactments and of actions taken by the executive branch is known as _____.
   a. judicial policymaking
   b. judicial trial
   c. judicial contempt
   d. judicial intent
   e. judicial review

32. A justiciable controversy is an issue that:
   a. is real and substantial.
   b. cannot be heard in a court of law.
   c. can only be heard by the U.S. Supreme Court.
   d. is hypothetical or academic.
   e. raises a federal question.

33. Which of the following best describes the writ of certiorari?
   a. It is a consensual agreement between the prosecutor and the defendant in a court case.
   b. It is a record of precedents stored in the United States Supreme Court.
   c. It is a document signed by the U.S. president granting pardon to a person convicted of a crime.
   d. It is an order from a higher court asking a lower court for the record of a case.
   e. It is an appeal from an appellate court asking the Supreme Court to review a case.

34. A denial of a writ of certiorari:
   a. indicates that the Supreme Court agrees with a lower court's opinion.
   b. means that the decision of the lower court remains the law within that court's jurisdiction.
   c. occurs when lower courts are unable to send the record of the case in question to the Supreme Court.
   d. is a decision on the merits of a case.
   e. is purely based on the discretion of federal appellate courts.

35. Which of the following best describes the term "contempt of court"?
   a. It is a requirement that a controversy being brought to court be real and substantial, as opposed to academic or hypothetical.
   b. It is a basis for federal court jurisdiction over a lawsuit that arises when the parties in the lawsuit live in different states.
   c. It is a ruling that a person has disobeyed a court order or has shown disrespect to the court or to a judicial proceeding.
   d. It is a basis for federal court jurisdiction over a lawsuit that arises when one of the parties is a foreign citizen.
   e. It is a requirement that an individual must have a sufficient stake in a controversy before he or she can bring a
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lawsuit.

36. Which of the following statements is true of the federal court system in the United States?
   a. On the lowest tier of the federal court system are the U.S. district courts.
   b. The number of judicial districts in the United States has been fixed at forty.
   c. The federal court system is a two-tiered model.
   d. The District of Columbia does not have its own federal court system.
   e. There are a total of fifty five court systems in the United States.

37. After the justices of the Supreme Court have considered all the information provided by the appellate attorneys, they:
   a. inform the president of their decision.
   b. submit a joint report to their law clerks, who then issue their official decision.
   c. determine the rulings of the case in a committee meeting that is televised by the major networks.
   d. discuss the case in conference, which is strictly private.
   e. announce their decision to the Congress leaders.

38. The U.S. Supreme Court:
   a. grants most petitions for a writ of certiorari.
   b. is not required to issue a writ of certiorari.
   c. is against the privilege of the writ of certiorari.
   d. is obligated to issue a writ of certiorari when the parties involved request that it do so.
   e. always issues a writ of certiorari when criminal proceedings are involved.

39. In the context of Supreme Court conferences, an opinion that commands the support of more than half of the justices is called a ______.
   a. weighted opinion
   b. maximal opinion
   c. consensus opinion
   d. majority opinion
   e. winning opinion

40. Justice Antonin Scalia calls himself a textualist. What Scalia means by textualism is that:
   a. when determining the meaning of legislation, he looks at the Constitution in the context of today's society.
   b. he actively uses his powers to check the legislative and executive branches to ensure that they do not exceed their authority.
   c. he defers to the decisions of the legislative and executive branches of the United States government.
   d. when determining the meaning of legislation, he refuses to consider anything other than the actual transcript of the law.
   e. when determining the meaning of legislation, he considers the nature of the problem the legislation was meant to address.

41. ______ is the body of written laws enacted by legislative bodies at any level of government.
   a. Administrative law
   b. Case law
   c. Constitutional law
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d. Statutory law
e. Precedent law

42. Which of the following statements is true of the practice of senatorial courtesy?
   a. It allows the president to veto a federal nomination by a senator from his or her own party.
   b. It is a written statement by a court expressing the reasons for its decision in a case.
   c. It is exercised by senators of the president's political party.
   d. It empowers appellate courts to overrule district court decisions.
   e. It is a spoken argument presented to a judge in person by a senator during a trial.

43. Due to the activism of the Warren Court, the term judicial activism has often been linked with _____.
   a. liberalism
   b. dictatorship
   c. libertarianism
   d. conservatism
   e. communism

44. Which of the following statements is true of the king's courts?
   a. They were an important part of the judiciary before the Norman Conquest.
   b. The law developed in the king's courts applied to the whole of England.
   c. They depended on the local legal customs of various regions in America.
   d. They are also referred to as stare decisis.
   e. The earliest forms of courts in America were called king's courts.

45. __________ asserts that the courts should not thwart the implementation of legislative acts unless those acts are clearly unconstitutional.
   a. Judicial activism
   b. Judicial superiority
   c. Judicial restraint
   d. Judicial supremacy
   e. Judicial review

46. Which of the following statements is true of decisions made by the United States Supreme Court?
   a. The decision is sent to the president for approval.
   b. The decision is binding on all lower courts.
   c. The decision requires two-thirds of Senate approval.
   d. The decision goes to congress for approval.
   e. It is suggested that lower courts follow the ruling.

47. In its 2010 ruling, Citizens United v. Federal Election Commission, The Supreme Court:
   a. voted unanimously
   b. integrated schools
   c. overturned a presidential pardon
   d. overturned two precedents
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e. upheld stare decisis

48. A ______ is defined as a basis of law that establishes the law, including constitutions, statutes, administrative agency rules and regulations, and decisions rendered by the courts.
   a. Primary Source of law
   b. Case law
   c. Constitutional law
   d. Statutory law
   e. Precedent law

49. The branch of law that spells out the duties that individuals in society owe to other persons or to their governments, excluding the duty not to commit crimes, is known as ____.
   a. Criminal law
   b. Case law
   c. Constitutional law
   d. Statutory law
   e. Civil law

50. Which of the following is true of appellate courts?
   a. also known as the U.S. courts of appeals.
   b. reviews the transcript of the trial court’s proceedings
   c. consists of a panel of three or more judges
   d. is on the middle tier of the federal court system
   e. all of the above

51. On average, the Supreme Court hears ____ cases each year.
   a. ten to twenty
   b. fewer than one hundred
   c. around three hundred
   d. a thousand
   e. over a thousand

52. Which of the following U.S. Supreme Court cases established that same-sex couples have a constitutional right to marry?
   a. Obergefell v. Hodges
   b. Citizens United v. Federal Election Commission
   c. Brown v. Board of Education of Topeka
   d. Marbury v. Madison
   e. King v. Burwell

53. Which of the following is true of a president’s selection of nominees to the Supreme Court?
   a. Some presidents chose a judge to appease the opposing party.
   b. Nominees are increasingly receiving unanimous support in the Senate.
   c. Partisanship plays a significant role in the president’s choice.
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d. A president tries to choose the youngest candidate.
e. A president waits as long as possible to nominate candidates.

54. Issues stemming from new communications technologies, including the Internet, represent what type of situation for the courts?
   a. There is no relevant law or precedent to follow.
   b. Precedents are already established.
   c. There are conflicting technologies.
   d. Federal law is irrelevant on a local level.
   e. The doctrine of *stare decisis* has to be upheld.

55. Which of the following issues was actively propelled from 1953 to 1969 under the leadership of Chief Justice Earl Warren?
   a. Women’s suffrage
   b. Making the voting age eighteen
   c. Nationalism
   d. Gay rights
   e. Civil rights

Essay

56. Differentiate between the lowest and the middle tier of the federal court system.

57. In the context of approaches to legal interpretation, differentiate between strict construction, original intent, and modernism.

58. Explain the significance of the power of judicial review.

59. Differentiate between the political ideologies of judicial activism and judicial restraint.

60. Discuss areas in which the U.S. Supreme Court conservatives have parted from the conservative movement in the recent past.