

AP UNITED STATES GOVERNMENT AND POLITICS
JUDICIAL BRANCH QUIZ

1. _____ The idea that judges ought to freely strike down laws that are inconsistent with their understanding of the Constitution is known as
 - a. original intent
 - b. judicial restraint
 - c. judicial activism
 - d. judicial review
 - e. stare decisis

2. _____ The doctrine of stare decisis is significant for which of the following reasons?
 - a. It establishes the jurisdiction of federal courts in litigation involving two or more states.
 - b. It is the principle that affirms that courts are bound by prior decisions.
 - c. It is the policy by which the Supreme Court decides which of the appellate cases it will hear.
 - d. It directs states to provide a lawyer for people who cannot pay for their own legal defense.
 - e. It holds high courts responsible for determining the constitutionality of proposed legislation before it becomes law.

3. _____ The framers of the Constitution designed which of the following to be LEAST responsive to public opinion?
 - a. The office of the president
 - b. The courts
 - c. Congress
 - d. The electoral college
 - e. Political parties

4. _____ In the United States judicial system, when a judge decides a case based on decisions rendered in similar cases in the past, the judge is following the principle of
 - a. amicus curiae
 - b. stare decisis
 - c. justiciability
 - d. diversity
 - e. certiorari

5. _____ Which of the following is a primary function of the Senate Judiciary Committee?
 - a. Conducting oversight hearings on the Supreme Court budget
 - b. Conducting investigations into allegedly subversive activities
 - c. Conducting hearings on judicial appointments made by the president
 - d. Conducting investigations into wrongdoing by the executive branch
 - e. Initiating appointments to the Supreme Court

6. _____ Which of the following best describes the relationship between the Supreme Court and public opinion?
 - a. The Court assesses public opinion on a controversial issue and then tries to follow it.
 - b. Court prestige is so high that its decisions become public opinions.
 - c. The existence of a public consensus on an issue limits the extent to which the Court will render decisions contrary to that consensus.
 - d. Public opinion has no bearing on the effective implementation of the Court's decisions.
 - e. There is no relationship between public opinion and the Court's decisions.

7. ____ In which of the following circumstances would the rule of four be applied?
- Four senators agree to a cloture motion.
 - Congress adjourns its session within four days of submitting a bill to the president, and the president does not act.
 - Four states request a writ of certiorari.
 - At least four justices on the Supreme Court agree that a case should be put on the Court's docket.
 - The House Rules Committee limits floor debate to four minutes maximum for each member.
8. ____ To influence policy making by the federal courts, the president may do all of the following EXCEPT
- take partisanship into account in making judicial appointments
 - take political ideology into account in making judicial appointments
 - fire and replace federal judges
 - make public statements about issues that might appear before the courts
 - encourage the Justice Department to get involved in cases that test certain issues
9. ____ A group or individual not directly involved in a particular case that wants to influence the court in that case can file
- An *amicus curiae* brief
 - A writ of error
 - A habeas corpus petition
 - A writ of certiorari
 - A writ of mandamus
10. ____ Which of the following did the Supreme Court establish in *Marbury v. Madison*?
- The Supreme Court can declare laws passed by Congress void if they violate the Constitution.
 - Each state has the right to set up and run its own court system.
 - All the powers that are not expressly given by the Constitution to Congress belong to the states.
 - Any president who commits treason, bribery, or other high crimes or misdemeanors can be impeached.
 - The Constitution can only be amended by a two-thirds vote from the House of Representatives.
11. ____ Using the power of judicial review, the Supreme Court can do all of the following EXCEPT...
- Declare a law passed by Congress unconstitutional
 - Declare a law passed by a state unconstitutional
 - Declare acts of the executive branch unconstitutional
 - Determine the meaning and application Constitution
 - Overturn a Constitutional amendment
12. ____ Why did the Framers include life tenure for federal judges?
- To attract candidates for the positions
 - To make it more difficult for the president and Congress to agree on good candidates
 - To make judges less likely to be moved by political pressures
 - To ensure that judges would remain ethical while in office
 - To make the judiciary more powerful than Congress or the president
13. ____ Justice Neil Gorsuch believes that the Constitution should be interpreted according to its clear language. This judicial philosophy can best be described as...
- Judicial Restraint
 - Judicial activism

- c. Conservatism
- d. Liberalism
- e. Constitutionalism

14. _____ Senators have dominated the selection of judges for the federal district courts through
- a. their control of the budget.
 - b. their power over court jurisdictions.
 - c. the influence of the Senate Judiciary Committee.
 - d. the custom of senatorial courtesy.
 - e. All of the above are true.
15. _____ The federal courts have jurisdiction over all of the following cases EXCEPT...
- a. Civil suits between citizens of different states in which the amount exceeds \$50,000
 - b. Criminal cases involving violations of laws passed by Congress
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 - d. State appeals cases in which the defendant alleges his/her constitutional rights were violated
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16. _____ Long after the Supreme Court ruled prayer in public schools unconstitutional, schools all over the country were still allowing prayer and Bible readings. What explains this?
- a. The Supreme Court's decision was vague and schools were not sure how to implement it.
 - b. The courts have no police force or army; hence, they have no enforcement powers.
 - c. School districts could still legally engage in school prayer because they continued to file appeals.
 - d. Both President George H.W. Bush and President Bill Clinton supported school prayer, so they ordered the executive branch not to enforce the Court's ruling.
 - e. The areas where school prayer continued were all Christian, so no one challenged the practice.
17. _____ What is the role of judicial review in the system of checks and balances?
- a. It undermines the Constitution by making the Supreme Court the final arbiter of the law.
 - b. It enhances the power of Congress by overturning decisions of the president.
 - c. It enhances the power of the president by overturning decisions of Congress.
 - d. It makes the courts a coequal branch with the president and Congress.
 - e. It enhances the power of the states by overturning national laws.
18. _____ A major reason why the majority of Supreme Court justices have had political experience prior to appointment to the Court is that...
- a. Justices are expected to act like politicians in their decision making.
 - b. Presidents seek to place individuals on the Court whose policy views are similar to their own.
 - c. The Senate will refuse to confirm any nominee to the Court who is not familiar with the political process.
 - d. Appointment to the Supreme Court is a reward for political party loyalty.
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19. _____ What is required for the court to issue a *Writ of Certiorari*?
- a. The majority of justices must vote to hear the case
 - b. The justices from the majority party on the Court must agree to hear the case.
 - c. A circuit court of appeals must recommend that the justices hear the case.
 - d. The Constitution requires that four of the nine justices vote to hear a case
 - e. The unwritten "rule of four" means that at least four justices must agree to hear a case.

20. _____ What is the most important legal difference among a majority, concurring, and dissenting opinion?
- Dissenting and concurring opinions do not serve as legal precedent.
 - Majority decisions serve as precedent only when there is a concurring opinion.
 - Dissenting opinions do not serve as precedent but concurring opinions do serve as precedent.
 - Dissenting opinions usually express political differences, while concurring opinions express different legal interpretations.
 - All three types of opinions serve as precedent
21. _____ The Judiciary Act of 1789
- created the Supreme Court and its jurisdiction.
 - established the state court systems.
 - established the basic structure of the federal court system.
 - granted the Supreme Court the power of judicial review.
 - established local court systems within the thirteen states.
22. _____ Courts with appellate jurisdiction
- review the legal issues involved in a case.
 - determine the facts about a case.
 - have no original jurisdiction.
 - hear only criminal cases.
 - hear only civil cases.
23. _____ Although judicial review was not mentioned in the Constitution, _____ publicly endorsed the idea in Federalist No. _____.
- John Jay/10
 - John Jay/50
 - James Madison/50
 - Alexander Hamilton/78
 - John Marshall/51
24. _____ Principal reasons for the Court's choosing to hear a case would include each of the following EXCEPT
- a conflict between different lower courts on the interpretation of federal law.
 - cases that involve major issues, like civil liberties.
 - disagreement between a majority of the Supreme Court and lower-court decisions.
 - politically hot and divisive cases.
 - the justices' law clerks recommendations.
25. _____ Advocates of judicial activism
- believe the role of the Court should be one of referee.
 - emphasize that the courts may alleviate pressing needs left unmet by the political process.
 - tend to be ideologically conservative.
 - question the qualifications of judges for making political decisions.
 - believe that the courts are the most democratic branch of government.

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