letter of the response that best answers the question or completes the statement.

1. With respect to a recent controversy regarding judicial appointments, the "nuclear option" focused on the possibility of
   a. requiring all judicial nominees to have federal experience.
   b. forcing all Supreme Court nominees to appear before the Senate Judiciary Committee.
   c. revising Senate rules to block filibusters.
   d. allowing "voice votes" on judicial nominations.
   e. requiring 60 votes of support to confirm judicial nominations.
2. The dramatic and sometimes bitter conflict surrounding some Supreme Court nominations can only be explained by the fact that
   a. there are only nine people on the Court at any given point in time.
   b. the Court plays such a large role in making public policy.
   c. the partisan balance of the Court is quite skewed.
   d. Presidents rarely seek the "advice" of the Senate.
   e. nominees are rarely qualified for the job.
3. In theory, restraint oriented judges differ from activist judges in that they are more likely to
   a. adopt a liberal viewpoint on such issues as states' rights and birth control.
   b. apply rules that are clearly stated in the Constitution.
   c. see, and take advantage of, opportunities in the law for the exercise of discretion.
   d. believe in the application of judicial review to criminal matters.
   e. look for and apply the general principles underlying the Constitution.
4. Seventy years ago judicial activists tended to be
   a. strict constructionists.
   b. liberals.
   c. conservatives.
   d. moderates.
   e. radicals.
5. In *Federalist* 78, Alexander Hamilton described the judicial branch as the _____ branch.
   a. most corrupt
   b. least political
   c. reliable
   d. existential
   e. least dangerous

6. Which of the following statements about *McCulloch* v. *Maryland* is correct?
   a. It established judicial review.
   b. It ruled a national bank unconstitutional.
   c. It restricted the scope of congressional power.
   d. It allowed states to tax federal agencies.
   e. It established the supremacy of national laws over state laws.
7. Who was defiant of Supreme Court rulings and supposedly taunted the Chief Justice to go and "enforce" one of its decisions?
   a. The Mayor of New York City.
   b. The Governor of New York.
   c. The Cherokee Indians of Georgia.
   d. Robert Fulton.
   e. President Andrew Jackson.
8. Roger B. Taney was deliberately chosen for the Supreme Court because he
   a. opposed the invention of the steamboat.
   b. opposed the creation of a national bank.
   c. favored a strong national government.
   d. was an advocate of states' rights.
   e. opposed slavery.
9. During the period from the end of the Civil War to the beginning of the New Deal, the dominant issue that the Supreme Court faced was that of
   a. government regulation of the economy.
   b. rights of privacy.
   c. states' rights versus federal supremacy.
   d. slavery.
   e. government regulation of interstate commerce.
10. The text suggests "judicial activism" was born in the
   a. 1970s.
   b. 1960s.
   c. 1950s.
   d. 1930s.
   e. 1890s.
11. From 1937 to 1974, the Supreme Court did not declare a single federal law dealing with _____ unconstitutional.
   a. freedom of speech
   b. communists
   c. regulation of business
   d. citizenship
   e. government benefits
12. FDR's court-packing bill is an example of a presidential action designed to
   a. help the Court reduce its backlog.
   b. influence the way in which the Court decided its cases.
   c. make the Court more impartial.
   d. discourage the Court from rendering decisions on major economic questions.
   e. allow the Court to grow with society.

13. Franklin Roosevelt's plan to reorganize the Supreme Court called for
    a. the Court to meet once every other year.
    b. the total number of justices to be increased according to the age of sitting justices.
    c. the president to select justices without senatorial confirmation.
    d. the Senate to have the power to remove justices from the Court at will.
    e. all New Deal legislation to be removed from the Court's jurisdiction.
14. Owen Roberts' change of view was a clear concession to
    a. established precedent.
    b. public opinion.
    c. his legal training.
    d. Roosevelt's court-packing plan.
    e. the Chief Justice.
15. A dramatic change in a long standing trends began in the early 1990s, when the Court struck down a congressional statute on the premise that _____did not affect interstate commerce.
    a. nude dancing
    b. racial discrimination
    c. carrying a gun
    d. commercial advertising
    e. the trucking industry
16. The two kinds of lower federal courts created to handle cases that need not be decided by the Supreme Court are
    a. constitutional and district.
    b. appeals and limited jurisdiction.
    c. district and appeals.
    d. appeals and legislative.
    e. constitutional and legislative.
17. There are ____ U.S. District Courts.
    a. 11
    b. 12
    c. 13
    d. 50
    e. 94
18. The Court of Military Appeals is an example of a(n) _____ court.
    a. district
    b. appellate
    c. legislative
    d. general jurisdiction
    e. second level appellate
19. Which of the following statements about the selection of federal judges is *correct*?
    a. The principle of senatorial courtesy applies to the selection of Supreme Court justices.
    b. Presidents generally appoint judges whose political views reflect their own.
    c. Since personal attitudes and opinions have little impact in judicial decision-making, presidents are usually not too concerned about who they nominate.
    d. Nominees for district judgeships often face tough confirmation battles in the Senate.
    e. The application of political litmus tests to Supreme Court nominees is no longer legal.

20. When politicians complain about the use of "litmus tests" in judicial nominations, they are probably
    a. Democrats.
    b. Republicans.
    c. Liberals.
    d. Conservatives.
    e. not part of the group that is currently in power.
21. The increasing importance of a political litmus test is evident in the dramatic drop in the confirmation rates of nominees to
    a. the U.S. District Courts.
    b. the U.S. Courts of Appeal.
    c. the Supreme Court.
    d. the trial courts of limited jurisdiction in the federal system.
    e. all of the above.
22. If citizens of different states wish to sue one another in a matter involving more than $75,000, they can do so in
    a. either a federal or a state court.
    b. a court in the plaintiff's state only.
    c. an intermediate court of appeals.
    d. a court in the defendant's state only.
    e. a federal court only.
23. If you wish to declare bankruptcy, you must do so in
    a. a court in the state in which you reside.
    b. a state appellate court.
    c. a federal appellate court.
    d. the U.S. Supreme Court.
    e. a federal district court.
24. *Certiorari* is a Latin word meaning, roughly,
    a. "certified."
    b. "made more certain."
    c. "without certainty."
    d. "appealed."
    e. "judicial."
25. *Cert* is issued and a case is scheduled for a hearing if _____ justices agree to hear it.
    a. 2
    b. 3
    c. 4
    d. 8
    e. all nine of the
26. What percentage of appeals court cases are rejected by the Supreme Court?
    a. 1 or 2 percent
    b. 20 percent
    c. 30 percent
    d. 50 percent
    e. 99 percent

27. Fee shifting enables the plaintiff to
    a. get paid by the Department of Justice.
    b. split costs with the court.
    c. have taxpayers pay his or her costs.
    d. split the costs with the defendant.
    e. collect costs from the defendant if the defendant loses.
28. To bring suit in a court, a plaintiff must first show that
    a. there is a defendant.
    b. the defendant is a real person.
    c. there is no true case and controversy.
    d. the defendant is a citizen of the United States.
    e. he/she has standing.
29. The doctrine of sovereign immunity prevents citizens from suing the government unless the government
    a. consents to be sued.
    b. has violated a state law.
    c. has violated both a state and federal law.
    d. is exempt from having to pay fees.
    e. has clearly been involved in manipulation of evidence.
30. In 1974, the Supreme Court discouraged class action suits by requiring
    a. lawyers to provide at least 20 *amicus* briefs supporting their claims.
    b. a special panel of judges to review all such suits.
    c. such suits to impact at least 300,000 persons.
    d. all fees in such suits be initially shifted to plaintiffs.
    e. every ascertainable member of a class be individually notified of a suit.
31. In a typical term, the federal government is party to _____ the cases that the Supreme Court hears.
    a. very few of
    b. thirty percent of
    c. about half of
    d. almost all of
    e. a limit of two of
32. The solicitor general has the job of
    a. serving as liaison between the Department of Justice and the president.
    b. deciding whether to sue large corporations.
    c. deciding who is eligible for the Supreme Court.
    d. deciding which cases the government will appeal from the lower courts.
    e. deciding which cases the Supreme Court will hear.
33. *Amicus curiae* is generally translated as meaning
    a. "friend of the court."
    b. "amicable but curious."
    c. "let the decision stand."
    d. "to reveal."
    e. none of the above.

34. Which type of opinion is typically brief and unsigned?
    a. Opinion of the Court.
    b. Majority opinion.
    c. Plurality opinion.
    d. *Per curiam* opinion.
    e. Dissenting opinion.
35. If a justice agrees with the conclusion of the Court's decision, but disagrees with the logic of the opinion of the Court, he/she would probably write a
    a. concurring opinion.
    b. majority opinion.
    c. plurality opinion.
    d. *per curiam* opinion.
    e. dissenting opinion.
36. *Stare decisis* is generally translated as meaning
    a. "friend of the court."
    b. "amicable but curious."
    c. "let the decision stand."
    d. "to reveal."
    e. none of the above.
37. The principle of precedent is not always so clear because
    a. lawyers are gifted at showing cases are different in some relevant way.
    b. records of judicial decisions are not particularly well organized.
    c. most appellate decisions are not accompanied by written decisions.
    d. the Court rarely gets a case that is at all similar to a previous case.
    e. Justices are notable for insisting that their work be original.
38. A political question is a matter
    a. involving voters.
    b. that the Constitution has left to another branch of government.
    c. that an elected state judge has dealt with.
    d. that causes conflict among average voters.
    e. that must first be acted on by Congress.
39. According to the text, the most powerful indicator of judicial power is probably
    a. the use of judicial review.
    b. the extent to which precedent is followed.
    c. the types of political questions courts are willing to handle.
    d. the kinds of remedies that courts will impose.
    e. the use of *per curiam* opinions.
40. Common criticisms of judicial activism include all of the following *except*
    a. judicial activism only works when laws are devoid of ambiguous language.
    b. judges usually have no expertise in designing complex institutions.
    c. judges are not elected and are therefore immune to popular control.
    d. judicial activism often fails to account for the costs of implementing activist rulings.
    e. judges usually have no expertise in managing complex institutions.

41. Which of the following is a major restraint on the influence of federal judges?
    a. Politics, especially the results of recent elections.
    b. Rule 17.
    c. The lack of effective enforcement power.
    d. The veto power of the president.
    e. International law.
42. Which of the following statements regarding judicial impeachments is *incorrect*?
    a. Fifteen federal judges have been impeached.
    b. Some judges have resigned in the face of probable impeachment.
    c. Seven impeached judges were acquitted.
    d. The most recent conviction of a federal judge occurred in 1989.
    e. The possibility of impeachment is an important influence on judicial policy making.
43. The 1868, case of Mississippi newspaper editor William McCardle was extraordinary because
    a. the Supreme Court accepted his appeal before it was formally filed.
    b. it seems almost certain that he would have remained in jail for the rest of his natural life despite having committed the most trivial of offenses.
    c. a federal district court insisted that he be released from jail after Congress issued a proclamation demanding such.
    d. Congress took away the Court's power to consider the case in the middle of his appeal.
    e. a unanimous Court declared Reconstruction policy (under which he was convicted) unconstitutional.
44. A major reason that the courts play a greater role in American society today than they did earlier in the century is that
    a. government plays a greater role generally.
    b. lawyers are more influential than ever.
    c. public opinion is less focused.
    d. judges are better trained.
    e. the courts are more representative of American society.

ESSAY QUESTIONS

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Explain the difference between judicial activism and restraint.
2. Summarize the point of view of the Founders with respect to courts.
3. Summarize the facts which led up to the case *Marbury* v. *Madison* and the Supreme Court's ruling in that landmark case.
4. Describe Franklin D. Roosevelt's so-called "court packing" plan.
5. Provide some examples of recent Supreme Court decisions which suggest there is something of a revival of state sovereignty in that institution.
6. Explain the difference between a constitutional and legislative court.
7. Explain how "senatorial courtesy" affects federal court nominations.
8. Generalize about the number of successful and unsuccessful nominations to the United States Supreme Court and provide some explanations for why some nominations have failed.
9. What are two circumstances where the Supreme Court will often grant *certiorari*?