

## Unit 6 Test Review (chapter 14)

1. In this century, the number of Supreme Court nominees rejected by the Senate in this century is
- [A] more than twenty.  
[B] more than thirty.  
[C] between ten and twenty.  
[D] zero.  
[E] fewer than ten.
2. The text suggests that the litmus test
- [A] is increasingly irrelevant.  
[B] has rarely been a factor in Supreme Court nominations.  
[C] is a great American tradition.  
[D] is less important when government is divided.  
[E] has grown in importance.
3. What is the relationship between an appeal and a certiorari?
- [A] Judges must hear all appeals but only some certiorari.  
[B] Only some appeals are granted certiorari.  
[C] Appeals are paid for by plaintiffs, certiorari by defendants.  
[D] A case granted certiorari may be heard in either state or federal court.  
[E] Appeals are directed to appellate courts whereas a writ of certiorari is sought from a trial court.
4. Under the doctrine of sovereign immunity, a citizen cannot
- [A] appeal a case that was decided more than one year earlier.  
[B] appeal a case that has already been ruled on by the Supreme Court.  
[C] sue the government without its consent.  
[D] bring the same suit to courts in two different states.  
[E] bring two suits against one individual for the same crime.
5. The power of federal courts to make policy derives from all of the following *except*
- [A] their designing of imposed remedies.  
[B] their interpretation of existing laws.  
[C] their use of previous decisions.  
[D] their extension of the reach of existing laws.  
[E] their enactment of new laws.
6. Two common ways for a plaintiff to lower the costs of an appeal are by filing and being heard as a pauper (in forma pauperis) and by
- [A] applying for a writ of mandamus.  
[B] filing a writ of certiorari.  
[C] finding an interest group to support the case.  
[D] suing under the principle of sovereign immunity.  
[E] asking the courts to rule in absentia.
7. What is the major issue confronting the Supreme Court in America today?
- [A] the constitutionality of the federal income tax  
[B] establishing the supremacy of federal government  
[C] nationbuilding  
[D] personal liberty, social equality, and the potential conflict between the two  
[E] the relationship between government and the economy
8. Which of the following statements about the *Dred Scott* decision is *correct*?
- [A] It infuriated public opinion and harmed the Supreme Court.  
[B] It exceeded the formal authority of the Supreme Court.  
[C] It was the primary cause of the War Between the States.  
[D] It was widely applauded throughout the nation.  
[E] It resulted from an inaccurate determination of fact.
9. Amicus curiae briefs amount to a form of
- [A] judicial standing.  
[B] dissenting opinion.  
[C] judicial lobbying.  
[D] concurring opinion.  
[E] judicial red tape.
10. The fact that prayer continues in some public schools, even though the Supreme Court has declared it unconstitutional, is an example of
- [A] lack of effective enforcement by the Court.  
[B] the slowness of the appeals process.  
[C] the power of state government to countermand judicial rulings.  
[D] ambiguity in the Court's decisions.  
[E] the complexity of the rules relating to federal and state courts.
11. If it wanted to make its caseload significantly more manageable, the Supreme Court could probably do so *most* easily by
- [A] broadening its appeals docket.  
[B] eliminating its original jurisdiction.  
[C] requiring fewer votes for certiorari.  
[D] eliminating its appeals docket.  
[E] requiring more votes for certiorari.

12. The text suggests that the notion that the party membership of federal judges makes a difference in how they vote is supported by

- [A] numerous interviews with federal judges.
- [B] a review of over 80 studies on the topic.
- [C] the impressions of disappointed presidents.
- [D] law school text books.
- [E] statements made by the American Bar Association.

13. Taxpayer X believes that the federal Endangered Species Act is unconstitutional. What will he have to show before his case can be heard on its merits?

- [A] that he has suffered personal harm as a result of enforcement of the act
- [B] that Congress will not change the law
- [C] that more than \$10,000 is involved
- [D] that the legislative branch is incapable of addressing the issue in a competent manner.
- [E] that he has exhausted all other means to settle his grievance

14. Almost all of the justices on the current Supreme Court came to the court with previous experience as a

- [A] attorney general
- [B] corporate lawyer
- [C] prosecutor
- [D] defense attorney
- [E] judge

15. One effective tool that Congress has at its disposal for controlling the federal courts is the power to

- [A] strip federal courts of their enforcement authority.
- [B] overturn Supreme Court rulings with which it disagrees.
- [C] withdraw jurisdiction from the courts.
- [D] impeach judges who back policies opposed by Congress.
- [E] temporarily remove judges who are inordinately partisan in their rulings.

16. Fee shifting refers to the practice of

- [A] dividing attorneys' fees among all participants in a class-action suit.
- [B] getting the government to pay the fees of all parties.
- [C] getting the loser to pay court costs.
- [D] reducing fees if the votes of appellate court judges are divided.
- [E] having attorneys adjust their fees according to their experience and the damages awarded.

17. A study of appellate court reviews of decisions made by regulatory agencies found that the agencies' position was supported by the courts

- [A] in almost every case.

[B] in a distinct minority of the cases.

[C] rarely, if ever.

[D] approximately as often as it was reversed.

[E] approximately two-thirds as often as it was reversed.

18. One cause of today's increased judicial activism is the fact that

- [A] more judges are willing to stretch the U.S. Constitution to achieve certain ends.
- [B] more judges believe they should be activists.
- [C] political parties are stronger today than they were fifty years ago.
- [D] a majority of the Senate will simply not confirm anyone who is not an activist.
- [E] interest groups employ more lawyers today.

19. Typically, those who complain about the litmus testing of judicial candidates are

- [A] centrists.
- [B] out of power.
- [C] liberal.
- [D] in power.
- [E] conservative.

20. Which courts are mandated by the U.S. Constitution?

- [A] the Supreme Court only
- [B] the Supreme and appellate courts
- [C] legislative courts
- [D] the Supreme, appellate, and district courts
- [E] both constitutional and legislative courts

21. The dual-court system of the United States refers to

- [A] statutory and common law courts.
- [B] federal and state courts.
- [C] criminal and civil courts.
- [D] legislative and constitutional courts.
- [E] trial and appellate courts.

22. There are 12 \_\_\_\_\_ in the federal judiciary.

- [A] constitutional courts
- [B] district courts
- [C] legislative courts
- [D] courts of appeal
- [E] supreme courts

23. Indigent A, Middle-Class B, and Rich C are contemplating taking a case to

the U.S. Supreme Court. Which one is *most* likely to be discouraged by the costs involved?

[A] Indigent A

[B] Middle-Class B

[C] Rich C

[D] A and B.

[E] All three would be affected equally.

24. Among the current members of the U.S. Supreme Court there is (are) \_\_\_\_\_ women.

[A] 2

[B] 4

[C] 5

[D] no

[E] 3

25. A case on appeal reaches the Supreme Court via a writ of

[A] mandamus.

[B] habeas corpus.

[C] certiorari.

[D] injunction.

[E] appeal.

26. Having taxpayer status does not entitle one to sue the government for actions of which one disapproves. Effort to ease this rule would be most likely to be opposed by

[A] government bureaucrats.

[B] taxpayers.

[C] print journalists.

[D] large interest groups.

[E] the mass media.

27. The fastest growing portion of the federal courts' civil work load involves

[A] libel.

[B] civil rights.

[C] environmental protection.

[D] states' rights.

[E] economic regulation.

28. In the period following the Civil War, the Fourteenth Amendment was consistently interpreted by the Supreme Court to protect

[A] interstate commerce.

[B] states' rights.

[C] state regulations.

[D] the government's right to tax.

[E] A and D.

29. The litmus test is perhaps of greatest importance in nominations to

[A] the Supreme Court.

[B] constitutional courts.

[C] district courts.

[D] legislative courts.

[E] courts of appeal.

30. Public confidence in the Supreme Court at any given time is *most* closely related to

[A] the perception of division on the Court.

[B] the performance of the economy, especially with regard to inflation.

[C] decisions that reflect either a clearly liberal or a clearly conservative outlook.

[D] the appointment of a new justice to the Court.

[E] the popularity of government as a whole.

31. 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

[A] slavery.

[B] states' rights versus federal supremacy.

[C] freedom of press.

[D] government regulation of interstate commerce.

[E] government regulation of the economy.

32. The *Dred Scott* case involved

[A] the right of the national government to charter a bank.

[B] the doctrine of separate but equal.

[C] admission of new states to the union.

[D] a slave owner's property rights to an escaped slave.

[E] the suspension of habeas corpus.

33. The argument that justices usually lack expertise in many aspects of society today is *most* likely to be used by those favoring

[A] legal realists.

[B] judicial activism.

[C] liberal causes.

[D] strict constructionism.

[E] conservative causes.

34. Congress has the power to decide the jurisdiction of lower federal courts. This means that

[A] Congress can determine the number of judges that sit on each court.

[B] Congress can decide what types of cases these courts hear.

[C] lower courts cannot declare an act of Congress unconstitutional.

[D] Congress can veto decisions of lower courts, unlike those of the Supreme Court.

[E] Congress can decide which judges will hear which cases in before these courts.

35. The text's position is that the enormous increase in court cases and the degree of judicial activism by federal courts are *most* directly related to an increase in

[A] the size of the court system.

[B] the frivolous lawsuits encouraged by state bar associations.

[C] contending interests.

[D] congressional power.

[E] lawyers.

36. Clarence Gideon managed to have his case heard before the Supreme Court by

[A] filing as a pauper.

[B] claiming diversity of citizenship.

[C] filing a mandatory appeal.

[D] appealing to the Court in a personal letter.

[E] seeking expert legal assistance.

37. Congress's removal of Supreme Court jurisdiction in an area where it was at odds with the Court might backfire because

[A] Congress has no way to enforce such a decision.

[B] state bar associations would protest.

[C] a presidential veto would doubtlessly intervene.

[D] another court might reinstate the earlier decision.

[E] public opinion is always on the side of the courts.

38. The Supreme Court is protected to a considerable extent from frontal attacks by president and Congress through

[A] the logic of its decisions.

[B] its prestige in the nation.

[C] the logic of its opinions.

[D] its carefully researched opinions.

[E] its own bureaucracy.

39. In the 1868 habeas corpus case involving a Mississippi newspaper editor named *McCardle*, Congress sought to thwart the Supreme Court by

[A] changing the original jurisdiction of the Court.

[B] threatening to impeach the justices.

[C] changing the size of the Court.

[D] withdrawing part of the Court's appellate jurisdiction.

[E] removing the Court from its building.

40. The intense struggle over the nomination of Clarence Thomas to the Supreme Court could have occurred only in the United States because only here

[A] is there such intense division between political parties.

[B] is there a judicial nomination process.

[C] do judges play so large a role in making public policy.

[D] can one party control the executive and the other the legislative branch.

[E] the nomination power is a shared power.

41. The president's helicopter lands in your rose garden and causes thousands of dollars' worth of damage to your prize roses. Can you sue the government for damages?

[A] No, because the sovereign immunity doctrine protects the government from lawsuits.

[B] Yes, but only if the government gives its consent under the sovereign immunity doctrine.

[C] No, unless a neutral magistrate determines the act was intentional.

[D] No, because the government can be sued only when personal injury is involved.

[E] Yes, without qualification.

42. In a typical year, the Supreme Court rarely gives full review to more than about \_\_\_\_\_ of the petitions which request review of the decisions of lower or state courts.

[A] 10,000

[B] 3,000

[C] 1,000

[D] 10

[E] 100

43. The rules regarding standing to bring a case to federal court involve all of the following *except*

[A] the existence of a controversy between adversaries.

[B] the probability of reaching a satisfactory solution.

[C] evidence that actual harm has occurred.

[D] a stake in the outcome beyond that of being a taxpayer.

[E] A and C.

44. When Supreme Court justices read law review articles commenting on their opinions, they are acknowledging

[A] public opinion.

[B] a judicial mandate.

[C] the respect given to their own opinions.

[D] errors in public opinion.

[E] elite opinion.

45. Each of the following is a measure of the power of the federal courts *except*

[A] the willingness of these courts to rule on political questions.

[B] the number of federal laws they declare unconstitutional.

[C] the number of legislators they appoint to the courts.

[D] the kinds of remedies they impose to correct situations.

[E] the number of state laws they declare unconstitutional.

46. Republican presidents Nixon, Ford, Reagan and Bush appointed \_\_\_\_\_ of the current members of the Supreme Court.

[A] 5

[B] 3

[C] 9

[D] 7

[E] 2

47. What does the U.S. Constitution have to say about the size of the Supreme Court?

[A] It specifically sets the number of justices at six, later amended to nine.

[B] It does not indicate how large the Court should be.

[C] It suggests but does not mandate a Court of nine justices.

[D] It specifically places the matter in the hands of the House of Representatives.

[E] It specifically sets the number of justices at nine.

48. The reaction of early presidents to Supreme Court rulings such as *Marbury v. Madison* and *McCulloch v. Maryland* can best be described as

[A] relatively mild but negative.

[B] highly positive.

[C] relatively mild but positive.

[D] highly negative.

[E] accepting, and later supportive.

49. Fee shifting is not practiced in European courts because

[A] it would be impractical to administer.

[B] parties there need not pay their own way.

[C] statutory law is much more complex than common law.

[D] it is formally prohibited by law.

[E] it is customarily seen as unethical.

50. In most cases presented to the Supreme Court, the bulk of the argumentation presented by either side will be found in the

[A] brief.

[B] complaint.

[C] per curiam decision.

[D] oral argument.

[E] certiorari petition.

51. The majority of cases heard by federal courts begin in

[A] state courts.

[B] district courts.

[C] circuit courts.

[D] appellate courts.

[E] municipal courts.

52. Which of the following significantly increases the odds that the Supreme Court will review a case?

[A] the highest court in a state has held a federal law in violation of the Constitution.

[B] the highest court in a state has held a state law in violation of the Constitution.

[C] two or more federal courts of appeals have decided the same issue in different ways.

[D] the highest court in a state has upheld a state law against a claim that it is violation of the Constitution.

[E] All of these.

53. Which of the following observations about the Supreme Court's law clerks is *incorrect*?

[A] Some of the opinions written by the Justices are drafted by the clerks.

[B] They are confirmed by the Senate.

[C] They play a big role in deciding which cases are granted cert.

[D] They are recent law school graduates.

[E] None of these.

54. Congress can check the power of the federal judiciary in all of the following ways *except*

[A] by interpreting laws themselves.

[B] by changing the number of judges.

[C] by initiating amendments of the U.S. Constitution.

[D] by confirming or not confirming nominees.

[E] B and C.

55. Which of the following observations about the Supreme Court's law clerks is *incorrect*?

[A] They usually come to the job with several years of experience as practicing lawyers.

[B] They play a big role in deciding which cases are granted cert.

[C] They are hired by the Justices.

[D] Some of the opinions written by the Justices are drafted by the clerks.

[E] None of these.

56. The Supreme Court tradition of deferring to the legislature on matters of economic regulation was established during the period from

[A] 1861 to 1892.

[B] 1936 to the present.

[C] 1789 to 1861.

[D] 1892 to 1936.

[E] the very founding.

57. The most practicable course of action for a senator who does not like a constitutional decision by the Supreme Court is to

[A] accept it nevertheless.

[B] seek a constitutional amendment.

[C] solicit the president's support.

[D] seek a reduction in the size of the Court.

[E] introduce a law to overturn it.

58. Beginning in 1974, the Supreme Court reacted to the implications of class-action suits by greatly

[A] tightening the rules governing class-action suits.

[B] easing the rules governing class-action suits.

[C] expanding the scope of such suits in the field of commercial activity.

[D] expanding settlement awards.

[E] reducing settlement awards.

59. The behavior of Justices Holmes, Burger, and Blackman suggests that

[A] the Supreme Court follows the election returns.

[B] dissenters on the Supreme Court have more influence than the majority.

[C] the president clearly controls the Supreme Court through his appointments.

[D] presidents can sometimes be mistaken in their prediction about the actions of their judicial appointees.

[E] Presidents are rarely concerned about "court-packing" today.

60. When a citizen sues and wins a suit against a government official for withholding a benefit to which a citizen is entitled, such a suit is called a

[A] civil liberties suit.

[B] Section 1983 suit.

[C] civil rights suit.

[D] common law suit.

[E] First Amendment suit.

61. One unintended consequence of the Supreme Court's heavy caseload is an

increase in the influence wielded by

[A] the Attorney General.

[B] Associate Justices.

[C] the Deputy Attorney General.

[D] law clerks.

[E] the Chief Justice.

62. From the Civil War to the 1930s, the Supreme Court was primarily occupied with

[A] the balance of powers between states and the federal government.

[B] First Amendment freedoms.

[C] the civil rights of former slaves.

[D] the rights of the criminally accused.

[E] economic regulation by government.

63. Withdrawing some of the appellate jurisdiction of the Supreme Court would probably shift policy making to

[A] state governors.

[B] Congress.

[C] lower federal courts and state courts.

[D] state prosecutors.

[E] the president.

64. A key government official involved in the determination of whether a case should be appealed to the Supreme Court is the

[A] Deputy Attorney General.

[B] president.

[C] U.S. solicitor general.

[D] plaintiff's lawyer.

[E] U.S. attorney general.

65. After 1936, the Supreme Court stopped imposing regulations on the power of the government to regulate the economy. In its previous rulings in this area, the Court found itself

[A] considerably divided but just about always supportive of federal interests.

[B] making judgments it was not competent to make.

[C] allowing state legislatures too much control over the national economy.

[D] limiting the protection of private property to enable business to expand.

[E] favoring the cause of labor against business.

66. California is suing Arizona over the use of the Colorado River. The case will be heard by

[A] the U.S. Supreme Court.

[B] the Supreme Court of California.

[C] the Court of International Trade.

[D] a federal court.

[E] the Supreme Court of Arizona.

67. When a federal judge orders the reorganization of a state prison system in a case brought by a single convict, the judge is issuing a

[A] writ of certiorari.

[B] partisan decision.

[C] policy-making remedy.

[D] stare decisis.

[E] concurring opinion.

68. The president second to Jimmy Carter in appointing the largest percentage of women to the federal courts was

[A] Richard Nixon.

[B] George Bush.

[C] Dwight Eisenhower.

[D] Ronald Reagan.

[E] Gerald Ford.

69. Periods of partisan realignment often have the effect on the courts of

[A] energizing them.

[B] intimidating them.

[C] diluting them.

[D] contracting them.

[E] expanding them.

70. Democratic judges appear to reach more liberal decisions than Republican ones on cases involving

[A] "speech plus" cases and war powers.

[B] discrimination and criminal prosecution.

[C] criminal prosecution and business regulation.

[D] business regulations and freedom of the press.

[E] freedom of the press and discrimination.

71. An increase in cases is not the sole reason for the sweeping remedies imposed by courts. A second factor contributing to this trend is

[A] public distrust of Congress.

[B] the increasingly liberal ideology of federal court judges.

[C] the rise in the number of courts in the United States.

[D] laws that contain vague language.

[E] low vote turnout.

72. *Brown v. Board of Education* is an example of a

[A] client participatory suit.

[B] class-action suit.

[C] taxpayer suit.

[D] reapportionment suit.

[E] Section 1983 suit.

73. Attempts by Presidents Nixon, Reagan, and Bush to produce a less activist court have been

[A] very successful.

[B] mostly unsuccessful.

[C] somewhat successful.

[D] totally unsuccessful.

[E] difficult, if not impossible, to assess.

74. If the size and scope of government were reduced, we could expect

[A] less judicial activism.

[B] more judicial activism.

[C] less judicial restraint.

[D] a larger Court.

[E] a smaller Court.

75. Between 1961 and 1990, the largest percentage increase in court cases occurred in the area of

[A] libel.

[B] prisoner petitions.

[C] Social Security.

[D] economic regulation.

[E] civil rights.

76. Which of the following statements about the selection of federal judges is correct?

[A] The application of political litmus tests to Supreme Court nominees was established with the nomination of David Souter.

[B] Supreme Court nominations have only recently become controversial.

[C] The principle of senatorial courtesy applies to the selection of judges in the legislative courts.

[D] Nominees for district court judge often face tough confirmation battles in the Senate.

[E] Presidents generally appoint judges whose political views reflect their own.

77. Franklin Roosevelt's court-packing plan would have allowed him to name a new justice

[A] each time a justice removed himself/herself from a case.

[B] for every sitting justice older than age seventy.

[C] once a year, irrespective of retirements.

[D] to replace any sitting justice older than age seventy.

[E] every time the court struck down one of his laws.

78. The most common background or professional experience among members of the current Supreme Court is experience as

[A] attorney general

[B] prosecutor

[C] defense attorney

[D] federal judge

[E] state judge

79. Cases that come before the courts usually originate from

[A] contending interests.

[B] free speech violations.

[C] ambitious lawyers.

[D] incompetent trial court judges.

[E] conflicting laws.

80. Typically, about \_\_\_\_\_ percent of U.S. Supreme Court opinions are unanimous.

[A] one-half

[B] two-fifths

[C] one-tenth

[D] three-fourths

[E] one-third

81. The chief judicial weapon in the government's system of checks and balances is known as

[A] judicial bypass.

[B] judicial review.

[C] judicial standing.

[D] judicial interpretivism.

[E] judicial activism.

82. It has been suggested that senators actually appoint district judges, and presidents confirm them, through the practice of

[A] legislative vetoes.

[B] advice and consent.

[C] requiring a three-fourths majority for confirmation.

[D] senatorial courtesies.

[E] requiring a two-thirds majority for confirmation.

83. Senator Pettifogger has refused to return his blue slip. In so doing, he is

[A] approving the president's choice for chief justice.

[B] approving the president's nominee for the Supreme Court.

[C] rejecting the president's nominee for a district judgeship.

[D] suggesting an associate justice for the position of chief justice.

[E] rejecting the president's nominee for the Supreme Court.

84. In the matter of federal judicial appointments, presidents invariably nominate individuals who

[A] have state judicial experience.

[B] are from a large state.

[C] are members of their own party.

[D] have experience in corporate law.

[E] have previous judicial experience.

85. The current Chief Justice of the U.S. Supreme Court is

[A] John Paul Stevens.

[B] David Souter.

[C] Anthony Kennedy.

[D] Clarence Thomas.

[E] William Rehnquist.

86. A writ of certiorari is issued by

[A] the Supreme Court.

[B] the plaintiff in a federal case.

[C] a lower court, usually a district court.

[D] the Attorney General.

[E] the defendant in a federal case.

87. What happens if a vote by the Supreme Court ends in a tie?

[A] The chief justice breaks the tie.

[B] The lower court decision is left standing.

[C] The U.S. Attorney General casts the deciding vote.

[D] A vote cannot end in a tie because all nine justices must participate in every vote.

[E] A majority of both houses of Congress decides the case.

88. Which of the following statements about British courts is true?

[A] Courts are frequently called on by Parliament to settle procedural issues.

[B] Judicial review is tightly regulated but fiercely protected.

[C] No court may strike down a law that Parliament passes.

[D] The British federalist system guarantees a minor role for the judiciary.

[E] Common law ensures judges will be active participants in the policy making process.



89. One restraint under which the federal courts operate is that

- [A] public opinion and election politics can undermine their efforts.
- [B] Congress can always impeach a federal judge for backing an unpopular position.
- [C] the president can always fire a federal judge.
- [D] their decisions can sometimes be ignored.
- [E] Congress can reduce the salary of federal judges.

90. There are 94 \_\_\_\_\_ in the federal judiciary.

- [A] district courts
- [B] courts of appeal
- [C] supreme courts
- [D] constitutional courts
- [E] legislative courts

91. An interest group such as the ACLU or the NAACP is most likely to attempt to influence the Supreme Court by

- [A] lobbying the American Bar Association.
- [B] consulting in the nomination process of a new Supreme Court justice.
- [C] appealing a decision directly to the president.
- [D] raising a political question with the solicitor general.
- [E] writing an amicus curiae brief.

92. Two common ways for a plaintiff to lower the costs of an appeal are by filing and being heard as a pauper (in forma pauperis) and by

- [A] suing under the principle of sovereign immunity.
- [B] filing for a writ of mandamus.
- [C] filing a Section 1983 suit.
- [D] filing a writ of certiorari.
- [E] asking the courts to rule in absentia.

93. Common criticisms of judicial activism include all of the following *except*

- [A] judicial activism works only when laws are devoid of ambiguous language.
- [B] judges are not elected and are therefore immune to popular control.
- [C] judicial activism often fails to account for the costs of implementing activist rulings.
- [D] judges usually have no expertise in designing and managing complex institutions.
- [E] B and D.

94. The 1952 steel mill seizure case is an example of the

- [A] the lack of consistency in the legislative process.
- [B] U.S. commitment to the electoral process.
- [C] limits of judicial power.

[D] conflicting roles of the judicial and legislative branches of government.

[E] ability of the Supreme Court to check the president.

95. The Supreme Court's chief weapon in the system of checks and balances is the

- [A] original jurisdiction it enjoys.
- [B] place it occupies in public opinion.
- [C] judicial review it exercises.
- [D] power to hand down per curiam opinions.
- [E] advisory opinion it exercises.

96. A diversity case is one involving

- [A] the jurisdiction of more than one district court.
- [B] the jurisdiction of more than one appellate court.
- [C] citizens of different states.
- [D] a writ of mandamus.
- [E] a writ of certiorari.

97. Class-action suits are more advantageous than single-party suits in that they allow

- [A] the government to protect itself from frivolous suits.
- [B] large groups of people to receive relief.
- [C] extremely controversial issues to be adjudicated.
- [D] lawyers to collect a smaller percentage of potential verdicts.
- [E] lawyers to practice without receiving fees.

98. A judicial activist is a judge who holds

- [A] a liberal ideology.
- [B] a conservative ideology.
- [C] that courts merely apply the law and enforce norms.
- [D] that courts should make but not interpret law.
- [E] that courts should make as well as interpret law.

99. Senate conservatives, for example, might make their approval of a Supreme Court nominee contingent on that individual's personal views about the death penalty. Such concern for a nominee's ideology is known as

- [A] senatorial courtesy.
- [B] an exculpatory remand standard.
- [C] a political litmus test.
- [D] judicial standing.
- [E] an amicus curiae standard.

100. The willingness of the Supreme Court to deal with congressional redistricting is an example of judicial

[A] reaction.

[B] fairness.

[C] partisanship.

[D] objectivity.

[E] power.

101. Which of the following is *most* likely to be true of an activist judge?

[A] He or she is feels constrained by precedent.

[B] He or she is bound by the wording of the U.S. Constitution.

[C] He or she is an interpretivist.

[D] He or she is conservative politically.

[E] He or she is liberal politically.

102. The function of the U.S. solicitor general is to

[A] serve as the principal legal adviser, or counsel, to members of the Supreme Court.

[B] approve every case the federal government presents to the Supreme Court.

[C] maintain order in the Supreme Court's courtroom.

[D] enforce the decisions of the Supreme Court.

[E] direct participants in oral argument before the court.

103. Which of the following courts exercises the judicial powers found in Article III of the Constitution?

[A] constitutional courts

[B] courts of appeals

[C] legislative courts

[D] intermediate appellate courts

[E] district courts

104. Senatorial courtesy is an especially important consideration in nominations to

[A] legislative courts.

[B] courts of appeals.

[C] district courts.

[D] intermediate appellate courts.

[E] constitutional courts.

105. \_\_\_\_\_ are established in the federal judiciary for some special purpose and are staffed by people who have fixed terms of office and can have their salaries reduced.

[A] Legislative courts

[B] Supreme courts

[C] Constitutional courts

[D] Courts of appeal

[E] District courts

106. The president who appointed the largest percentage of Hispanics to the appeals courts was

[A] Ronald Reagan.

[B] Gerald Ford.

[C] Dwight Eisenhower.

[D] Jimmy Carter.

[E] George Bush.

107. In Federalist 78, Alexander Hamilton described the judiciary as

[A] "the sword of the community"

[B] "least dangerous" to political rights

[C] "beyond reproach."

[D] "encouraging factions"

[E] "command[ing] the purse"

108. Among the types of written opinions issued by the Supreme Court are all of the following *except*

[A] dissenting.

[B] mandatory.

[C] per curiam.

[D] majority.

[E] concurring.

109. Justices who believe the Supreme Court should change the direction of legislative policy are advocating

[A] social Darwinism.

[B] judicial restraint.

[C] natural law.

[D] strict constructionism.

[E] judicial activism.

110. Strict-constructionist judges differ from activist judges in that they are *more* likely to

[A] believe in the application of judicial review to criminal matters.

[B] support policies that address social and economic problems.

[C] apply rules that are clearly stated in the U.S. Constitution.

[D] entangle themselves in matters traditionally left to Congress and the Executive.

[E] look for and apply the general principles underlying the U.S. Constitution.

111. In *McCulloch v. Maryland*, the Supreme Court held that

[A] the federal government could pass any laws necessary and proper to the attainment of constitutional ends.

[B] the federal government had the power to regulate commerce that occurred among states.

[C] the judicial branch has the power to determine the legitimate governing power in the states.

[D] states could tax a federal bank.

[E] state militia were subservient to the federal armed services.

112. The principle that the Supreme Court used in overturning *Fulton's* monopoly on a New York steamboat operation was that

[A] interstate commerce cannot be regulated.

[B] the indirect effects of commerce are beyond the scope of government regulation.

[C] patents cannot be issued on recent technology.

[D] state law cannot prevail over federal law.

[E] a monopoly is a restraint on trade.

113. Citizen X is suing his neighbor Y for ramming his \$7,000 car. This case could be heard in

[A] an intermediate appellate court.

[B] an appellate court.

[C] a federal court.

[D] either a federal or state court.

[E] a state court.

114. The Fourteenth Amendment overturned

[A] *Buck v. Bell*.

[B] *Brown v. Board of Education*.

[C] *Dred Scott v. Sandford*.

[D] *Marbury v. Madison*.

[E] *McCulloch v. Maryland*.

115. The Founders expected that judicial review would be relatively passive because

[A] judges would be empowered to award money damages only.

[B] judges would generally be unanimous in their decision making.

[C] judges would be constrained by the legislature.

[D] judges would merely find and apply the existing law.

[E] cases would involve only direct disputes between individuals.

116. One basic difference between a constitutional court and a legislative court is that

[A] legislative court judges handle cases that need not be decided by the Supreme Court.

[B] legislative court judges are not confirmed by the Senate.

[C] constitutional court judges handle cases that need not be decided by the

Supreme Court.

[D] constitutional court judges cannot be fired.

[E] legislative court judges cannot be fired.

117. The ways in which the Supreme Court has interpreted ambiguities in the law can *best* be explained by

[A] changes in legal education.

[B] pressure-group activity.

[C] the personal political beliefs of judges.

[D] changing the views of the legislators.

[E] the justice's commitment to fairness and objectivity.

118. A crucial decision involving the protection of private property interpreted the Fourteenth Amendment's reference to "person" to mean

[A] labor unions.

[B] adults.

[C] business firms.

[D] males.

[E] whites only.

119. Historically, the Supreme Court has been especially activist when

[A] the state's were without power.

[B] Congress was weak and the president was strong.

[C] Congress was in transition from control by one party to control by the other.

[D] the political system was undergoing considerable change.

[E] the president was weak and indecisive.

120. Rulings by the Supreme Court in *Marbury v. Madison* and *McCulloch v. Maryland* established all of the following principles *except*

[A] federal law is supreme over state law.

[B] Congress cannot expand the original jurisdiction of the Court.

[C] the Supreme Court could rule an act of Congress unconstitutional.

[D] the federal government has the power to regulate commerce among the states.

[E] the federal government is permitted to pass any laws necessary and proper to the attainment of constitutional ends.

121. A chief justice is able to exercise his influence most effectively by

[A] guiding the voting.

[B] enforcing the decision.

[C] directing oral argument.

[D] setting the agenda.

[E] guiding the debate.

122. Between 1789 and the Civil War, the Supreme Court was primarily

occupied with the issues of

[A] states' rights and slavery.

[B] trade relations and states' rights.

[C] national supremacy and trade relations.

[D] commerce and civil liberties.

[E] slavery and national supremacy.

123. Certiorari is a Latin word meaning, roughly

[A] "made more certain."

[B] "certified."

[C] "rule of four."

[D] "beyond all uncertainties."

[E] "to be heard."

124. The youngest justice on the U.S. Supreme Court is

[A] William Rehnquist.

[B] Clarence Thomas.

[C] Anthony Kennedy.

[D] David Souter.

[E] John Paul Stevens.

125. An organization that has been influential in getting First Amendment cases appealed to the Supreme Court is the

[A] National Taxpayers' Union.

[B] NRA.

[C] NWO.

[D] ACLU.

[E] AFL-CIO.

126. In a typical year, the Supreme Court may consider over \_\_\_\_\_ petitions asking it to review decisions of lower or state courts.

[A] 1,000

[B] 2,000

[C] 30,000

[D] 5,000

[E] 7,000

127. *Marbury v. Madison* had both legal and political significance. Which of the following rulings was of political significance?

[A] The Supreme Court may declare void any laws repugnant to the U.S. Constitution.

[B] The Supreme Court will try to avoid direct confrontations with other branches of government.

[C] Persons seeking writs of mandamus must go to a lower court.

[D] Congress can expand or contract the appellate jurisdiction of the Court.

[E] Congress may not add to the original jurisdiction of the Supreme Court.

128. The president who appointed the largest percentage of minorities to the federal courts was

[A] George Bush.

[B] Jimmy Carter.

[C] Richard Nixon.

[D] Ronald Reagan.

[E] Dwight Eisenhower.

129. Between 1887 and 1910, the Supreme Court upheld state regulation of business opportunity approximately \_\_\_\_\_ of the time?

[A] 30 percent

[B] 80 percent

[C] 10 percent

[D] 60 percent

[E] 50 percent

130. If Congress passed a law to withdraw some questions from the jurisdiction of the Supreme Court, the latter would likely

[A] reconsider the case that offended Congress.

[B] seek impeachment of key congressional leaders.

[C] retaliate against Congress in other areas.

[D] remove itself from such cases before Congress could act.

[E] declare that law unconstitutional.

131. The major reasons class-action suits became more common in recent years was that

[A] attorneys' fees could be shared among all plaintiffs.

[B] they became financially attractive to lawyers.

[C] bar associations have insisted that lawyers participate in them.

[D] laws changed to deregulate such suits.

[E] the requirements for bringing such suits to court were easy to satisfy.

132. Public confidence in the Supreme Court since 1976 has

[A] seesawed dramatically.

[B] remained unchanged.

[C] decreased steadily except in election years.

[D] decreased steadily.

[E] increased steadily.

133. The period in Supreme Court history from 1936 to the present has been marked by a concern for

[A] corporate fraud.

[B] personal liberties.

[C] the regulation of commerce.

[D] states' rights.

[E] private property.

134. A frequent criticism of judicial activism is that judges

[A] do not exercise it enough.

[B] are rarely informed about constitutional issues relevant in most state legislatures.

[C] should do more research before becoming involved with policy.

[D] are helping the wrong people.

[E] have little expertise in managing policy areas.

135. Justice Ruth Bader Ginsburg, for example, votes on the side of a majority of Supreme Court justices on a particular case even though her reasoning differs from the others. She may choose to express her reasons in a(n)

[A] concurring opinion.

[B] dissenting opinion.

[C] plurality opinion.

[D] per curiam opinion.

[E] opinion of the Court.

136. Which of the following statements about impeachment proceedings against federal judges is true?

[A] They are quite frequent.

[B] They are ineffective restraints on the judiciary.

[C] They have never actually resulted in the removal of a judge.

[D] They are effective restraints on the judiciary.

[E] They are usually brought by judicial activists.

137. The highest state court in Iowa has ruled that the federal Endangered Species Act is illegal because it runs counter to the state constitution. The case could be brought to the U.S. Supreme Court by means of

[A] writ of habeas corpus.

[B] a diversity ruling.

[C] certiorari.

[D] original jurisdiction.

[E] none of these; it could not be taken to the U.S. Supreme Court.

138. Sources of influence on Supreme Court justices include all of the following *except*

[A] NAACP.

[B] the ACLU.

[C] amicus curiae.

[D] law reviews.

[E] legal aid societies.

139. The strongest type of Supreme Court opinion is a(n)

[A] dissenting opinion.

[B] concurring opinion.

[C] unanimous opinion.

[D] plurality opinion.

[E] majority opinion.

140. Federal courts are offered opportunities for designing remedies in part because of Congress's role in

[A] nominating federal judges.

[B] issuing mandates to the courts that encourage judicial activism.

[C] confirming judges without the advice of bar associations.

[D] stripping agencies of their regulatory powers.

[E] writing laws that require interpretation or litigation.

141. The argument that courts are the last resort for the powerless is *most* likely to be used by those favoring

[A] natural jurisprudence.

[B] strict constructionism.

[C] judicial activism.

[D] conservative causes.

[E] interpretivism.

142. The number of federal laws that have actually been overturned by the Supreme Court is

[A] well in excess of 100.

[B] approximately 50.

[C] between 75 and 100.

[D] fewer than 20.

[E] over 3,000.

143. The text argues that getting into court depends most strongly on having

[A] resources and an opponent.

[B] a just cause and standing.

[C] standing and resources.

[D] a litigious action and connections in the judiciary.

[E] an opponent and a just cause.

144. Court-packing refers to the practice of

[A] appointing only justices who agree with the president's political philosophy.

- [B] appointing only justices who can be categorized as strict constructionists.
- [C] taking away the Supreme Court's appellate jurisdiction.
- [D] appointing only justices who agree with Congress's political philosophy.
- [E] ignoring decisions in which a majority of justices cannot agree on a single opinion.

145. One measure of the policy-making role of the Supreme Court is the frequency with which it

- [A] supports the president.
- [B] upholds precedent.
- [C] supports Congress.
- [D] challenges interest groups.
- [E] departs from stare decisis.

146. The Supreme Court's acceptance of New Deal principles probably avoided

- [A] the early demise of the New Deal.
- [B] the creation of an even higher appellate court.
- [C] an assault on the Supreme Court by the other branches.
- [D] the election of a Republican president in 1936.
- [E] a conflict between the president and Congress.

147. Why do the records of their Supreme Court appointees occasionally disappoint presidents?

- [A] Presidents often have unrealistic expectations.
- [B] Presidents rarely seek anything like real "advice" from the Senate.
- [C] Judicial behavior can be difficult to predict.
- [D] Some justices are not as qualified as they seem.
- [E] Most presidents get only a few chances to make Supreme Court appointments.

148. The Court of Military Appeals is an example of a

- [A] court of appeal.
- [B] district court.
- [C] constitutional court.
- [D] supreme court.
- [E] legislative court.

149. Each of the following is a measure of the power of the federal courts *except*

- [A] the number of state laws they declare unconstitutional.
- [B] the number of prior cases they overturn.
- [C] the kinds of remedies they impose to correct situations.
- [D] the number of federal laws they declare unconstitutional.
- [E] the reluctance of these courts to deal with political questions.

150. Supreme Court rather than congressional interpretation of acts of Congress can result from

- [A] reversals of past precedents.
- [B] constitutional interpretation.
- [C] the imposition of strict constructionism.
- [D] conservative principles of the justices.
- [E] interpretation of federal laws.

151. One practicable way that Congress can get around an unfavorable Supreme Court ruling on a law is to

- [A] repass the law in slightly altered form.
- [B] strip the Supreme Court of its enforcement authority.
- [C] remove the judges who voted against the law.
- [D] overturn the Supreme Court ruling.
- [E] contract the original jurisdiction of the Court.

152. Until the 1930s, the Supreme Court interpreted the Fourteenth and Fifteenth Amendments to

- [A] view civil rights very narrowly.
- [B] view civil rights very broadly.
- [C] distinguish precedents in a manner that favored minorities.
- [D] expand the notion of interstate commerce.
- [E] contract the notion of interstate commerce.

153. An important reason federal courts follow precedent is that

- [A] equal justice requires similar cases to be decided the same way.
- [B] the Fourteenth Amendment requires following precedent to avoid conflict with state courts.
- [C] lower court judges have less expertise than members of the Supreme Court.
- [D] the practice of stare decisis makes judicial decision making chaotic.
- [E] appellate courts are less likely to agree among themselves if the standards of decision making are too rigid.

Reference: 414 [1] [E]	Reference: 430 [18] [B]	[35] [C]
Reference: 413 [2] [E]	Reference: 413 [19] [B]	Reference: 417 [36] [A]
Reference: 416 [3] [B]	Reference: 411 [20] [A]	Reference: 429 [37] [D]
Reference: 418 [4] [C]	Reference: 414 [21] [B]	Reference: 428 [38] [B]
Reference: 424 [5] [E]	Reference: 411 [22] [D]	Reference: 428 [39] [D]
Reference: 418 [6] [C]	Reference: 418 [23] [B]	Reference: 403 [40] [C]
Reference: 405 [7] [D]	Reference: 420 [24] [A]	Reference: 418 [41] [B]
Reference: 428 [8] [A]	Reference: 416 [25] [C]	Reference: 417 [42] [E]
Reference: 421 [9] [C]	Reference: 419 [26] [A]	Reference: 418 [43] [B]
Reference: 427 [10] [A]	Reference: 426 [27] [B]	Reference: 429 [44] [E]
Reference: 417 [11] [E]	Reference: 409 [28] [C]	Reference: 424 [45] [C]
Reference: 411 [12] [B]	Reference: 414 [29] [A]	Reference: 420 [46] [D]
Reference: 418 [13] [A]	Reference: 430 [30] [E]	Reference: 411 [47] [B]
Reference: 420 [14] [E]	Reference: 408 [31] [E]	Reference: 406 [48] [D]
Reference: 428 [15] [C]	Reference: 407 [32] [D]	Reference: 418 [49] [B]
Reference: 418 [16] [C]	Reference: 424 [33] [D]	Reference: 420 [50] [A]
Reference: 427 [17] [E]	Reference: 428 [34] [B]	Reference: 416 [51] [B]
	Reference: 426	Reference: 416 [52] [E]

Reference: 417 [53] [B]	Reference: 411 [70] [B]	Reference: 404 [88] [C]
Reference: 427 [54] [A]	Reference: 426 [71] [D]	Reference: 427 [89] [D]
Reference: 417 [55] [C]	Reference: 419 [72] [B]	Reference: 411 [90] [A]
Reference: 409 [56] [B]	Reference: 430 [73] [C]	Reference: 421 [91] [E]
Reference: 428 [57] [B]	Reference: 430 [74] [A]	Reference: 418 [92] [C]
Reference: 420 [58] [A]	Reference: 426 [75] [E]	Reference: 424 [93] [A]
Reference: 412 [59] [D]	Reference: 412 [76] [E]	Reference: 427 [94] [E]
Reference: 418 [60] [B]	Reference: 410 [77] [E]	Reference: 404 [95] [C]
Reference: 417 [61] [D]	Reference: 420 [78] [D]	Reference: 414 [96] [C]
Reference: 408 [62] [E]	Reference: 426 [79] [A]	Reference: 419 [97] [B]
Reference: 428 [63] [C]	Reference: 422 [80] [E]	Reference: 404 [98] [E]
Reference: 421 [64] [C]	Reference: 404 [81] [B]	Reference: 413 [99] [C]
Reference: 409 [65] [B]	Reference: 412 [82] [D]	Reference: 424 [100] [E]
Reference: 416 [66] [A]	Reference: 412 [83] [C]	Reference: 404 [101] [E]
Reference: 424 [67] [C]	Reference: 411 [84] [C]	Reference: 421 [102] [B]
Reference: 413, (Figure 14.1) [68] [B]	Reference: 420 [85] [E]	Reference: 411 [103] [A]
Reference: 429 [69] [A]	Reference: 416 [86] [A]	Reference: 412 [104] [C]
	Reference: 422 [87] [B]	



Reference: 411  
[105] [A]

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Reference: 413, (Figure 14.1)  
[106] [E]

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Reference: 405  
[107] [B]

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Reference: 422  
[108] [B]

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Reference: 424  
[109] [E]

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Reference: 404  
[110] [A]

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Reference: 405  
[111] [A]

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Reference: 406  
[112] [D]

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Reference: 414  
[113] [E]

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Reference: 428  
[114] [C]

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Reference: 405  
[115] [D]

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Reference: 411  
[116] [D]

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Reference: 427  
[117] [C]

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Reference: 408  
[118] [C]

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Reference: 429  
[119] [D]

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Reference: 405  
[120] [D]

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Reference: 421  
[121] [E]

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Reference: 405  
[122] [E]

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Reference: 416  
[123] [A]

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Reference: 420  
[124] [B]

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Reference: 417  
[125] [D]

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Reference: 416  
[126] [E]

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Reference: 405  
[127] [B]

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Reference: 413, (Figure 14.1)  
[128] [B]

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Reference: 409  
[129] [B]

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Reference: 429  
[130] [E]

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Reference: 419  
[131] [B]

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Reference: 430  
[132] [A]

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Reference: 409  
[133] [B]

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Reference: 424  
[134] [E]

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Reference: 422  
[135] [A]

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Reference: 427  
[136] [B]

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Reference: 416  
[137] [C]

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Reference: 421  
[138] [E]

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Reference: 422  
[139] [C]

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Reference: 426  
[140] [E]

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Reference: 424  
[141] [C]

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Reference: 423  
[142] [A]

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Reference: 420  
[143] [C]

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Reference: 410  
[144] [A]

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Reference: 423  
[145] [E]

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Reference: 410  
[146] [C]

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Reference: 412  
[147] [C]

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Reference: 411  
[148] [E]

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Reference: 424  
[149] [E]

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Reference: 423  
[150] [E]

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Reference: 428  
[151] [A]

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Reference: 409  
[152] [A]

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Reference: 423  
[153] [A]