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The Judiciary

▣ Multiple-Choice Questions

1. Which Article of the Constitution created the federal judiciary?
 - a. Article III
 - b. Article II
 - c. Article VI
 - d. Article I
 - e. Article IX
2. According to Article II, which of the following must confirm all federal judges?
 - a. House of Representatives
 - b. Supreme Court
 - c. Senate
 - d. president
 - e. states
3. The _____ Act of 1789 established the basic three-tiered structure of the federal court system.
 - a. Federal Courts
 - b. Appellate
 - c. Confirmation
 - d. Interpretation
 - e. Judiciary
4. How many justices currently serve on the Supreme Court?
 - a. five
 - b. six
 - c. twelve
 - d. nine
 - e. eight

5. In which of the following cases did the Supreme Court first claim the right of judicial review?
- a. *Chisholm v. Georgia*
 - b. *Brown v. Board of Education*
 - c. *United States v. Nixon*
 - d. *Dred Scott v. Sandford*
 - e. *Marbury v. Madison*
6. In which court do cases generally begin?
- a. trial
 - b. appellate
 - c. original
 - d. constitutional
 - e. state
7. When a case is granted review in an appellate court, the parties submit written _____ presenting their arguments.
- a. ledgers
 - b. motions
 - c. briefs
 - d. opinions
 - e. plans
8. A writ of _____ is a request submitted to the U.S. Supreme Court to review a lower court decision.
- a. *mandamus*
 - b. prohibition
 - c. *capias*
 - d. attachment
 - e. *certiorari*
9. For a case to be heard in the Supreme Court, a minimum of how many justices must vote to hear the case?
- a. one
 - b. four
 - c. five
 - d. nine
 - e. six

10. Following oral arguments, the justices gather for a _____, during which they discuss the case and cast preliminary votes.
- a. conference
 - b. meeting
 - c. hearing
 - d. review
 - e. circuit
11. Which type of case concerns the violation of the legal rights of one individual toward another?
- a. civil
 - b. original
 - c. trial
 - d. appellate
 - e. criminal
12. Which of the following represents the federal government in the Supreme Court?
- a. attorney general
 - b. president
 - c. Speaker of the House
 - d. solicitor general
 - e. chief prosecutor
13. Which of the following nominates U.S. federal judges?
- a. president
 - b. vice president
 - c. chief justice
 - d. Senate
 - e. Supreme Court
14. Which of the following is the authority vested in a particular court to hear and decide the issues in a particular case?
- a. jurisdiction
 - b. judicial review
 - c. jurisprudence
 - d. confirmation
 - e. filibuster

15. What is the name given to the power of the courts to interpret, and overturn, the actions of the executive and legislative branches?
- a. original jurisdiction
 - b. strict construction
 - c. judicial review
 - d. precedent
 - e. *stare decisis*
16. Federal judges are appointed to _____ terms.
- a. two-year
 - b. three-year
 - c. life
 - d. ten-year
 - e. twenty-year
17. The authority to be the first court to hear a case is which type of jurisdiction?
- a. appellate
 - b. constitutional
 - c. federal
 - d. original
 - e. trial
18. A(n) _____ brief is submitted by someone who is not a party to the case.
- a. *amicus curiae*
 - b. appellate
 - c. *habeas corpus*
 - d. outsider
 - e. *coram nobis*
19. Which of the following is an opinion written by a justice in the majority that outlines additional considerations he or she thinks are important?
- a. concurring
 - b. *en banc*
 - c. majority
 - d. *per curiam*
 - e. dissenting

20. Proponents of which of the following believe that judges should use their power broadly to further justice?
- a. judicial restraint
 - b. judicial constructionism
 - c. judicial activism
 - d. judicial originalism
 - e. judicial implementation
21. In which federal courts are trials conducted?
- a. circuit
 - b. district
 - c. common
 - d. original
 - e. public
22. In 1987, the Senate refused to confirm the nomination of which of the following to the Supreme Court?
- a. Antonin Scalia
 - b. Harlan Fiske
 - c. Earl Warren
 - d. Robert Bork
 - e. David Souter
23. Courts provide a statement of the legal reasoning behind their decisions in written _____.
- a. briefs
 - b. arguments
 - c. opinions
 - d. laws
 - e. pamphlets
24. What are the two types of jurisdiction courts can have?
- a. original and appellate
 - b. trial and appeals
 - c. constitutional and statutory
 - d. active and restrained
 - e. legislative and constitutional

25. Who presides over trials for presidential impeachment?
- vice president
 - Speaker of the House
 - chief justice of the Supreme Court
 - president of the Senate
 - House majority leader
26. To which of the following does Article III give the power to create inferior federal courts?
- Congress
 - the president
 - the Supreme Court
 - the states
 - the people
27. How many courts of appeals are in the federal system?
- two
 - six
 - thirteen
 - eleven
 - five
28. In court rulings, reliance on past decisions to formulate decisions in new cases is known as which of the following?
- per curiam*
 - stare decisis*
 - coram nobis*
 - amicus curiae*
 - common law
29. In a process known as _____, presidents generally allow senators from the state in which a judicial vacancy occurs to block the nomination.
- advice and consent
 - presidential deference
 - judicial review
 - senatorial courtesy
 - Senate confirmation

30. When the U.S. Supreme Court agrees to hear a case appealed to it from a circuit court, it is exercising its _____ jurisdiction.
- a. original
 - b. constitutional
 - c. mandatory
 - d. appellate
 - e. legislative
31. Which of the following can modify a decision of the Supreme Court?
- a. executive order
 - b. federal statute
 - c. lower court decision
 - d. constitutional amendment
 - e. writ of *certiorari*
32. All federal judicial nominations are first referred to which of the following for a hearing?
- a. House Judiciary Committee
 - b. Senate Nominations Committee
 - c. Supreme Court
 - d. Senate Judiciary Committee
 - e. attorney general
33. If a judge believes that she should only strike down laws that clearly violate the Constitution, she likely believes in which of the following?
- a. judicial activism
 - b. judicial conservatism
 - c. judicial originalism
 - d. judicial restraint
 - e. judicial construction
34. The conference of the U.S. Supreme Court is _____.
- a. open to the justices and the public
 - b. limited to the justices themselves
 - c. open to the justices and other court staff
 - d. open to the justices and the president
 - e. open to the justices and all members of Congress

35. A court that hears and weighs evidence in order to reach the first decision in a civil or criminal case is a court of _____ jurisdiction.

- a. appellate
- b. constitutional
- c. trial
- d. original
- e. mandatory