

## *Federalist 78 Questions*

1. What is the branch of government considered in this essay?
2. What has pointed to the need of a federal judiciary?
3. Why doesn't Hamilton believe it necessary to dwell on the appointment process for judges?
4. How does the idea of life tenure compare to tenure protected by state constitutions?
5. What is the value of a judiciary in government as it relates to keeping governments in check?
6. What branch of government in a government with a separation of powers is least dangerous to the people's liberty?
7. What powerful weapon does the executive wield that can be used to endanger people's rights?
8. What tools does the legislature have that can adversely affect the people?
9. What two things does the judiciary lack that prevents it from taking any active resolution?
10. Having neither FORCE NOR WILL, what is the judiciary left with?
11. Why is the judiciary weak as it relates to its role in the government?
12. As long as the judiciary remains separate from the executive and legislature what can never be threatened by the judiciary?
13. Because the judiciary is in continual jeopardy of being overpowered or influenced by the executive or legislative branches, what must the judiciary have to protect themselves?
14. What is seen as the citadel of the public justice and the public security?
15. How are the courts a check against a legislature in a limited government?
16. What do we call it when the courts declare acts of the legislature or executive that are contrary to the constitution void?
17. What concern do critics have with this ability to declare acts void?
18. If the legislature were able to determine the constitutionality of their own actions and laws then who would be the ultimate law?
19. Why should the power to determine constitutionality be kept from the legislature? What danger exists if they get this power?
20. What is the proper and peculiar province of the courts?
21. If there is a difference between the laws of congress and the constitution what is supposed to prevail?
22. What is superior to both judicial and legislative power?
23. If the will of the people doesn't match the laws emanating from congress what do the courts need to do?
24. If an old law contrasts with a new law which one should be held to be valid?
25. If an old federal law contrasts with a new state law which one should be the valid law?
26. How much of their opinion can judges put into their consideration of laws from the legislature?
27. What characteristics of courts are needed to be an effective bulwark for a limited government?
28. How can the intentions of the people be necessary for the courts to protect against?
29. Can a will of the people that finds expression in law be held valid if it runs counter to the constitution?
30. Only when what happens can the will of the people override the constitution?
31. Why do judges need uncommon portion of fortitude in the face of laws inspired by a will of the majority that tramples the rights of a minority?
32. How does the possibility of judicial review keep the legislature within its bounds?
33. How should those currently in the majority view the role of the courts in the future as it relates to possibly protecting their rights from infringement?
34. How should adherence to the constitution be administered?
35. Why would a judicial appointment short of life tenure be a problem for judicial independence?
36. How does reliance on precedent also weigh on the need for life tenure for judges?