

Wilson 16 Chapter 16 Assignment

1. How does not having command of the purse nor the sword make the courts the least dangerous threat to our liberty?
2. If a president has full command of the office for the entirety of four years how can it be argued that the Republican action to deny a hearing for Merrick Garland wasn't an interference in the president's powers?
3. How might declining confirmation rates for district court and circuit court judges shown in Figure 16.1 be more a product of politics rather than the lack of qualifications for office by nominees?
4. How has Trump's decision not to honor Senatorial courtesy (blue slip) affected the nomination process for district court and appeals court nominees?
5. How has the role of the court increased in recent decades from being a referee to a source of policy?
6. What is judicial review?
7. How is judicial review the chief weapon the courts have in the checks and balances system?
8. Compare and contrast judicial restraint and judicial activism.
9. How is originalism a variation from judicial restraint?
10. What was the ruling in *Marbury v. Madison*? How did standing play a role in creating a central power of the court? How was standing used to avoid the redistricting question in *Gill v. Whitford* (2018)?
11. What was decided in *McCulloch v. Maryland*?
12. How does Article VI of the constitution (p. A9) confirm the idea that the federal government is to be the ultimate power when there is a struggle between it and state governments?
13. How was the 14th Amendment's due process clause used to protect corporation?
14. What is an injunction?
15. Reasonableness is a standard hard to define in the protection of rights. Explain.
16. What does a *writ of mandamus* do?
17. How did the court system reinforce the federal government's use of the commerce clause to expand its reach into more aspects of the people's lives?
18. How does the 11th Amendment empower states to decide if they choose to be sued in court?
19. What was decided in *US v. Lopez*?
20. Why did the court rule against the US government in *Printz v. US*?
21. What was decided in *National Federation of Independent Business v. Sebelius*?
22. How does the decision in *King v. Burwell* deny a literal reading of the Affordable Care Act as it relates to state exchanges?
23. What is the only federal court required by the constitution?
24. What are the constitutional courts?
25. How many federal district courts are there?
26. How many courts of appeal are there?
27. Why are legislative courts given less permanence and protection?
28. How have the nominations of Sonia Sotomayor, Elena Kagan, and Neil Gorsuch shown that political party, ideology, age, ethnicity, gender, and experience are very important considerations for a president making a judicial nomination?
29. According to Figure 16.4 which party is more likely to nominate under-represented groups to judicial positions?
30. How have recent political actions shown the court to be at the center of political maneuvering rather than neutral administration of law?
31. How will removing the filibuster for judicial openings lead to more extremism in the courts?
32. How does the filibuster bring about more centrist judges?
33. Why is it not surprising that we have a dual court system?
34. Compare and contrast federal-question cases and diversity cases.

35. What was decided in *Gideon v. Wainwright*?
36. Why must appellants get a *writ of certiorari* to have their case heard by the supreme court? How many votes are needed to get the writ?
37. What percentage of appeals make it to the supreme court?
38. How do interest groups get a seat at the table when it comes to cases heard at the supreme court?
39. Why should standing be a legal requirement to bring a case?
40. Why should nations have sovereign immunity?
41. What is required under the 14th Amendment's equal protection clause?
42. How was the equal protection clause being violated by the Topeka Board of Education prior to the suit brought by Linda Brown?
43. Why is malapportionment unconstitutional?
44. How do briefs give litigants, and interested outsiders, a chance to use legal reasoning to sway the court to the decision they would like?
45. How do interest groups use *amicus curiae* to further their causes?
46. When the Republicans refused Merrick Garland a hearing for the supreme court it created some 4-4 decisions. What happens in such cases?
47. Why might people, corporations, and interest groups dislike *per curiam* opinions?
48. Identify and explain the three main types of judicial decisions.
49. Why is Anthony Kennedy the most influential member of the supreme court since the retirement of Sandra Day O'Connor?
50. How does *stare decisis* guide judicial decisions?
51. Why was it surprising for the court to hear *Baker v. Carr*, and how did it rule?
52. What is a remedy?
53. How are remedies often a source of correction beyond those involved in a lawsuit?
54. What does the Civil Rights Act of 1964 do?
55. What is the criticism of judges engaging in judicial activism?
56. How can the need for judicial remedies be considered the fault of congress?
57. What trends are evident in Figure 16.6? How does this data reflect the overall division of America into partisan camps?