US Supreme Court comprehension questions

1. The power of judicial review power was granted to the SC in the Constitution. True/False
2. What principles did Marbury v Madison and Fletcher v Peck decide

Decisions of Congress and state legislatures can be subject to judicial review and declared unconstitutional

1. What is judicial restraint?

To leave public policy decisions with the elected branches unless theire has been a clear breach of the Constitution. Not to be politicians in robes

1. What six principles guide judicial restraint?

Only rule where there is a clear breach of constitution, avoid FP decsisons, stare decicis, rule on as narrow principle as possible, avoid personal bias, follow strict constructionism if it is necessary to rule

1. What is originalism?

Interpret the Constitution as if it had a fixed meaning at the time of ratification

1. What is Judicial Activism?

The preamble and the Ninth Amendment provide an ideological basis to extend rights where the elected branches fail to do so

1. How is Democratic Constitutionalism linked to Judicial Activism?

DC provides the emerging consensus theory developed to counter attacks on liberal courts that they were extending rights based on personal views

1. What is the Living Document?

Linked to Judicial Activism, The theory that the Constitution should be interpreted as a living document interpreting it based on a contemporary reality

1. Activist judges are accused of L-------------------- F\_\_\_ T\_\_\_\_\_ B\_\_\_\_\_\_\_\_\_ and being P\_\_\_\_\_\_\_\_\_\_\_ i\_ R\_\_\_\_\_\_\_\_\_\_\_\_

Legislating from the bench politicians in robes

1. Give two rulings that are examples of conservative activism

DC v Heller, Citizens United v FEC, Caetano v Massachusetts

1. Who are the three liberal justices on the court

Sotamayor, Kagan, KBJ

1. What are the four ways in which the court can affect public policy

Uphold existing policy, limit/over rule existing policy, create new policy, inaction

1. Outline the appointment process for SC justices

Vacancy, Search for nominee and checks, Nomination, SJC Advise, Senate Floor Consent ( ABA rating usually after nomination

1. What was significant about the vote in the Senate for Ruth Bader Ginsburg?

97-3 Bipartisan support

1. What have been the votes for Gorsuch, Kavanaugh, ACB and KBJ. Actual Senate floor votes please

ACB 52-48

KBJ 53-47

Kavanaugh 50-48

Gorsuch 54-45

1. How do judges decide which cases to hear

Rule of 4

1. What are amicus curiae briefs

Letters to the court seeking to persuade them to rule in a particular way

1. How is judicial independence enforced by the Constitution

Separation of powers, no drop in salary, appointed for life

1. What were the rulings/significance in the following cases: Snyder v Phelps Free speech for members of Westboro Baptist Church – Homophobic abuse
2. Students for Fair Admissions v Harvard Ended AA
3. Allen v Milligan Alabama congressional districs unconstitutional
4. US v Texas (2016) DAPA unconstitutional
5. Trump v Vance Trump had to hand over tax records on 7-2 ruling with his appointees ruling against him
6. Bush v Gore No recount in Florida for presidential election seemingly ignoring basic constitutional principles and installing Bush in White House
7. Louisiana v Jennedy Death senetence for raping child unconstitutional on basis of democratic constitutionalism
8. Burwell v Hobby Horse Businesses do not have to pay elenment of Obama care for contraception. Freedom of religion case
9. Town of Greece v Galloway : Beginning town meetings with Christian prayer was ceremonial and did not amount to ‘estbalishing religion banned by First ammendmeent
10. McCutcheon v FEC
11. Bostock v Clayton County Court. Business could not discriminate on sexuality. Important for Gorsuch lead judgment
12. Husted v Randolph Voter caging in Ohio constitutional
13. DC v Brnovich Bans on Ballot collecting and voting out of precinct in Arizona constitutional
14. Three reasons why the Court is imperial? Unelected, Marbury v Madison, Self-selection of cases,
15. Three reasons why the Court is not imperial? Presidential nomination, Cannot initiate cases, recent ethical standards show the court is limited by public opinion , limited by wording constitution ( theoretically)
16. Three reasons why the court is political: Appointment, political labels of justices, big cases revela the ideological split
17. Three reasons why the Court is judicial. Stare Decisis, Wrtten judgements, ABA judgements, do not always rule as president wishes them too