Critical Questions

**The Judicial Branch**

**Chapter 11: The Federal Court System**

1) Why might a person who is being sued by someone who lives in another state demand that the case be tried in a federal court?

2) Explain why the senatorial courtesy system applies to federal district courts but not to courts of appeals or to the Supreme Court.

3) Why does the Constitution give federal courts jurisdiction in cases involving disputes between two states or between a state and a citizen of another state?

4) Some people maintain that all judges should be elected rather than appointed in order to make them more accountable to the people. Should this principle apply to Supreme Court justices? Explain why or why not.

5) Explain how and why the Supreme Court's ruling in the case of *Marbury* v. *Madison* increased the Court's power.

6) Should a person's opinions on the controversial issues of the day be a factor in his or her selection as a Supreme Court justice? Explain why or why not.

7) Explain when and why the Supreme Court would have jurisdiction over a state court case in which the defendant claims his civil rights were violated.

1. Explain the role that politics plays in the selection of federal district court judges.

**Chapter 12: Supreme Court Decision Making**

1) What two actions could Congress take to undo a Supreme Court ruling that a federal law is unconstitutional? Explain the advantages and disadvantages of each action.

2) Why should dissenting opinions, as well as the majority opinion, be a permanent part of the record in a Supreme Court decision?

3) Explain the role that precedence plays in the interpretation of the law and how precedents can change.

4) If the Supreme Court was able to issue advisory opinions that prevented Congress from passing unconstitutional laws, would the Court still have cases to decide? Explain why or why not.

5) The fact that the Supreme Court has jurisdiction in a case is no guarantee the justices will hear it. Describe the conditions a case generally must meet to have a good chance of being selected for full consideration by the Court.

6) What characteristics of the Supreme Court allow the law to be both predictable and flexible? Why is it important that the Court have these qualities?

1. Explain how a strong negative public reaction to a Supreme Court ruling can affect the ruling's impact on American society.
2. Is an amendment to the Constitution subject to judicial review by the Supreme Court? Explain why or why not.