American Government: Stories of a Nation for the AP® Course Guided Reading

Section 6.5: Judicial Review, Constitutional Interpretation, and Judicial Decision Making

	Name	
	Date	Class
Before you read		
Before reading this section, take a mome encounter.	ent to read the Learning Tar	get and vocabulary terms you will
Learning Target: Describe the Supreme Colimit the powers of the Supreme Court.	ourt's role in policymaking and	d how Congress and the president may
AP® Key Concepts		
judicial restraint	judicial activ	vism
While you read		
Use the following table to take notes as y	you read the section.	

Branch of government	Methods of limiting Supreme Court power	Impact on Supreme Court policymaking
g=	F	

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After you read

Once you've finished reading the section, answer the following questions.

- 1. When the Supreme Court upholds the constitutionality of a law passed by Congress, it
 - A. acts on behalf of the minority of Congress.
 - B. legitimizes Congressional acts in the minds of the American public.
 - C. exercises control against the prevailing majority.
 - D. risks trampling on the rights of the majority to approve a tyranny of the minority.
- 2. Proponents of judicial restraint make all the following arguments for it EXCEPT
 - A. declaring a law unconstitutional sparingly is more authoritative than using the power often.
 - B. overturning laws undemocratically goes against the will of the majority.
 - C. at times the rights of the minority need to be protected.
 - D. justices are not policy experts, merely legal experts.
- 3. In the context of Marbury v. Madison (1803), Chief Justice John Marshall embraced judicial activism when he ruled
 - A. the federal government, not the states, was responsible for Indian policy.
 - B. Marbury should have been delivered his duly executed commission.
 - C. Marbury had the right to see redress for a perceived injury in the federal courts.
 - D. a provision of the Judiciary Act of 1789 was unconstitutional, establishing judicial review.
- 4. The Supreme Court's decision in National Federation of Independent Business v. Sebelius (2012) exemplifies judicial restraint because
 - A. the Supreme Court began the process of school desegregation.
 - B. the Supreme Court deferred to Congress in upholding the legislation contested.
 - C. the Supreme Court ruled treaties with Native Americans supersede state law.
 - D. the Supreme Court broadened the definition of Congresses power to tax.
- 5. According to Alexander Bickel, there are three possible outcomes when the Supreme Court ascertains the degree to which a federal law, state law, state constitutional provision, or governmental action is or is not in conflict with the Constitution. Which of the following is NOT one of those outcomes?
 - A. The Court overturns a law and risks undermining democratic principles.
 - B. The Court overturns a law and refuses to weigh in on a law's constitutionality.

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- C. The Court does not act and refused to weigh in on a law's constitutionality.
- D. The Court upholds a law, giving the law its approval.
- 6. Which of the following is a presidential check on the power of the federal judiciary?
 - A. Confirmation of judges
 - B. Nomination of judges
 - C. Establishment of new courts
 - D. Ratification of new amendments
- 7. Many years ago, Congress passed the Environmental Wellness Act. It vaguely stipulated that car makers had to make "environmentally friendly" cars. When the Justice Department sued the Kraft Motor Corporation for producing gas guzzlers, the Supreme Court ruled on appeal that, absent of a specific provision in law, the Kraft Motor Company could not he held liable and the Environmental Wellness Act was unconstitutional. Using what happened after the Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co.* as a model, what do Congress and the president do next?
 - A. Nothing but accept the ruling and move on
 - B. Pass a bill that mandates specific emissions requirements
 - C. Work with the states to pass a constitutional amendment
 - D. Refuse to confirm new Supreme Court justices
- 8. The decision in Worcester v. Georgia (1832) exemplified all the following EXCEPT
 - A. John Marshall's proclivity for expanding federal power.
 - B. the difficulties of the Supreme Court enforcing its decisions.
 - C. President Andrew Jackson's disdain for Native Americans.
 - D. an attempt to assert the authority of state law over Native American treaties.
- 9. The aftermath of the Brown v. Board of Education (1954) decision demonstrated that
 - A. the Court's decisions are immediately and forcefully carried out by the other branches.
 - B. the president and the state could easily defy the Court.
 - C. the lack of support from the other braches limits the Court's power in national policy setting.
 - D. the Court cannot make meaningful decisions on civil rights policy.
- 10. Which is NOT a consideration a Supreme Court justice takes into account when deciding a case?
 - A. The sentiments of foreign leaders
 - B. The case's facts and the letter of the law
 - C. His or her personal views
 - D. The legitimacy of the Court