

Answer Key to Quizzes 14-19

Quiz 14: “Nine is (Not) Enough: Part I” {Supplements Chapter 13, “The Courts”}

1. What is one reason why the number of justices seated on the Supreme Court changed from 1789 to 1869?

The number of justices on the Court has changed as the result of several political conflicts that took place between 1789 and 1869. In addition, these changes reflected the westward territorial expansion of the United States. That is, since the Circuit Courts of Appeals did not exist until 1891, for most of the 19th century, each Supreme Court justice was also required to “ride circuit,” a term used to describe how they would travel on horseback or by carriage to designated parts of the country to serve on regional appellate courts. As additional states were admitted into the union, the number of those regional courts of appeal correspondingly increased, along with the need for more Supreme Court justices.

2. What did the Supreme Court rule in *Morehead v. New York*, which is otherwise known as the *Tipaldo* case?

By a vote of 5- 4, the justices declared unconstitutional a New York statute that had set a minimum wage law for women and child laborers.

3. What was one proposal that the Roosevelt Administration considered but ultimately rejected as a way to try to limit the power of the Supreme Court?

Among the proposals considered: calls for constitutional amendments that would widen the scope of the commerce clause and strengthen the regulatory or police powers of the states. Also ruled out was a plan to have Congress make it harder for the Supreme Court to rule specific federal laws unconstitutional—for instance, by enacting legislation requiring a supermajority of 6 or 7 justices rather than majority of 5 to strike down acts of the US Congress.

4. According to FDR, what is the *real* meaning of the term, court-packing?

To put judges on the bench who act like justices and not as legislators, who “understand modern conditions” and who “will not undertake to override the judgement of the Congress on [matters of] legislative policy.”

5. What important precedent did the acquittal of Justice Samuel Chase set?

That a Supreme Court justice could not be removed from their office exclusively for political reasons.

6. Who ultimately decides if a Supreme Court justice should recuse themselves from a case on account of a conflict of interest?

Justices essentially decide for themselves whether they have a conflict of interest.

7. Are you eligible for overtime pay in your current or most recent work situation? If not, do you think you should be eligible? Briefly explain why or why not. If you are: do you think the overtime pay is adequate? Briefly explain why or why not.

Interpretive response.

Quiz 15: “Nine is (Not) Enough: Part II” {Supplements Chapter 13, “The Courts”}

1. What is one way to explain why the US Supreme Court’s decision in *Tipaldo* was reversed a mere nine months later in its *Parrish* ruling?

The many rumors circulating around Washington that FDR would soon unveil a court-packing plan may have intimidated Justice Roberts into abruptly disregarding precedent, with regard to state minimum wage laws.

2. According to the Presidential Commission on the Supreme Court, why is the Supreme Court’s legitimacy crucial to the institution?

“The Court’s legitimacy is crucial to the institution because the federal judiciary has no military or other way to coerce people to comply; the judiciary must rely on others to adhere to its decisions.”

3. Why would Professor Barry Friedman claim that “Roosevelt may have lost his battle to pack the court, but he won the war?”

Though the court-packing plan died in the Senate, FDR soon had a pro-New Deal majority on the bench (following Justice Van Devanter’s retirement, Alabama Senator Hugo Black, a supporter of the New Deal, won senate confirmation as a Supreme Court justice.)

4. Do you think it would be a good idea for the US Congress to pass an abortion law that stipulates its constitutionality cannot be challenged in the courts? Why or why not?

Interpretive response.

5. According to Alexander Hamilton, when should the Supreme Court exercise the power of Judicial Review?

The Supreme Court’s power of judicial review was to be used sparingly—in cases where there was an “irreconcilable variance” between a statute and the Constitution.

6. How does the Presidential Commission on the Supreme Court of the United States summarize contemporary opposition to court-packing?

“Opponents [of court-packing] contend that expanding—or ‘packing’—the Court would significantly diminish its independence and legitimacy and establish a dangerous precedent that could be used by any future political force as a means of pressuring or intimidating the Court.”

7. Were you surprised that only three Republican senators voted to confirm [Ketanji Brown Jackson](#) to the US Supreme Court? Briefly explain why or why not.

Interpretive response.

Quiz 16: “Lotteryville, USA” (Supplements Chapter 14: “State and Local Government”)

1. What claim did Congressman Cornelius Gallagher make on behalf of the proposed New Jersey state lottery in 1969?

Gallagher declared in 1969 that if the state enacted a lottery, “we could abandon all taxation in New Jersey and increase every service in our state four times over.”

2. Have you purchased a state lottery ticket in the past year? Briefly explain why or why not.

Interpretive response.

3. Do you think the ad promoting the California state lottery that was shown in the video lecture made effective use of the slogan appearing at the end of the video, “Believe in Something Bigger?” Explain why or why not.

Interpretive response.

4. Let’s say you are the director of the New York state lottery. Would you approve the ad shown in the video lecture, if it were submitted for your review? Explain why or why not.

Interpretive response.

5. In your view, do you think the state of Tennessee should change the way it funds its educational scholarship programs, including Tennessee Promise and Tennessee Reconnect? Explain why or why not.

Interpretive response.

6. How does the existence of state lotteries help bring about “civic corruption,” according to philosopher Michael Sandel?

Sandel argues that by promoting the lottery, “states continue to bombard their citizens, especially the most vulnerable ones, with a message at odds with the ethic of work, sacrifice and moral responsibility that sustains democratic life. This civic corruption is the gravest harm that lotteries bring.”

7. As reported in the National Gambling Impact Study Commission, critics of lotteries argue that advertisements promoting them encourage “magical thinking.” But, according to John Berger, in what sense do *all commercials* encourage magical thinking?

John Berger described the underlying message advertisements deliver to consumers as follows: “the spectator-buyer is meant to envy themselves as they will become if they buy the product. They are meant to imagine themselves transformed by the product into an object of envy for others, an envy which will then justify them loving themselves.”

Quiz 17: “The Bureaucracy and the Deep State” (Supplements Chapter 15, “The Bureaucracy”)

1. Why does Lofgren invoke the authority of President Eisenhower?

In his Farewell Address of 1961, Eisenhower warned viewers that the existence of the “Military Industrial Complex” posed a grave threat to a representative form of government—to what Eisenhower referred to as “our liberties and democratic processes.” According to Lofgren, that warning was ignored, and we are as a consequence now paying the price.

2. According to Lofgren, what is “the paradox of American Government in the 21st century?”

The paradox is that despite the mainstream media’s obsession over political partisanship and governmental inaction, “the secret and unaccountable Deep State floats freely above the gridlock between both ends of Pennsylvania Avenue.”

3. How does Lofgren describe the phenomenon of “Groupthink”?

Groupthink, a term coined by the psychologist Irving Janis, occurs when there is an “assimilation of the views of your superiors and peers—it’s becoming a ‘yes-man’ and in many respects in an unconscious” phenomenon

4. To what does “our present-day Cincinnatus” refer?

It refers to the “vast majority of generals” who, upon retiring, join the “corporate boards of defense contractors” (rather than, say, retiring to a modest, private farm, as was the case with the legendary Cincinnatus, the Ancient Roman general.

5. According to Lofgren, what is the “ideology” of the Deep State?

He describes it as “ideology of corporatism” that is neither liberal nor conservative. Its core beliefs are deregulation, outsourcing, deindustrialization, financialization, and the need for “American Exceptionalism” abroad (the latter principle essentially means the US should continue to serve as the “world’s policeman.”)

6. What are the three different “types” of the Deep State?

The nexus of corporate power and nonpartisan governmental authority concentrated in certain national security and law enforcement agencies [I]; Fukuyama’s depiction of selfless civil servants who uphold the rule of law [II]; highly partisan national security officials who, working closely with a Democratic Party led by Obama, attempted to undermine the Trump Administration’s legitimacy.

7. How would you respond to the two survey questions posed in the 2018 Monmouth poll? Briefly explain your responses.

Interpretive Response.

Quiz 18: “Disquiet on the Domestic Front” (Supplements Chapter 16, “Domestic Policy”)

1. Is there an explicit mention of an Income Tax in Sections 2 and 8 of Article I of the US Constitution?

There is no explicit reference to an income tax in Sections 2 and 8 of Article 1.

2. What essential distinction did the US Supreme Court attempt to draw in the 1796 case of *Hylton v. United States*?

The Court attempted to draw an essential distinction between “direct” taxes, explicitly mentioned as such in Section 2 and Section 8’s arguably implicit listing of indirect taxes, in the form of “duties, imposts, and excises.”

3. If you were to tweet a response of two or more sentences to 2020 Libertarian Presidential candidate Jo Jorgensen’s claim that “taxes are the product of a government’s ability to steal,” what would you say?

Interpretive response.

4. What did Justice White declare in his dissenting opinion to *Pollock*?

Justice White deplored the fact that a nation whose people have become “united and powerful” would have for their government an elected body that is afflicted with a

fundamental, existential lack, a government that “is deprived of an inherent attribute of its being—a necessary power of taxation.”

5: In your view, which of the four forms of power presented by C. Wright Mills best describes the federal income tax in the United States?

Interpretive response.

6: What is the basic tenet of a system of progressive taxation?

The effective tax rate increases as the taxpayer’s income increases.

7: What is one obstacle that appears to stand in the way of the passage of a “Billionaire Minimum Income Tax?”

The Democrats do not have enough votes to include such a measure in Budget Reconciliation (where only 51 votes are needed to pass a bill); the Supreme Court is likely to strike it down; billionaires could threaten to renounce their citizenship in order to avoid paying the new tax.

Quiz 19: “US Foreign Policy in the 21st Century: What is War?” (Supplements Chapter 17, “Foreign Policy”)

1. What is one way to explain how the US has fought multiple wars over the last 80 years, even though Congress has not issued a formal declaration of war?

US presidents from Truman through Biden have authorized military interventions, in part by invoking the authority granted to them under Article 2, Section 2 of the Constitution.

2. Why should we always be on guard when elective officials justify their actions by claiming that it fulfills the intent of the framers of the Constitution of the United States?

It may be impossible to discern what those intentions were; historical developments may have rendered those intentions obsolete or deeply problematic; the Framers may have intentionally decided to let future generations resolve certain matters.

3. In your view, should the “collective judgement” of “both the Congress and the President” be needed when launching military interventions? Briefly explain why or why not.

Interpretive response.

4. In your view, are we sure America is not at war in Ukraine? Briefly explain why or why not.

Interpretive response.

5. What is one way in which the bill proposed by Senators Lee, Murphy, and Sanders would strengthen the War Powers Act of 1973?

The bill aims, for the first time, to define what type of “hostilities” require a president to seek congressional approval before committing military resources; establish expiration dates for national emergencies and military authorizations; and automatically curtail funding for any operation a president continues without explicit congressional support.

6. According to Kristian, what is one way in which, since September 11, 2001, the US military has adopted a “model of perpetual warfare?”

Technological advances, like drone warfare and cyberattacks have made it possible to commit what might otherwise be seen as acts of war in other countries without U.S. troops ever leaving U.S. soil. It’s also a function of executive war-making: Congress hasn’t formally declared war since 1942, but successive presidents have relied on the broad war powers granted to George W. Bush in 2002 to authorize the use of military force.

7. Do you support Congressman Rangel’s proposal to reinstate the draft? Briefly explain why or why not.

Interpretive Response.