

AP GoPo

Federalist Paper 78
Alexander Hamilton
“The Judiciary Department”

Instructions: Read Federalist Paper 78, written by Hamilton and respond to the questions regarding his writing on the Constitution’s proposal of a Federal Judiciary.

Response Questions...

1. Hamilton proposes that the Judiciary will be what he refers to as “the least dangerous.” To what is he referring in this argument?
2. Why can’t the Legislative branch be judges themselves of what is Constitutional?
3. Hamilton seems to imply Judicial Review years prior to the Marbury v. Madison decision authored by John Marshall. What does he say regarding the ability of the courts to void actions of Congress?
4. Why does Hamilton argue for permanent tenure of judicial offices (aka – life appointments)?