**Check Your Understanding- Federalist #78**

1. Paraphrase Hamilton’s purpose and focus for this essay (as outlined in the opening paragraph)
2. What does Hamilton mean when he says, “good behavior”?
3. According to Hamilton’s argument, why does lifetime appointment secure an “impartial administration of the laws”?
4. What does Hamilton mean by the power of the “sword” and the power of the “purse”?
5. Hamilton claims the judiciary has no influence over either “sword” or “purse.” Is this true? Explain
6. According to Hamilton’s argument, why is it important to give the judiciary some protections against the other two branches?
7. According to Hamilton’s argument, how is liberty secured by the separation of powers? Why might this not work?
8. According to Hamilton, how does lifetime tenure or “permanency” of judges and justices help to secure justice?
9. What is Hamilton’s definition of “limited Constitution?”
10. According to Hamilton’s argument, what is the duty of the courts in
a limited Constitution and how might that duty be impaired?
11. What is the assumption or belief of the Anti-Federalists that Hamilton addresses in this paper?
12. Based on Hamilton’s argument, what would be the danger of allowing Congress to determine the constitutionality of their acts? How does this further develop his counterargument to critics of judicial review?
13. How does Hamilton further define the role of the courts? What line of reasoning does he employ here to support his claim?
14. Summarize how Hamilton refutes the critique that the power of judicial review would make the Court superior to the other branches.
15. How is Hamilton’s argument expressed in the workings of our government today?
16. Define the word *precedents* as used in this paragraph.
17. How does Hamilton support his claim that life tenure (good behavior) is a necessity for an independent judiciary?