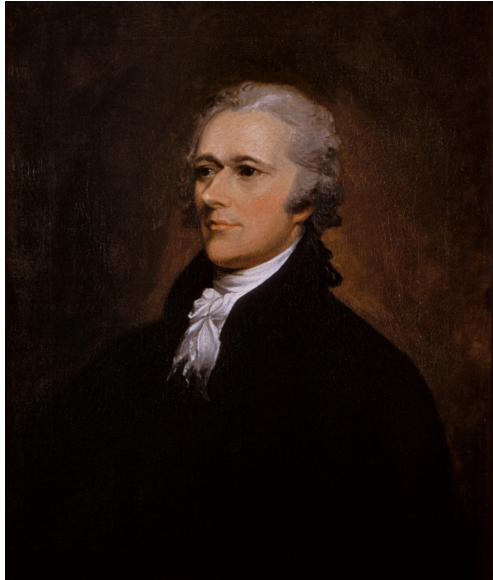


Federalist 78

Nolan M., Max H., Leo A., Royce F.

On what grounds does Hamilton argue that the judicial department of government is the least powerful branch of government?



The judicial branch has no ability to impose on the constitution, therefore it can only exercise judgement.

Why do you suppose that Hamilton was so careful to point out the relative impotence of the judiciary



To gain the people's trust he pointed out the government would not be used to deny the rights of people

What was Hamilton's position regarding the power of the judiciary to declare void any legislative acts that were contrary to the Constitution?



The courts are created to check the power of former decisions between the legislation and the people. Such as, if the law conflicts with the constitution, the most recent prevail because it represents what the people want.

Why does Hamilton consider the independence of the judiciary to be a vital component of constitutional government?

The courts are the backbone of the Constitution, and they protect the infringement of the peoples rights. Without independence, judges would not be able to check for infringements.



What arguments does Hamilton use to support life tenure for judges?



Hamilton first says that life tenures frees judges from political pressure that come from the legislature or executive. This allows judges to guard against unconstitutional laws. Judges have lots of demands, which shows that only few men are able to come judges because of their ethical qualities.
