

Federalist #78 Assignment

Read the Federalist #78 and answer the following questions.

1. Why are federal judges appointed for life?
 - a. The U.S. Constitution specifies that Federal Judges are to be appointed for life in Article III. The reasoning behind this is to free federal judges from political or social pressures that come as a consequence of terms and term limits; job security enables them to be free from these pressures. As such, federal judges can make decisions that may not be popular or in vogue without fear of repercussion, preventing them from becoming yet another tool of the people. They can be removed however, through impeachment, but it is unlikely.
2. What is the role of the federal courts?
 - a. Federal courts are not supposed to deal with the same business as lower courts. Federal Courts are supposed to hear cases involving disputes among the states, cases involving constitutionality of law, maritime law, bankruptcy cases, and cases involving treaties and U.S. Ambassadors.
3. Why is it necessary that federal courts are independent from the other branches?
 - a. By being independent from the other branches, the Federal Courts promote the presence of Judges within whose hands we may safely place power due to their integrity and freedom from the pressures of politicization and social influences. They serve to protect the Constitution against any threat, typically legislative in nature. It is not their role, being separate from other branches, to safeguard the government but to safeguard the liberties of the individual. Decisions can be made that are seen as unpopular in their time, so long as the Judges operate on a constitutional basis.
4. Why does Hamilton believe the federal courts can never endanger personal liberties?
 - a. Federal Courts are designed to be free from politicization and the influences of the other branches. Their role is to be filled with judges possessing knowledge and honesty whose sole purpose is to guard the Constitution, and by extension, personal liberties. Their very powers are designed not for infringement but for protection.