

Federalist Paper #78 – Summary

Paragraph 1:	After analyzing the issues of the Articles of Confederation, it becomes clear that having a national judiciary is necessary. Now, the only question that remains is about how the judiciary would be structured and what powers it would have.
Paragraph 2:	There are three key questions that need to be answered when constructing a national judiciary: 1) <i>How will judges will be appointed?</i> 2) <i>How long will their tenure be?</i> 3) <i>How will judiciary power be distributed and how will each court interact with each other?</i>
Paragraph 3:	Firstly, judges will be appointed the same way other federal officers are, which has already been discussed in other papers.
Paragraph 4:	Secondly, the judges' tenure is concerned with how long they will be kept in office, how they will be paid, and what precautions will take place to stop them from abusing their power.
Paragraph 5:	According to the Constitution, federal judges are allowed to hold their office during good behavior, which is a model the states should follow. These lifetime terms on good behavior allow an unbiased and reliable implementation of laws and prevents any abuse of power.
Paragraph 6:	The judiciary is the least powerful of the branches of government; it cannot make anyone do anything, it can only pass judgments and depend on the other branches to support and endorse their judgments.
Paragraph 7:	Because the judiciary is so weak, the people should not fear it; they should instead fear not having a judiciary, because it is an indispensable part of the constitution that balances the power of the other branches and serves public justice and public security.
Paragraph 8:	Having a separate court of justice is essential in a limited Constitution because it enforces the limits that Congress has when making laws. It can

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