



The Political Question Doctrine: Justiciability and the Separation of Powers (Paperback)

By Congressional Research Service

Createspace, United States, 2014. Paperback. Book Condition: New. 279 x 216 mm. Language: English . Brand New Book ***** Print on Demand *****.Article III of the Constitution restricts the jurisdiction of federal courts to deciding actual Cases and Controversies. The Supreme Court has articulated several justiciability doctrines emanating from Article III that restrict when federal courts will adjudicate disputes. One justiciability concept is the political question doctrine, according to which federal courts will not adjudicate certain controversies because their resolution is more proper within the political branches. Because of the potential implications for the separation of powers when courts decline to adjudicate certain issues, application of the political question doctrine has sparked controversy. Because there is no precise test for when a court should find a political question, however, understanding exactly when the doctrine applies can be difficult. The doctrine's origins can be traced to Chief Justice Marshall's opinion in *Marbury v. Madison*; but its modern application stems from *Baker v. Carr*, which provides six independent factors that can present political questions. These factors encompass both constitutional and prudential considerations, but the Court has not clearly explained how they are to be applied. Further, commentators have disagreed about...



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