

Vocabulary Chapter 16 – Judiciary

This chapter introduces you to the final and perhaps most unusual branch of American government: the courts. The chapter explains how courts, particularly the Supreme Court, came to play a uniquely powerful role in forming public policy in this country and how that role has been played to very different effects at different stages of history. Other important considerations include how justices are selected, the jurisdictions of the various courts, and the steps that a case must go through on its way to Supreme Court review. The chapter concludes with an assessment of the power courts have in politics today, the limitations on that power, and why judicial activism seems to be on the increase. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain what judicial review is, and trace its origin in this country to *Marbury v. Madison*.
2. List and comment on the three eras of varying Supreme Court influences on national policy from the days of slavery to the present.
3. Explain what is meant by a dual court system, and describe the effects it has on how cases are handled and appealed.
4. List the various steps that cases go through to be appealed to the Supreme Court, and explain the considerations involved at each level.
5. Discuss the dimensions of power exercised today by the Supreme Court and the opposing viewpoints on the desirability of activism by that court.
6. Develop arguments for and against an activist Supreme Court.

activist approach/ liberal constructionism
amicus curiae
appellate/ appellate courts
brief
Circuit Courts/ Courts of Appeal
class action lawsuit
concurring opinion
constitutional court/ Article III court
court of appeals/ circuit court
court order
court packing
dissenting opinion
district courts
diversity cases/diversity jurisdiction
dual court system
dual sovereignty
federal question cases/ federal question
jurisdiction
fee shifting
in forma pauperis
injunction
judicial activism
judicial review
jurisdiction
justices
lawsuit

legislative court/ special court/ Article I
courts
litigation (Again!!)
litmus test
living constitution
majority opinion
nomination/ confirmation
null and void
original jurisdiction
per curiam opinion
plaintiff
political question
precedent
remedy
Rule of Four
Section 1983
Senatorial Courtesy
sovereign immunity
standing
stare decisis
strict constructionism/ original intent
subject matter jurisdiction
trial court
unconstitutional
writ of certiorari "cert"
Marbury v. Madison

