

Chapter 8

The 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*.

Judicial Review is the power of the courts to declare laws or actions of the government unconstitutional. It originated from the Supreme Court case *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.

The three eras of Supreme Court influence are: (1) The establishment of federal power and property rights until the Civil War, (2) The shift to civil rights and individual liberties post-Civil War, and (3) Modern focus on social and economic issues

3. Explain what is meant by a dual court system, and describe the effects it has on how cases are handled and appealed.

A dual court system means there are both federal and state courts. It affects how cases are handled, as some are tried in state courts while others in federal, based on jurisdiction.

4. List the various steps that cases go through to be appealed to the Supreme Court, and explain the considerations involved at each level.

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