

Criminal Justice: An Overview of the System

Module 2: The Political and Legal Environment

2.3: The Policy Making Role of the Supreme Court

American Civil Liberties Union: A nonprofit organization dedicated to the preservation of civil liberties in America.

Article III: Establishes the Supreme Court, and specifies how the lower courts in the federal system are to be created.

Conservative: An ideological inclination to preserve the traditional or current order.

Conservative Decisions: Court decisions that align with the crime control model as opposed to the due process model.

Judicial Activism: Judicial decisions based on personal political beliefs rather than existing law.

Judicial Restraint: A judicial philosophy that holds that judges' personal political beliefs should not influence court decisions.

Justice Anthony Kennedy: Associate Justice of the SCOTUS who was appointed by President Ronald Reagan in 1988; known to be a swing vote in many of the courts 5–4 decisions.

Justice Elena Kagan: Associate Justice of the SCOTUS who was appointed by President Obama in 2010; tends to vote along liberal lines.

Justice Ruth Bader Ginsburg: Associate Justice of the SCOTUS appointed by Bill Clinton in 1993; tends to vote liberal.

Justice Sonia Sotomayor: Associate Justice of the SCOTUS who was appointed by President Obama in 2009; tends to vote along liberal lines.

Justice Stephen Breyer: Associate Justice of the SCOTUS who was appointed by President Clinton in 1994; usually considered a moderate.

Liberal: A political view that focuses on change and a tendency to disregard tradition as valuable.

Liberal Decisions: Court decisions that can be viewed as upholding civil rights over public order.

Limited Jurisdiction: A court that has the authority to hear only certain kinds of cases; usually used as a synonym of lower courts.

***Marbury v. Madison* (1803):** A landmark SCOTUS decision in which the Court established its power of judicial review.

Moot: A state of a case where further legal proceedings will have no practical effect; the matter has become strictly academic and of no practical importance.

Right to Counsel: The Sixth Amendment provides that "in all criminal prosecutions, the accused shall...have the Assistance of Counsel for his defense."

Standing: The idea that only the person harmed by an action can take a complaint about the action before a court.

Warren Court: The SCOTUS during the tenure of Earl Warren as Chief Justice (1953 to 1969); very liberal, and can be credited as a major force in the Civil Rights Revolution.