

## **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.

# Chapter 8 Guided Reading American Government

**Judith Robinson**



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## **Table of Contents Chapter 8 Guided Reading American Government**

1. Understanding the eBook Chapter 8 Guided Reading American Government
  - The Rise of Digital Reading Chapter 8 Guided Reading American Government
  - Advantages of eBooks Over Traditional Books
2. Identifying Chapter 8 Guided Reading American Government
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Chapter 8 Guided Reading American Government
  - User-Friendly Interface
4. Exploring eBook Recommendations from Chapter 8 Guided Reading American Government

- Personalized Recommendations
  - Chapter 8 Guided Reading American Government User Reviews and Ratings
  - Chapter 8 Guided Reading American Government and Bestseller Lists
5. Accessing Chapter 8 Guided Reading American Government Free and Paid eBooks
    - Chapter 8 Guided Reading American Government Public Domain eBooks
    - Chapter 8 Guided Reading American Government eBook Subscription Services
    - Chapter 8 Guided Reading American Government Budget-Friendly Options
  6. Navigating Chapter 8 Guided Reading American Government eBook Formats
    - ePub, PDF, MOBI, and More
    - Chapter 8 Guided Reading American Government Compatibility with Devices
    - Chapter 8 Guided Reading American Government Enhanced eBook Features
  7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Chapter 8 Guided Reading American Government
    - Highlighting and Note-Taking Chapter 8 Guided Reading American Government
    - Interactive Elements Chapter 8 Guided Reading American Government
  8. Staying Engaged with Chapter 8 Guided Reading American Government
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Chapter 8 Guided Reading American Government
  9. Balancing eBooks and Physical Books Chapter 8 Guided Reading American Government
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Chapter 8 Guided Reading American Government
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Chapter 8 Guided Reading American Government
    - Setting Reading Goals Chapter 8 Guided Reading American Government
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Chapter 8 Guided Reading American Government

- Fact-Checking eBook Content of Chapter 8 Guided Reading American Government
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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