

CONSTITUTION 101

Module 9: The Judicial System and Current Cases

9.2 Activity Guide

KEY TERMS - JUDICIAL SYSTEM AND CURRENT CASES

It is important to remember that Article III is a very short provision and doesn't lay out many details about the Supreme Court and how it works—or even what the federal judiciary as a whole should look like. For example, it doesn't set the number of Supreme Court justices, how many lower-court judges there should be in the federal judiciary, or when we should have any lower federal courts below the Supreme Court at all.

Furthermore, Article III can be a bit hard to understand without some background first. The basic ideas are simple enough, but the language is a bit more technical than other parts of the Constitution. In this activity, you will review the key terms of the module to help deepen your understanding of Article III.

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| Key Term | Definition | Paraphrase <i>Describe each term in your own words.</i> | Give an example that highlights each term. <i>Either from the Constitution or a Supreme Court case that you've learned about.</i> |
|-----------------------|---|--|--|
| Judicial Review | The power to review the constitutionality of acts of the national and state governments. | | |
| Judicial Supremacy | The idea that the Supreme Court is the final voice on the Constitution's meaning. <i>(Many scholars, lawyers, and judges debate this concept and whether it is a good idea.)</i> | | |
| Judicial Independence | The idea that the federal courts must be independent from the control of the other branches of government. | | |

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| Majority Opinion | The opinion in a case that has the support of a majority of the justices. | | |
| Dissenting Opinion | An opinion in a case explaining why a justice disagrees with the majority opinion and why they would decide the case differently. | | |
| Concurring Opinion | An opinion from a justice who agrees with the majority on who should win the case, but offers some additional thoughts on how to think about the constitutional issue in the case. | | |
| Writ of Certiorari | When four of the nine justices decide to take a case, they will issue a writ of certiorari. | | |
| Docket | The list of cases the Court will hear in a term. | | |
| Advice and Consent | The Senate's power to approve or reject the president's nominees, including to the Supreme Court. | | |