The Presidency and the Supreme Court

Suggested Readings

Vocabulary
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Jonathan Alter
*The Defining Moment: FDR’s Hundred Days and the Triumph of Hope*

John Q. Barrett
*That Man: An Insider’s Portrait of Franklin D. Roosevelt*  
(by Robert H. Jackson, William E. Leuchtenburg, and John Q. Barrett)

Douglas Brinkley
*The Reagan Diaries*

Sandra Day O’Conner
*The Majesty of the Law: Reflections of a Supreme Court Justice*

John W. Dean
*Broken Government: How Republican Rule Destroyed the Legislative, Executive, and Judicial Branches*

Michael C. Dorf
*No Litmus Test: Law versus Politics in the Twenty-First Century*

William E. Leuchtenburg
*The White House Looks South: Franklin D. Roosevelt, Harry S. Truman, and Lyndon B. Johnson*

Anthony Lewis
*Make No Law: The Sullivan Case and the First Amendment*

G. Edward White
*The American Judicial Tradition: Profiles of Leading American Judges*

David A. Nichols
*A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution*

Juan Williams
*Enough: The Phony Leaders, Dead-End Movements, and the Culture of Failure That Are Undermining Black America—and What We Can Do About It.*
Vocabulary

*Amicus curiae* – Latin term meaning ‘a friend of the court’ it describes a brief in which individuals not a party to a suit can have their views heard by the court.

*Appellate Jurisdiction* – the authority of a court to hear a case on appeal, the focus of this court is not on questions of guilt or innocence, but on legal questions that have been raised by the first proceedings.

*Article III* – the section of the Constitution that establishes the Supreme Court and the right of the Congress to create “inferior” courts.

*Concurring Opinion* – the opinion of one or more judges who vote with the majority on a case but who wish to set out different reasons for reaching their decision.

*Defendant* – the party who is defending against the charges brought forth by the plaintiff.

*Dissenting Opinion* – the opinion of the judge or judges who are in the minority on a particular case.

*Judicial Activism* – the idea that judges should take a broad view when applying the Constitution to social or political questions, critics call this approach ‘legislating from the bench.’

*Judicial Restraint* – the idea that judges should take a narrow view when applying the Constitution to social or political questions that arise in a legal case.

*Judicial Review* – the power of a court to declare acts of Congress or laws or actions at any level of local, state or federal government unconstitutional.

*The Judiciary Act* – passed by Congress in 1789 this act established the courts below the Supreme Court such as the district courts and courts of appeal.

*Litigants* – the two or more sides engaged in a legal dispute.

*Original Jurisdiction* – the authority of a court to be the first to hear a particular case.

*Plaintiff* – the party that initiates the legal complaint, the one who brings the charges.

*Plurality Opinion* – a court opinion that occurs when a majority of the justices agree on a decision in a case but do not agree on the legal basis of the decision.

*Precedence* – the principle that courts rule based on judicial reasoning from prior cases.

*Standing* – the right to bring legal action because you have been directly affected by the actions or issues under dispute.

*Stare Decisis* – the legal doctrine that says precedent should guide judicial decision making.

*Writ of Certiorari* – announcement that the Supreme Court will hear a case on appeal from a lower court, four of the nine justices must concur in the issuance of the writ.

*Writ of Habeas Corpus* – the right of a person to be informed of, and able to challenge, the reason they are being detained or imprisoned.