



PRINCIPLE OF AMERICAN DEMOCRACY

Vocabulary Set 6

Name:

Federal Administration and the Judiciary

Section:

Federal Administrative System

Administrative discretion – Authority given by Congress to the Federal bureaucracy to use reasonable judgment in implementing the laws.

Bureaucracy – A form of organization that operates through impersonal, uniform rules and procedures.

Bureaucrat – A career government employee.

Central clearance – Review of all executive branch testimony, reports, and draft legislation by the Office of Management and Budget to ensure that each communication to Congress is in accordance with the president's program.

Department – Usually the largest organization in government with the largest mission; also the highest rank in Federal hierarchy.

Entitlement programs – Programs such as unemployment insurance, disability relief, or disability payments that provide benefits to all eligible citizens.

Government corporation – A government agency that operates like a business corporation, created to secure greater freedom of action and flexibility for a particular program.

Hatch Act – Federal statute barring Federal employees from active participation in certain kinds of politics and protecting them from being fired on partisan grounds.

Implementation – The process of putting a law into practice through bureaucratic rules or spending.

Independent agency – A government entity that is independent of the legislative, executive, and judicial branches.

Independent regulatory commission – A government agency or commission with regulatory power whose independence is protected by Congress.

Indexing – Providing automatic increases to compensate for inflation.

Merit system – A system of public employment in which selection and promotion depend on demonstrated performance rather than political patronage.

Office of Personnel Management (OPM) – Agency that administers civil service laws, rules, and regulations.

Oversight – Legislative or executive review of a particular government program or organization. Can be in response to a crisis of some kind or part of routine review.

Regulations – The formal instructions that government issues for implementing laws.

Rule-making process – The formal process for making regulations.

Senior Executive Service – Established by Congress in 1978 as a flexible, mobile corps of senior career executives who worked closely with presidential appointees to manage government.

Spoils system – A system of public employment based on rewarding party loyalists and friends.

Uncontrollable spending – The portion of the Federal budget that is spent on programs, such as Social Security, that the president and Congress are unwilling to cut.

The Judiciary

Adversary system – A judicial system in which the court of law is a neutral arena where two parties argue their differences.

Amicus curiae brief – Literally, a “friend of the court” brief, filed by an individual or organization to present arguments in addition to those presented by the immediate parties to a case.

Appellate jurisdiction – The authority of a court to review decisions made by lower courts.

Civil law – A law that governs relationships between individuals and defines their legal rights.

Concurring opinion – An opinion that agrees with the majority in a Supreme Court ruling but differs on the reasoning.

Court of appeals – A court with appellate jurisdiction that hears appeals from the decisions of lower courts.

Criminal law – A law that defines crimes against the public order.

Defendant – In a criminal action, the person or party accused of an offense.

Dissenting opinion – An opinion disagreeing with a majority in a Supreme Court ruling.

Docket – The list of potential cases that reach the Supreme Court.

Judicial activism – Philosophy proposing that judges should interpret the Constitution to reflect current conditions and values.

Judicial restraint – Philosophy proposing that judges should interpret the Constitution to reflect what the framers intended and what its words literally say.

Judicial review – The power of a court to refuse to enforce a law or government regulation that in the opinion of the judges conflicts with the U.S. Constitution or, in a state court, the state constitution.

Justiciable dispute – A dispute growing out of an actual case or controversy and that is capable of settlement by legal methods.

Opinion of the Court – An explanation of the decision of the Supreme Court or any other appellate court.

Original jurisdiction – The authority of a court to hear a case “in the first instance.”

Plea bargain – Agreement between a prosecutor and a defendant that the defendant will plead guilty to a lesser offense to avoid having to stand trial for a more serious offense.

Precedent – A decision made by a higher court such as a circuit court of appeals or the Supreme Court that is binding on all other federal courts.

Public defender system – Arrangement whereby public officials are hired to provide legal assistance to people accused of crimes who are unable to hire their own attorneys.

Senatorial courtesy – Presidential custom of submitting the names of prospective appointees for approval to senators from the states in which the appointees are to work.

Stare decisis – The rule of precedent, whereby a rule or law contained in a judicial decision is commonly viewed as binding on judges whenever the same question is presented.

Writ of certiorari – A formal writ used to bring a case before the Supreme Court.

Writ of habeas corpus – A court order requiring explanation to a judge why a prisoner is being held in custody.