

# BUREAUCRACY AND THE JUDICIARY

## ❖THE BUREAUCRACY

1. **Bureaucracy** – A form of organization that operates through impersonal, uniform rules and procedures.
2. **Bureaucrat** – A career government employee.
3. **Department** – Usually the largest organization in government with the largest mission; also the highest rank in Federal hierarchy.
4. **Independent agency** – A government entity that is independent of the legislative, executive, and judicial branches.
5. **Independent regulatory commission** – A government agency or commission with regulatory power whose independence is protected by Congress.
6. **Government corporation** – A government agency that operates like a business corporation, created to secure greater freedom of action and flexibility for a particular program.
7. **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.
8. **Spoils system** – A system of public employment based on rewarding party loyalists and friends.
9. **Merit system** – A system of public employment in which selection and promotion depend on demonstrated performance rather than political patronage.
10. **Office of Personnel Management (OPM)** – Agency that administers civil service laws, rules, and regulations.
11. **Hatch Act** – Federal statute barring Federal employees from active participation in certain kinds of politics and protecting them from being fired on partisan grounds.
12. **Implementation** – The process of putting a law into practice through bureaucratic rules or spending.
13. **Administrative discretion** – Authority given by Congress to the Federal bureaucracy to use reasonable judgment in implementing the laws.
14. **Regulations** – The formal instructions that government issues for implementing laws.
15. **Rule-making process** – The formal process for making regulations.
16. **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.
17. **Entitlement programs** – Programs such as unemployment insurance, disability relief, or disability payments that provide benefits to all eligible citizens.
18. **Indexing** – Providing automatic increases to compensate for inflation.
19. **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.
20. **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.

## ❖THE JUDICIARY

1. **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.
2. **Adversary system** – A judicial system in which the court of law is a neutral arena where two parties argue their differences.
3. **Justiciable dispute** – A dispute growing out of an actual case or controversy and that is capable of settlement by legal methods.
4. **Class-action suit** – Lawsuit brought by an individual or a group of people on behalf of all those similarly situated.
5. **Criminal law** – A law that defines crimes against the public order.
6. **Civil law** – A law that governs relationships between individuals and defines their legal rights.
7. **Defendant** – In a criminal action, the person or party accused of an offense.
8. **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.
9. **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.
10. **Political question** – A dispute that requires knowledge of a nonlegal character or the use of techniques not suitable for a court or explicitly assigned by the Constitution to Congress or the president; judges refuse to answer constitutional questions that they declare are political.
11. **Writ of *habeas corpus*** – A court order requiring explanation to a judge why a prisoner is being held in custody.
12. **Original jurisdiction** – The authority of a court to hear a case “in the first instance.”
13. **Appellate jurisdiction** – The authority of a court to review decisions made by lower courts.
14. **Grand jury** – A jury of 12 to 23 persons who, in private, hear evidence presented by the government to determine whether persons shall be required to stand trial. If the jury believes there is sufficient evidence that a crime was committed, it issues an indictment.
15. **Petit jury** – A jury of 6 to 12 persons who determine guilt or innocence in a civil or criminal action.
16. **Magistrate judge** – An official who performs a variety of limited judicial duties.
17. **Court of appeals** – A court with appellate jurisdiction that hears appeals from the decisions of lower courts.
18. **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.
19. **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.
20. **Judicial self-restraint** – Philosophy proposing that judges should interpret the Constitution to reflect what the framers intended and what its words literally say.
21. **Judicial activism** – Philosophy proposing that judges should interpret the Constitution to reflect current conditions and values.
22. ***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.
23. **Writ of *certiorari*** – A formal writ used to bring a case before the Supreme Court.
24. ***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.
25. **Docket** – The list of potential cases that reach the Supreme Court.
26. **Opinion of the Court** – An explanation of the decision of the Supreme Court or any other appellate court.
27. **Dissenting opinion** – An opinion disagreeing with a majority in a Supreme Court ruling.
28. **Concurring opinion** – An opinion that agrees with the majority in a Supreme Court ruling but differs on the reasoning.