

Criminal Justice: An Overview of the System

Module 2: The Political and Legal Environment

2.1: Dual Federalism

Article Six: Article VI contains the supremacy clause, which establishes the superiority of federal law over state law.

Circuit Courts: At the federal level, the layer of appellate courts situated between the federal district (trial) courts and the Supreme Court.

Cooperative Federalism: A conceptualization of federalism wherein national, state, and local governments work together to solve common problems as opposed to operating separately.

Court of Last Resort: The "highest" court beyond which there is no appeal; usually refers to a Supreme Court.

***Gibbons v. Ogden (1824)*:** A SCOTUS decision that adopted an expansive view of the supremacy clause.

Intermediate Court of Appeals: An appellate court positioned between the trial courts and the court of last resort in the court hierarchy.

Layer Cake Federalism: A metaphor for federalism where the layers of a cake signify the separate spheres in which the federal and state governments operate and have power.

Local Government: The governmental bodies that run a particular city, town, county, or district.

Marble Cake Federalism: A metaphor of federalism that symbolizes the mixing of powers and resources among local, state, and federal governments.

Power of the Purse: A reference to the ability of legislative bodies to control other branches of government through the control of public money.

Separation of Powers: The idea of vesting the legislative, judicial, and executive powers of government in separate bodies.

Substantial Federal Question: In order for the federal courts to hear an appellate case, there must be some federal legal issue involved, such as a Constitutional rights violation.

Supremacy Clause: Term used to denote Article VI of the U.S. Constitution.

This study guide is designed to help students learn the terms and definitions used in Criminal Justice: An Overview of the System, an Open Educational Resource (OER) developed by Adam J. McKee. As an OER, this document may be copied and distributed freely for educational purposes.

United States Courts of Appeals: Courts in each of the 11 federal judicial districts of the U.S. that functions as an appellate court for the lower federal courts.

United States District Courts: The trial courts of general jurisdiction in the federal court system.