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Constitution Day 2012: The American Judiciary

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Constitution Day 2012: The American Judiciary

The great American political experiment of dividing sovereignty to limit tyranny was done by creating three branches of government: A legislative branch, an executive branch, and a judicial branch. The American Judiciary ensures that American government functions in an effective, fair manner and in doing so fulfills an indispensable role.

The division of sovereignty in the late eighteenth century was every bit as radical a notion as the splitting of the atom in the twentieth century. The American model became a basic method for limiting the power of government and elevating the rights of the People throughout the world.

The role of the Judiciary—to interpret law—is easy to state, but far reaching in its implication. The text of a law, written in broad strokes, will often seem clear when examined on its face, but may become problematic when viewed in the context of a controversy being litigated. It is our judges who must interpret the law in the context of controversies based on their erudition, experience, and the precedents set by judges who have gone before them.

A truly staggering number of lawsuits are commenced each year in the nation's state courts, federal courts, or in its tribal courts. Most American court systems have three tiers: (1) A trial court, which manages the litigation and conducts trials; (2) An intermediate appellate court, which hears appeals from the trial courts in its

jurisdiction; and (3) A court of last resort. In the federal system these three levels are represented by the United States District Courts, the United States Courts of Appeals, and by the United States Supreme Court. In the Connecticut system, these three levels are the Connecticut Superior Court, Connecticut Appellate Court, and Connecticut Supreme Court.

The controversies that are litigated span an enormous range, originating in conflicts between governments and their citizens, conflicts between employers and employees, conflicts between spouses, the list is almost endless. In the course of litigating these controversies judges are called upon to resolve issues of law; some routine, such as determining the proper jury instructions; some momentous, such as determining the scope of a person's civil rights. No other branch of government offers the People more direct and powerful access to the resources of government than do our Courts.

In the written opinions American judges have produced to systematically explain their ruling of law and the bases for making them, one encounters an enormous vast and intriguing portion of the historical record touching on virtually all aspects of human life. Students and scholars often find the decisions of the United States Supreme Court to be particularly intriguing, inasmuch as the Court has the final word on interpreting the Constitution of the United States and federal law.

Our nation's most divisive controversies have come before the Supreme Court, which has resolved questions of law relating to slavery; defined the scope of our freedoms of expressions and conscience; determined the limits of governmental intrusions on personal privacy; given a nuanced meaning to the broad language of the Bill of Rights; and so on.

The judges that have occupied the Supreme Court are some of the most able legal minds the world has known: the Founding Father and first Chief Justice John Jay, author of several Federalist papers; John Marshall, the Great Chief Justice, whose 1803 decision in *Marbury v. Madison* secured the power of judicial review to the judiciary; Joseph Story, whose *Commentaries on the Constitution of the United States* became one of the country's most influential treatises.

Works by and about Supreme Court justices are available in the Library's circulating collection. The opinions of the Supreme Court are available in print volumes or through the Westlaw Campus Research database. Reference librarians are available to assist you in locating relevant materials. Students who explore these decisions will benefit greatly as they become more familiar with American history, more comfortable with using primary resources, and more astute in analyzing policy.