

Glossary of Terms

access Freedom to make use of.

accession A state may be invited to become a party to a treaty that has already been negotiated and signed by other states. When this state agrees to be bound by the treaty's terms, it *accedes* to the treaty. Accession has the same legal effect as ratification.

acquittal A finding of innocence; the legal and formal certification of the innocence of a person charged with a crime.

ad hoc Only applicable to the specific case.

adjudication Giving or pronouncing a judgment or decree; also the judgment given.

adoption Process by which a state agrees to international law; with regard to conventions, *adoption* usually refers to the initial diplomatic stage at which a treaty is accepted; to become effective, a convention usually must be ratified by a state's legislative body after adoption.

adult One who is legally of age (usually eighteen or over).

adversary system A judicial system in which opposing parties present their arguments in a case before a trial court; the person who best presents the case wins; the adversary system is used in the United States.

affidavit A written statement originally made under oath before a notary public or other authorized official.

affirm The ruling of an appellate court that the judgment of a lower court is proper and should not be overturned.

affirmative defense A defense affirmatively asserted by the defendant in response to a civil complaint or criminal charge that, if proved true, exonerates the defendant from civil liability or criminal guilt even if the defendant committed the act alleged in the complaint or charge. SEC Rule 10b5-1, for example, allows a corporate insider to avoid liability for insider trading in certain circumstances if the trade was made according to a plan devised before the insider gained knowledge of material, nonpublic information about the corporation.

African Charter on Human and Peoples' Rights Adopted in 1981 and entered into force in 1986, this charter established human rights standards and protections for the African region; notable for addressing community and group rights and duties.

age grading Practice of stipulating a particular age when someone may begin to exercise a particular right; for example, 16 for the right to acquire a driver's permit, 18 for the right to vote, and 21 for the right to drink alcoholic beverages.

age of majority Age at which an individual legally attains the privileges and responsibilities of an adult. See also **categorical age of majority** and **presumptive age of majority**.

allegation An assertion made by a party in a court proceeding that must be proved or supported with evidence during the trial.

alleged Identified but not proven.

amend To change a law.

amendment A revision or change in the law.

American Civil Liberties Union (ACLU) A nonpartisan organization devoted to defending the rights and freedoms of people in the United States.

American Convention on Human Rights Adopted in 1969 and entered into force in 1978, this convention establishes human rights standards and protections for the Americas and creates the Inter-American Commission on Human Rights.

amicus brief People besides the people directly involved in a case, with an interest in the outcome, may file an amicus brief—a legal paper supporting one position or another—with the court.

anonymous Identity not revealed.

appeal A request by the losing party in a lawsuit that the judgment be reviewed by a higher court because of error or injustice.

appearance The formal proceeding by which a defendant submits himself or herself to the jurisdiction of the court.

appellants Those who, having lost a case in lower court (sometimes called a *trial court*), have the right to appeal the decision to a higher court, hoping that the higher court will change the decision in their favor.

appellate court A court having jurisdiction of appeal and review; not a trial court.

appellate review Occurs when the losing side in a court case asks an appeals court to review the decisions made by the first, or lower, court.

appellee The party against whom an appeal is filed.

apportion A court order for a specific allocation of water to a person, group, or groups.

appropriate To acquire a right to use “public water.”

arbitrary enforcement of the law Enforcing the law without adhering to general principles or rules by which to decide.

arraignment The court appearance of a person accused of criminal behavior to hear the charges against him or her and to enter a plea of guilty or not guilty.

article A particular section of the Constitution.

assault A intentional/reckless behavior that makes someone to fear immediate harm.

asylee A person seeking political asylum either inside the United States or at its border.

attorney-at-law A lawyer licensed to provide legal advice and to prepare, manage, and try cases.

auditor Independent individual, typically a member of a firm that specializes in audits, who investigates and certifies that a company is maintaining its financial records according to generally accepted accounting principles. Companies are required to have their records audited regularly to ensure that there are no irregularities in the financial information they are disclosing to current and potential investors in the company's shares. One of the biggest auditing firms in the nation, Arthur Andersen, was effectively shut down because of its involvement in the Enron corporate scandal.

authoritarianism A political system in which power is concentrated in one individual or an elite group not constitutionally responsible to the people.

authority The power to enforce rules and laws.

bail Security, usually in the form of money or property, exchanged for the release of a jailed person to insure his or her appearance in court.

bailiff An officer from the sheriff's department who maintains courtroom order and jury custody.

balanced budget Budget where spending equals income.

balancing approach Practice of weighing one interest against another in making a decision.

ballot A list of candidates and issues to vote for or against in an election.

bar associations Organization of lawyers.

beneficial use Using a legally allocated amount of water in a reasonable, appropriate, and efficient manner without compromising your needs or wasting water.

benefits Advantages that may be earned or that result from circumstance.

beyond a reasonable doubt The moral certainty of each of twelve jurors that the charges against someone are true.

bilateral treaties Treaty between two states, such as the Anti-Ballistic Missile (ABM) Treaty between the United States and the former Soviet Union.

Bill of Rights First ten Amendments to the U.S. Constitution providing for individual rights, freedoms, and protections.

bioterrorism Refers to the use or threatened use of biological agents against human targets, with the intention of causing physical, psychological, or economic damage and creating fear. Biological agents can include viruses or bacteria capable of causing serious illness or death (e.g., smallpox virus), or agents derived from living organisms that can cause illness or death (e.g., ricin, a poison that is derived from castor beans).

board of directors A corporation's activities are overseen by its board of directors, composed of independent individuals who have been elected by the company's shareholders to represent the shareholders' interests, as well as top members of the management team who sit on the board by virtue of their position within the corporation. The corporation's management team reports, and is responsible, to the board of directors.

breach of contract Failure to observe the terms of a written offer or agreement.

brief A written document prepared by an attorney to file in court, usually setting forth both facts and law in support of his or her case.

bright line rules Associated with procedural conceptions of the rule of law, rules that are strictly and uniformly adhered to without regard to context or circumstances; said to produce injustice in individual cases. Contrast **legal standards**.

Brown v. Board of Education of Topeka Landmark Supreme Court case that upended the separate-but-equal doctrine; see ***Plessy v. Ferguson***.

budget deficit Amount by which spending exceeds income over a period of time; also called deficit spending; opposite of budget surplus.

budget surplus Amount by which income exceeds spending over a period of time; opposite of budget deficit.

burden of proof In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute. This burden may shift from the plaintiff to the defendant during a trial.

burglary/burglary with intent Trespassing with the intent of committing a crime (including theft, bodily harm, criminal damage, rape).

Cabinet The president's advisory board, selected by the president and approved by the Senate. There are fourteen cabinet-level agencies, each headed by a cabinet secretary who provides advice and information on issues and new developments affecting the executive departments of government.

candidate A person running for public office.

capital cases Those court cases in which a person found guilty might be sentenced to death.

capital expenditure Expense listed as an asset on a company's balance sheet and written off as depreciation over a course of years.

capital murder Murder for which the accused could be sentenced to death.

case Any proceeding action, cause, suit, lawsuit or controversy initiated through the court system by filing a complaint, petition or indictment.

categorical age of majority A particular, administratively convenient age designated as the boundary between childhood and adulthood for multiple purposes, providing a clear signal of the attainment of adult legal status and protecting parental authority. See also **age of majority** and **presumptive age of majority**.

cause A lawsuit, litigation or legal action.

censor To examine in order to suppress anything considered objectionable.

[Centers for Disease Control and Prevention \(CDC\) \[www.cdc.gov\]](http://www.cdc.gov) A federal agency whose mission is "to promote health and quality of life by preventing and controlling disease, injury, and disability." The CDC is one of the lead agencies involved in the federal government's preparations for potential bioterrorism threats.

charge to the jury A judge's instructions to the jury regarding the laws pertaining to a case.

charges The formal accusation that a person has committed an offense.

checks and balances Arrangement of governmental powers where the powers of one governmental branch check or balance those of other branches. This system ensures that no one branch (e.g., executive, judicial, or legislative) will gain too much power.

circuit court A geographical court jurisdiction that hears all civil matters involving more than \$4,000; it has jurisdiction of capital offenses and felonies, divorce, adoption, termination of parental rights, land title problems and contested probate of wills.

circumstantial evidence Evidence that may strongly suggest something but does not provide direct proof.

citizen Native or naturalized person having the rights and responsibilities of a given country.

civic duty A duty to our community.

civil cases/suits Cases that focus on the private rights of individual and the laws protecting those rights, dealing with such matters as contracts and personal injury as opposed to criminal offenses; usually involve a judgment awarding monetary damages.

civil liberties/civil rights (distinction between) *Civil liberties* are guaranteed basic, natural human rights as expressed in a constitution's bill of rights that cannot be violated by a government. *Civil rights* are a relatively new concept that originated with the idea of the equality of all citizens and refer to positive acts of government that seek to make full, equal participation in democracy and constitutional guarantees a reality for all people.

civil and political rights The rights of citizens to liberty and equality; sometimes referred to as first generation rights. Civil rights include freedom to worship, to think and express oneself, to vote, to take part in political life and to have access to information.

claim The assertion of a right to money or property; an assertion that the suing party has been injured by the action of another.

class-action suit A lawsuit filed on behalf of many persons with a common legal interest at stake.

clear and convincing evidence A level of proof requiring the truth of the facts asserted to be highly probable.

clerk The official responsible for records and general procedures of a court.

closing argument A summary of evidence presented to the jury by attorneys involved in a trial.

coalition A temporary alliance of difference groups, organizations, parties or persons for joint action of purpose.

codicil A supplement or addition to a will.

codification, codify The process of bringing customary law to written form.

cognoscenti Experts.

Commission on Human Rights Body formed by the Economic and Social Council (ECOSOC) of the United Nations to deal with human rights; one of the first and most important international human rights bodies.

commitment The act of handing over a person for safekeeping; for example, to a mental hospital.

common law Law arising from tradition and judicial decision rather than laws passed by legislatures.

Communications Decency Act (CDA) A congressional statute enacted in 1996 that banned the display of “indecent” material on the Internet. The Supreme Court later declared the CDA unconstitutional.

communism A philosophy that originated in the writings of the nineteenth-century German thinkers Karl Marx and Friedrich Engels, emphasizing the common ownership of industry, agriculture and national resources.

community A group, often geographic, that holds things in common, such as community resources or schools.

community policing A policing philosophy and strategy whereby the police work directly with community groups to develop crime-prevention strategies.

community service Unpaid work to solve a real problem in society.

commute a sentence The judge’s ability to reduce the recommended sentence of a jury.

compensatory damages A form of money payment awarded at the end of a case to pay a person for the actual losses he or she has already suffered or will suffer because of wrong done to him or her.

complainant The individual who initiates a lawsuit; synonymous with *plaintiff*.

complaint (civil) The first or initiatory pleading on the part of the plaintiff in a civil action; statements by the plaintiff making claims against the defendant.

complaint (criminal) Statements charging an individual with a criminal violation.

complimentarity The principle of deferring to national courts in the trial of international criminals.

conclusions of law The proposed or actual declarations of the legal basis for a court’s ruling in a civil case.

concurrent sentences Sentences for multiple crimes that are served at the same time, or concurrently.

conflict Disagreement.

conflict resolution The process in which arguments are settled without violence.

consensus: General agreement.

consent decree An agreement reached with the consent of the involved parties.

conspiracy An agreement to do something wrong or unlawful; a secret agreement to do something wrong or unlawful.

Constitution The basic law of the United States, consisting of the Preamble, seven articles, and twenty-seven Amendments.

constitutional A law that does not violate the Constitution.

constitutional Amendment Constitutional Amendments may be proposed by a two-thirds vote of each house of Congress or by a national convention called by Congress at the request of two-thirds of the states. To become part of the Constitution, Amendments must be ratified, or approved, by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.

contempt of court Disregard or disobedience for the authority of a court of law.

content neutral Unrelated to the content, or essential meaning, of speech or writing.

content-based restriction Limit that applied to specific types of subject matter.

contraband Any goods that are unlawful or prohibited for use or trade.

contracting parties In the context of a treaty, the entities that have consented to be bound by its terms. Although contracting parties to treaties are typically states, they may also include nonstate parties such as international organizations.

convention Binding agreement between states; used synonymously with *treaty* and *covenant*. Conventions are stronger than declarations because they are legally binding for governments that have ratified them. When the UN General Assembly adopts a convention, it creates international norms and standards. Once a convention is adopted by the UN General Assembly, member states can ratify the convention, promising to uphold it. Governments that violate the standards set forth in a convention can then be censured by the United Nations.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Adopted in 1979 and entered into force in 1981, this convention is the first legally binding international document prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women.

Convention on the Rights of the Child Adopted in 1989 and entered into force in 1990, this convention sets forth a full spectrum of civil, cultural, economic, social, and political rights for children.

conviction The finding that a person is guilty beyond a reasonable doubt of committing a crime.

corporation A legal entity established for the primary purpose of maximizing profit for its shareholders, the corporation's owners.

copyright The right belonging to the creator of an intellectual property to control the copying, distributing, performing, displaying and adapting of the work.

counterclaim A claim filed by a defendant against the plaintiff in a civil action.

court of last resort A final court that decides a case on appeal; a supreme court.

court The place where justice is administered; an assembly of persons chosen to administer justice.

court-martial/courts-martial A court, consisting of commissioned officers, that tries members of the armed forces and others within its jurisdiction. The rules, procedures, and law applying to U.S. courts-martial provide extensive protections of the rights of the accused, as with other U.S. courts.

covenant Binding agreement between states; used synonymously with *convention* and *treaty*. The major international human rights covenants, both passed in 1966, are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

crime A wrongdoing that is forbidden by law.

criminal cases Legal cases that deal with acts that are believed to harm society as a whole, such as murder and robbery. Contrast **civil cases/suits**.

criminal versus civil offense criteria Standard on which a decision or judgment is made; also characteristics or traits.

cross-examination The questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness.

cultural relativism A method of social analysis that stresses the importance of regarding social and cultural phenomena from the viewpoint of those who belong to or who support a given culture. A necessary corrective to ethical ethnocentrism, relativism, which assumes that there is no one culture whose customs and beliefs dominate all others in a

moral sense, has been used to criticize any outside discussion of local human rights violations as ideological imperialism.

cumulative voting A method of voting in which a voter has multiple votes that can be used to indicate the intensity of preference for different candidates.

current expense See **operating/current expense**.

customary international law Law that becomes binding on states although it is not written but adhered to out of custom. When enough states have begun to behave as though something is law, it becomes law “by use.” This is one of the main sources of international law.

cyberspace World of on-line computer networks.

damages Monetary compensation that may be recovered in the courts by any person who has suffered loss, detriment or injury to his or her person, property or rights through the unlawful act of negligence of another.

declaration Document, which is not legally binding, that states agreed-upon standards. UN conferences, like the 1993 UN Conference on Human Rights in Vienna and the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by nongovernmental organizations (NGOs). The UN General Assembly often issues influential but legally nonbinding declarations.

decree A decision or order of the court. A final decree is one that finally disposes of the litigation; an interlocutory decrees is a provisional or preliminary decree that is not final.

defendant A person who is sued or accused by another in a law court; the person against whom a civil lawsuit is started, or a crime if charged.

deficit spending See **budget deficit**.

deliberate In the context of committing a crime, means “as a result of careful thought and weighing the considerations for and against committing the crime.”

deliberations Jury discussions and consideration of the facts presented prior to reaching a verdict, or decision.

delinquent A juvenile who has been convicted in juvenile court of committing an illegal act. In most states, a juvenile sixteen years old or older who is charged with a serious crime can be tried as an adult.

delinquent behavior Minor's acts that, for adults, would be crimes, such as larceny, burglary, assault, and manslaughter. See also **status offense**.

democracy Government through the people, either directly or through elected representatives.

deposition Sworn testimony of a witness, taken under oath and outside the courtroom.

detainee A person held in custody while awaiting transfer to his or her home country or another country

deportation The act of removing a person from a country because he or she has no legal right to be in the country

deterrence A means to discourage someone from acting.

dictator A ruler who has complete and absolute authority.

diminished-responsibility standard With respect to juvenile justice, a standard holding that young offenders are accountable for their choices, but at the same time acknowledging that their choices are less blameworthy than are those of adults.

direct-charge statutes Laws under which prosecutors decide whether to bring charges in adult or juvenile court for a range of serious offenses

direct evidence Evidence intended to conclusively establish a specific fact.

direct examination Questioning of a witness by counsel who introduced the witness.

disclosure Revealing identity.

discovery The process, before or during a trial, by which one side seeks to determine the evidence in possession of the other side that could affect the outcome of the case.

disputants Individuals arguing a difference of opinion.

dissent A term commonly used to denote the disagreement of one or more judges of a court with the decision of the majority.

distributive justice Looks at how learning opportunities should be made available to students.

district A geographical court jurisdiction composed of one or more counties.

district court A court of limited jurisdiction that hears civil cases involving \$4,000 or less, juvenile matters, city and county ordinances, misdemeanors, traffic offenses, probate of wills and felony preliminaries. Guardianship and conservatorship for disabled persons are in district court as well as voluntary and involuntary mental commitments, and cases relating to domestic violence and abuse. Small claims court is also a part of the district court.

docket The court record in which cases are listed or formally entered.

double jeopardy The common-law and constitutional (Fifth Amendment) prohibition against more than one prosecution for the same crime, transaction, or omission.

draft To write a proposed law.

dual federalism Division of power between state governments and a national government.

dual nationality The status of a person who holds citizenship in two or more nations

due process This basic legal principle, which appears in the Fifth and Fourteenth Amendments, requires the government to be fair in its dealings with people. The Amendments forbid federal, state, and local governments from depriving people of “life, liberty, or property, without due process of law.” A constitutional provision guaranteeing an accused person a fair and impartial trial.

due-process rights Fundamental rights that require the government to treat people with fairness and justice.

economic rights Rights that concern the production, development and management of material for the necessities of life.

economic gain Obtaining anything of value.

economy Activities related to the production and distribution of goods and services in a particular geographic region; also, the correct and effective use of available resources.

election The selection of an official by vote.

Electoral College In the United States, the body of elected officials that in turn elects the president and vice president.

electoral integrity Honest and upright process of campaigning and voting for candidates or ballot issues.

emendation Correction or improvement.

en banc All judges of a given court.

enjoin To require a person, by an injunction from a court of equity, to perform, or to abstain or desist from, some act.

entry into force The date on which a treaty takes legal effect among the contracting parties. A treaty may specify a date for the entry into force; or, in the case of multilateral

treaties, it may provide for entry into force when a specified number of states has ratified the treaty.

equal protection under law This phrase from the Fourteenth Amendment means that no person or class of persons may be denied the same protection of the laws that is enjoyed by other persons in similar circumstances.

European Conventions for the Protection of Human Rights and Fundamental Freedoms Signed in 1950 and entered into force 1953, this regional document guarantees civil and political human rights and establishes the European Court of Human Rights.

evidence Any legally presented proof by witnesses, records, documents, etc. during the course of a trial.

ex parte meeting Meeting with the members of only one party to a legal dispute and no representatives from the opposing party.

exclusionary rule A judge-made rule that prevents unconstitutionally obtained evidence from being used in court to build a case against a criminal defendant.

exemplary damages An order to pay money as a form of punishment or deterrence from future error that has caused legal injury.

exempt Freed from a rule or duty.

exhibit Papers, documents or other material objects received by the court and offered as evidence during a trial or hearing.

expunge Destroy or erase a person's criminal record. Expungement is also called erasure, destruction, sealing, setting aside, expunction or purging.

extortion Obtaining something from a person through intimidation, force or otherwise unfair or unlawful methods.

faith-based initiative Bills that would provide tax breaks to encourage charitable, giving grants to churches and charities that provide social services.

federal cases Heard by the law courts of the central government of the United States.

Federal Communications Commission (FCC) The government agency that regulates wire, cable and radio communications media.

Federal Rules of Civil Procedure Under the Rules of Enabling ACT of 1934, Congress granted the Supreme Court comprehensive procedural rule-making power resulting in the Federal Rules of Civil Procedure of 1938. These rules govern all civil actions in the U.S.

district courts as well as adversary proceedings in federal bankruptcy courts, and most states have modeled their own procedural rules after them.

Federal Tort Claims Act Individuals injured as a result of smallpox vaccination administered pursuant to provisions of the Homeland Security Act must seek compensation for their injuries under the Federal Tort Claims Act. To recover damages under this act, the individual must prove that the injury was the result of a wrongful act such as negligence. In contrast, injuries from vaccinations for many diseases are compensated from a special “no-fault” fund established as part of the National Vaccine Injury Compensation Program.

federalism A system of distributing power between a central authority (e.g., federal government) and other territorial units (e.g., states).

felony A serious criminal offense punishable by imprisonment exceeding one year.

fiduciary duty A *fiduciary* is someone who has agreed to act in the best interests of another, often through the management of another’s money or property. Corporate officers and members of the corporation’s board of directors, for example, act as fiduciaries to the corporation’s shareholders. Duties of a fiduciary include duties of trust, confidence, and fair dealing.

Fifth Amendment The Amendment to the Constitution that protects a person’s right to remain silent during any stage of a criminal proceeding, from initial questioning through the trial. These rights include that they may not be forced to testify at their own trials, and they may not be tried twice for the same crime. This Amendment states that no one will be deprived of life, liberty, or property without due process.

fighting words Words that are likely to provoke immediate violence. If a law is aimed only at fighting words, it might be held constitutional.

filter Software that screens out material that is rated as unsuitable.

finding A formal conclusion by a judge of a fact or a principle of law.

First Amendment The Amendment to the Constitution that guarantees freedom of religion, of speech and of the press and also protects the right to assemble peacefully and the right to petition the government.

first-degree murder Premeditated murder committed deliberately with malice aforethought, with extreme cruelty, or in connection with another crime or attempted crime, and punishable by death or life imprisonment.

Fourteenth Amendment The Amendment to the Constitution that extends the constitutional rights and privileges of citizens dealing with federal authority, such as courts, to citizens dealing with state authority.

Fourth Amendment The Amendment to the Constitution that protects citizens' rights to privacy.

friend-of-the-court (amicus) brief Statements of opinion filed by persons who are not parties to a suit.

fundamental right This is a right explicitly or implicitly guaranteed by the Constitution.

gag orders Limits judges impose on attorney comments.

garnished wages Money legally withheld from a paycheck by an employer as payment of the employee's debt to another party.

gender discrimination Unfair and unequal treatment that is based solely on whether a person is male or female.

general damages A form of compensatory damages, ordered paid when the injury done was a natural and necessary consequence of the wrong or error done.

general verdict A verdict for which the jury is required to find for or against the defendant only in general terms (guilty or innocent in a criminal trial); juries in criminal trials are required only to give general verdicts in order to give them the broadest possible latitude in assessing the factors that might determine the defendant's guilt or innocence. This rule also protects the criminal jury's deliberations and verdict from court scrutiny. Contrast **special verdict**.

generally accepted accounting principles (GAAP) The professional norms for maintaining financial records and reporting on an institution's financial health. These principles are established by the Financial Accounting Standards Boards, an independent organization, which was established in 1973 and authorized by the Securities and Exchange Commission to set GAAP.

Geneva Conventions of 1949 for the Protection of War Victims Adopted in 1949 and entered into force in 1950; the main source of International Humanitarian law.

gerrymandering Dividing an area into policy units, such as voting districts, with special advantages being gained by a particular group, such as a political party. For example, a political party in power might use its influence in a state legislature to *gerrymander* state voting districts in order to make sure that an opposing political party's voting strength is concentrated in as few districts as possible.

good faith Honest, sincere.

government Ruling system of a community, state or nation.

grand jury A group of citizens assembled in secrecy to hear or investigate allegations of criminal behavior. A grand jury has authority to conduct criminal investigations and to charge a crime through an indictment.

guilt-innocence phase See **trial phase**.

habeas corpus petition In federal court, a means by which a state prisoner may challenge the constitutionality of his or her conviction and imprisonment.

hearing Any appearance in court before a judge by a juvenile.

Homeland Security Act Passed in November 2002, the Homeland Security Act established the new U.S. Department of Homeland Security that is responsible for, among other things, emergency preparedness and response and countermeasures against the threat of biological, chemical, nuclear, and radiological attacks. The federal government's new smallpox vaccination program was included in the Homeland Security Act.

human rights The rights people are entitled to simply because they are human beings, irrespective of their citizenship, nationality, race, ethnicity, language, sex, sexuality or abilities. Human rights become enforceable when they are codified as conventions, covenants or treaties, or as they become recognized as customary international law.

humanitarian law The international rules that establish the rights of combatants and noncombatants in war, embodied in the Geneva conventions.

hung jury A jury unable to reach consensus or verdict; with no verdict entered, the trial has not reached its normal conclusion, and the trial judge may declare a mistrial, in which the prohibition against double jeopardy does not apply and the state may choose to commence a new trial against the defendant.

immigrant A person who leaves a country to permanently settle in another nation

Immigration and Naturalization Service (INS) A federal agency within the Department of Justice that is responsible for administering U.S. immigration and naturalization laws relating to the admission, exclusion, deportation, and naturalization of aliens.

impanel To put together, as a jury.

implicit Suggested but not expressed.

inalienable Not able to be given up or taken away; refers to rights that belong to every person and cannot be taken from anyone under any circumstances.

incentive Something that provokes action, as expecting a reward or fearing a punishment.

indefinite detention Holding deportable immigrants indefinitely with no fixed date of release

indictment A grand jury's written accusation charging that a person or business allegedly committed a crime.

indigent defendant A person charged with a criminal offense who lacks the funds or ability to hire a defense lawyer.

indigent defender methods Include three types: (1) assigned counsel, in which the judge assigns a local lawyer who is paid for the work; (2) public defender systems, in which salaried full- or part-time attorneys are paid by the state to defend indigent people; and (3) contract defense systems, in which a private attorney or law firm bids annually for a contract to represent indigent people.

indivisible Refers to the equal importance of each human rights law. A person cannot be denied a right because someone decides it is "less important" or "nonessential."

inflation General increase in price of goods and services in an economy, usually measured by the [Consumer Price Index](#) and the [Producer Price Index](#).

injunction A mandatory or prohibitive court order to stop performance of, or to compel, some action.

insider Individual with direct fiduciary duty to a corporation

insider trading At its most neutral, this term can simply describe trading in a corporation's shares by individuals who are "inside" a corporation—for example, its officers, directors, and employees. If such insiders trade in the corporation's shares on the basis of information that has not been made publicly available to other, "outside" investors, insider trading runs afoul of the rules of the Securities and Exchange Commission and may be punished with both civil and criminal sanctions.

intellectual property Property generated through the creation of discoveries, inventions, and works of art.

intelligence Gathering of information about strategic (typically external) threats that may challenge a nation's survival.

interdependent Refers to the complementary framework of human rights law. For example, the ability to participate in government is directly affected by the right to express oneself, to get an education, and even to obtain the necessities of life.

intergovernmental organizations Organizations sponsored by several governments that seek to coordinate their collaboration; some are regional (e.g., the Council of Europe, the Organization of African Unity), some are alliances (e.g., the North Atlantic Treaty Organization—NATO); and some are dedicated to a specific purpose (e.g., the UN

Centre for Human Rights; UNICEF for children; and UNESCO for educational, scientific and cultural concerns).

intermediate level of review Less favorable to the state than the class, but not as favorable as strict scrutiny.

intermediate level of scrutiny An examination of a state law that is less favorable to the state than the class, but not as favorable as strict scrutiny.

International Bill of Rights The combination of these three documents: the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

International Covenant on Civil and Political Rights (ICCPR) Adopted in 1966 and entered into force in 1976, this convention declares that all people have a broad range of civil and political rights; one of three components of the International Bill of Rights.

International Covenant on Economic, Social and Cultural Rights (ICESCR) Adopted in 1966 and entered into force in 1976, this convention declares that all people have a broad range of economic, social and cultural rights; one of three components of the International Bill of Rights.

IOLTA Interest on Lawyers' Trust Accounts. Law firms hold a variety of funds in trust. These funds earn interest that pays for nonprofit programs, such as legal services for poor people.

international law The body of laws and norms that regulate the relations and dealings among nations. Its sources include international conventions (agreements such as treaties), international custom (established through evidence that a general practice has been established as law), and the general principles of law that are observed by the nations that constitute the international legal system.

isolation Placing individuals who are infected with a contagious disease apart from the general population as an emergency public health measure. Persons placed under isolation are restrained from activities that would bring them into contact with other individuals, threatening the further spread of the disease. Compare **quarantine**.

Jim Crow laws A network of laws common in the southern United States until the 1960s that restricted voting rights and segregated African Americans in schools. They were established in the states in the 1880s and 1890s, upheld through a series of Supreme Court decisions and eventually reached every aspect of life. Blacks and whites could not use the same washrooms, eat in the same restaurants or use the same beaches, for example. African Americans had to ride at the back of buses and were barred from many hospitals.

judgment A formal order of the court.

judicare A system of legal services using public money to pay private lawyers to represent poor people.

junior-in-time user Most recent people to request use of water; not always granted if water was already being used by senior-in-time users.

jurisdiction The court's authority to hear and/or decide a case.

jurisprudence Philosophy of law; division of law.

juror A member of a jury.

jury A certain number of people, usually selected from lists of registered voters or licensed drivers, sworn to inquire of certain matters of fact and to declare the truth upon evidence brought before them during a trial.

jury instructions Traditionally, directions given to a jury by a judge at the end of a trial that inform the jurors of the rules of law to which they should apply the facts they have derived from the evidence presented in court.

jury nullification Jury decision to acquit a defendant in disregard of the rule of law defined in the judge's instructions or the evidence presented at trial.

juvenile Any person who is not an adult. State laws decide the age limit for juveniles. In most states, a juvenile is anyone under the age of eighteen.

juvenile court A special court system designed especially for juveniles.

larceny theft such as shoplifting, where items are carried away.

law A written rule enacted by a legislature.

legal aid lawyers Lawyers who are paid to provide free legal representation to poor people involved in civil cases.

legal aid offices Offices funded in a variety of ways to furnish legal services to the poor. Many provide both civil and legal aid and indigent defense. Legal services to juveniles may also be provided.

legal brief A written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and the law that applies to it.

legal services Any of several programs that deliver legal aid and indigent defense.

legal standard General directive whose proper application in a particular case depends on how the purposes of the directive can best be fulfilled in the context of the case. Contrast **bright line rule**.

legalism Multifaceted belief in the usefulness, fairness, and legitimacy of laws and legal institutions.

legislative hearing After a bill is introduced in Congress, it goes to a committee for consideration. If committee members decide to proceed with the bill, they usually hold public hearings, where testimony is given for and against it. Cabinet members, scholars and various experts, members of Congress and others may be asked to testify.

leniency Providing only mild punishment.

levy Imposing and collecting a tax.

libel Published words or pictures that falsely and maliciously defame a person, that is, injure his or her reputation. Libel is published defamation; slander is spoken.

liberty Freedom of action, belief or expression.

literacy test A test to determine a person's ability to read and write at a basic level.

litigant Any person or group engaged in a lawsuit.

litigation A lawsuit or other legal proceeding.

littoral rights The equivalent of riparian rights for those who border a lake rather than a stream.

McCarthy era A term used to refer to a period in American history following World War II, characterized by a widespread public fear of communism that reached near-hysteria by the early 1950s. During this period, government-sanctioned persecution of people suspected of associated with communists or sympathizing with the ideas of communism was common.

magistrates' courts Courts in England and Wales that try most minor offenses. These courts are run by justices of the peace, most of whom are not trained lawyers.

Magna Carta A charter granted by King John of England in 1215 to guarantee against the excessive use of royal power. It defined the feudal barons' obligation to the monarchy, confirmed the liberties of the English church and opposed the arbitrary application of justice. During the seventeenth century, it was reinterpreted by English thinkers as a democratic document.

management Individuals hired to oversee a corporation's day-to-day activities. A corporation's team of managers is typically headed by a group of senior officers, which

may include the chief executive officer (who has chief responsibility for the corporation's performance), the chief financial officer (who oversees the corporation's financial records and accounting divisions), the chief operating officer (who oversees the daily operations of the company), and the corporation's general counsel (who oversees the corporation's legal affairs).

mandate A judicial command or precept proceeding from a court or judicial officer, directing the proper officer to enforce a judgment, sentence or decree.

mature minor An older minor; in law, mature minors may be considered competent to exercise certain adult rights, such as giving consent to perform a routine, beneficial medical treatment.

mature-minor doctrine Doctrine under which legally valid consent can be obtained from an older competent minor for routine beneficial medical treatment when parental consent may be hard to get; also protects medical providers from liability for what may be only technical violations of the informed consent requirement.

mediation An intervention between conflicting parties.

mediator A person who intervenes between conflicting parties.

member states Countries that are members of the United Nations.

merits Issues of legal substance at stake in a case, as opposed to procedural considerations.

military commission (or military tribunal) A courtlike forum created within the military to try persons accused of crimes; for example, may be used as an alternative to civilian courts or courts-martial when national security concerns suggest that a closed forum is safer for reasons of confidentiality. The U.S. Constitution and the Uniform Code of Military Justice authorize the creation of military commissions.

minimal level of review A perfunctory examination of a state law, with the outcome weighted in favor of the state.

minor One who is under legal age; see also **mature minor**..

minors-consent statutes Laws treating minors as adults for the purpose of consenting to particular kinds of treatments, typically including treatment for sexually transmitted diseases, substance abuse, mental health problems, and birth control and pregnancy; implicitly, these laws assume that young patients are competent to consent to treatment, an assumption likely valid for mid-adolescents. Minors-consent statutes typically do not include a minimum age at which a minor is deemed an adult; but because of the nature of the specified conditions, only adolescents are likely to seek treatment.

minority A group that does not make up the majority of the population.

Miranda warnings The police warning that must be given to suspects regarding their constitutional right to remain silent and their right to an attorney.

misappropriation theory Defined by Chief Justice Burger as a theory in which “a person who has misappropriated nonpublic information has an absolute duty to disclose that information or to refrain from trading.” In 1997, a majority of the Supreme Court adopted the misappropriation theory of insider trading liability in *United States v. O’Hagan*.

Misdemeanor/petty offense A less serious criminal offense punishable by a fine or imprisonment not to exceed one year.

mistrial An erroneous or invalid trial; a trial that cannot stand in law because of lack of jurisdiction, incorrect procedure with respect to jury selection, or disregard of some other fundamental requisite; an invalid trial because of the inability of a jury to reach a verdict.

monarchy A government headed by a king or queen.

monopoly A business that controls so much of one product, service, industry or resource that little or no competition exists.

moot Not worthy of consideration because the situation has been resolved or no longer needs to be resolved because of some circumstance.

motion for a new trial A request that the judge grant a new trial because of a fundamental error.

motion to dismiss A formal request for the court to dismiss a complaint for reasons of insufficiency of evidence.

motion to strike A request that the judge remove evidence or briefs offered in a case.

motive An idea, belief, emotion or other state of mind that causes someone to do something.

multilateral treaty Treaty involving three or more contracting parties. Multilateral treaties that involve a significant number of the world’s states are particularly useful in defining the rules and norms of international law, as they provide evidence of widespread international consensus on the issues addressed by the treaty.

municipal court In the judicial organization of some states, courts whose territorial authority is confined to a city or community.

National Vaccine Injury Compensation Program Established by Congress in 1986, this program compensates individuals who are injured as a result of vaccination for common childhood diseases (e.g., mumps, rubella, and polio). Compensation claims are

paid out of a special fund, which is in turn funded by an excise tax on each dose of vaccine purchased in the United States. The program offers a “no-fault” alternative to litigation for individuals injured as a result of vaccines included in the program. Smallpox-vaccine-related injuries are not covered by the program.

natural flow theory Theory that a stream must be allowed to flow naturally without human tampering.

naturalized citizen In the United States, a person who has completed the process of acquiring citizenship and so has become entitled to all privileges of citizenship.

negotiation Effort to agree or reach the settlement of an issue.

negotiator Someone who conducts a negotiation.

noncapital felony cases Criminal cases that deal with serious charges that do not carry a death penalty.

nongovernmental organizations (NGOs) Organizations formed by people outside of government. NGOs monitor the proceedings of human rights bodies such as the Commission on Human Rights and are the “watchdogs” of the human rights that fall within their mandates. Some are large and international and work on many issues (e.g., the Red Cross, Amnesty International, the Girl Scouts); others may be small, local and focused on a single concern (e.g., an organization that advocates for people with disabilities in a particular city; a coalition to promote women’s rights in one refugee camp.). NGOs play a major role in influencing UN policy, and many of them have official consultative status at the United Nations.

notice A formal notification to a party that a lawsuit has been initiated.

notice of appeal A formal document indicating that an appeal has been filed from a judgment or verdict.

notice to produce A written notice requiring that an opposite party yield a certain described paper or document in advance or at the trial.

objection A statement by an attorney opposing specific testimony or admission of evidence.

obscene Offensive to accepted standard of modesty or decency.

offense The act of breaking a law; a crime.

opening statement An outline of anticipated proof presented to the jury by the attorneys in a case.

operating/current expense Routine expenditure made by a company that is normally reported for the period in which it is incurred.

ordinance A law established by a governmental authority. The term *ordinance* often refers to a local or municipal regulation; for example, the Chicago anti-gang congregation ordinance.

outside insider Individual who has a personal connection to a true corporate insider but does not have a direct fiduciary duty to the corporation.

overrule To deny a motion or objection raised to the court.

overt act An open, or easily seen, act.

parens patriae power of guardianship over children, the insane, and otherwise incompetent individuals, as vested in a government or monarch..

parole A conditional release from jail before the full jail term has been served.

parties The persons who are actively involved with the prosecution or defense of a legal proceeding.

passive representation The concept that judges can stand for others by virtue of a correspondence or connection between them, such as their personal, political, and ideological backgrounds; however, these judges do not actively represent a specific group or advocate specific causes.

pattern of racketeering Defined broadly by The Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO) and includes two or more incidents of criminal activity such as murder, kidnapping, arson, and extortion.

penal code A group of laws and penalties relating to criminal acts.

penalty hearing Hearing that takes place during a trial's sentencing phase, after someone has been convicted of first-degree murder and the jury has determined that at least one special circumstance exists; what two sentences are considered at a *penalty hearing* in a capital case.

per capita For each person.

per se rules Rules that apply to specific situations and are unrelated to other situations.

peremptory challenges The removal of members from a jury for no stated reason or cause.

perjury The act of a witness providing false or misleading testimony while under oath in criminal court proceedings.

perpetrator Someone who commits a crime.

persecution The act of injuring or afflicting those who differ in origin, religion, nationality, membership in a particular social group or political opinion. It includes threats to life, confinement, torture, and economic restrictions so severe that they constitute a threat to life or freedom.

personal A duty to ourselves or our family is a *personal* duty.

personal property Movable property that can usually be worn, carried or transported.

petition A formal request, typically directed to a court.

petitioners Parties who have no right to appeal but who may ask a higher court to hear their particular case.

petty offense A less serious criminal offense punishable by a fine or imprisonment not to exceed one year.

physical evidence Evidence that consists of things such as victims' bodies, blood stains and analyses of these stains.

plaintiff A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

plea bargain The process by which the accused and the prosecutor in a criminal case settle the case to their mutual satisfaction, subject to approval by the judge. It usually involves the defendant's pleading guilty to a lesser offense, or to only one or some of the charges, in return for a lighter sentence.

pleadings The process by which the parties in a suit or action alternately present written statements of their contentions, each responsive to that which precedes, and each serving to narrow the field of controversy.

Plessy v. Ferguson Landmark Supreme Court case that established segregation as long as segregated facilities were equal; see ***Brown v. Board of Education of Topeka***.

policy A determined course of action.

political asylum A type of legal immigrant status granted to a person fleeing persecution in his or her home country

political rights The rights of people to participate in the political life of their communities and society; for example, the right to vote for their government or run for office.

poll tax A set amount of money each person had to pay to vote.

pragmatism A nineteenth-century American philosophy, influenced by the work of Charles Darwin. It proposed that society should rely for guidance not on inherited ideals or moral principles, but on ideas tested through scientific inquiry. Pragmatism interprets truth in terms of the practical effects of what is believed, as well as the usefulness of its effects.

preamble The introduction to a formal document that explains its purpose.

precedent A court decision on a question of law that gives direction to or authority on how to decide similar questions of law in future cases with similar facts. In the American court system, judges make decisions supported by precedent rather than based on their own logic and reason.

prejudicial Term used to describe evidence that could lead a jury to decide that a defendant committed one crime because he or she committed another one. Such evidence is most often not admitted during the trial phase.

preliminary hearings Synonymous with “preliminary examination”; the court hearing given a person charged with a crime to determine whether he or she should be released or jailed.

premeditated Considered beforehand, if only for an instant.

preponderance of the evidence A standard, or requirement, of proof by which a jury, in hearing a particular decision, must conclude that something is more likely than not, even if by the slightest degree; most often used in civil cases.

prescribed Specified, as in a rule or statute.

presumptive Assumed.

presumptive age of majority Age at which society presumes an individual capable of assuming certain adult rights and responsibilities; e.g., 16 to acquire a driver's license, 18 to vote and 21 to consume alcohol. See also **age of majority** and **categorical age of majority**

pretrial conference A meeting in which attorneys for both sides meet the judge in advance of the trial to seek to clarify or narrow the issues.

prevailing Very noticeable or most frequent.

prior appropriation doctrine Water rights are separate from land ownership and water may be claimed by people who do not own land bordering the water.

prior restraint A limitation on prohibition of an action before the action takes place.

prisoner of war An individual captured and held by hostile forces during a war. To qualify as a prisoner of war, a person typically must wear a uniform or some external sign showing membership in the armed forces, carry weapons openly, and belong to an organized unit that exercises authority over its members. Prisoners of war must be tried by courts-martial rather than by military commission/tribunal.

privacy The right to be free from interference with one's private affairs.

pro bono Describes legal services performed by a lawyer who is not paid to provide these services.

probable cause A reasonable belief based on known facts that a person has committed a crime of that property is connected with a crime.

probate The legal process of determining the validity of a will.

probation Suspending the sentence of a convicted person and granting supervised freedom on the promise of good behavior.

procedural due process The right of people to enjoy certain constitutionally guaranteed procedures in the course of law. For example, if a person is accused of a crime, he or she must be (1) formally charged, (2) given a chance to defend him/herself, and (3) judged in a court of law.

procedural justice Deals with the means teachers should use to attain particular goals.

procedural ("thin") rule of law The core conception that the rule of law protects people against arbitrary victimization by government officials, foreign enemies, or their fellow citizens. Reflected in the Constitution's structural principles of dual federalism (division of power between state governments and a national government) and separation of powers (division of federal power among the president, Congress, and the judiciary); these structural "checks and balances" were designed to hinder individual public officials from exercising government power unilaterally to ensure that government action conforms to law. See also **substantive ("thick") rule of law**.

property Land or goods owned by someone.

proportional representation The ideal of insuring that voters have a share of voting power in direct relation to the size of their group when it is compared to the entire population, which could be local, state, or national; includes racial, ethnic, and gender groups, for example.

prosecution The act of pursuing a lawsuit or criminal trial; the prosecution in a criminal suit is the state.

prosecutor Government lawyer who tries criminal cases.

protection A measure that attempts to preserve something that already exists.

provision A clause in a law that requires some specific thing or condition.

proximate Immediate.

public defender An attorney employed by a government agency who works mainly to defend indigent people accused of criminal offenses.

public people.

public offense Offenses committed by juveniles that are the same as adult crime, including felonies and misdemeanors.

publicly held corporation A corporation whose shares are owned by a wide range of individual and institutional investors and publicly traded in various securities markets such as the New York Stock Exchange or the NASDAQ.

punishment Penalty imposed for a wrongdoing.

punitive damages An order to pay money as a form of punishment or deterrence from future error of the same kind that has caused legal injury or wrong.

purists Persons who strictly apply a rule.

quarantine Placing individuals who have been exposed to a contagious disease apart from the general population as an emergency public health measure. Persons placed under quarantine are restrained from activities that would bring them into contact with other individuals, threatening the further spread of the disease. Compare **isolation**.

racial profiling A police practice of targeting people for stops, searches, detention and/or arrests on the basis of their race or ethnicity.

racketeering Getting money through an illegal enterprise, often using intimidation; the practice of extortion.

ratification, ratify Process by which the legislative body of a state confirms a government's action in signing a treaty; formal procedure by which a state becomes bound to a treaty after acceptance. In the United States, ratification of any treaty is subject to approval by a two-thirds majority of the Senate.

real property Buildings and land.

reasonable use theory The fundamental water rights of an owner of property that borders a waterway must not be restricted if the owner uses the water reasonably and does not harm downstream users.

rebuttal The introduction of contrary evidence; the showing that statements of witnesses as to what occurred is not true; the stage of a trial at which such evidence may be introduced.

record All the documents and evidence plus transcripts of oral proceedings in a case.

redirect examination Examination that follows cross examination and is exercised by the counsel who introduced the witness.

redistricting Redrawing geographical legislative units for purposes of voting, such as remapping the voting districts within a state.

redress To set right or repair.

referendum The submission of a proposed public measure or actual statute to a direct popular vote.

refugee A person leaving his or her own country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion

rehabilitate To restore to useful life through education or therapy.

relevant aggravating factors Circumstances that warrant the death penalty, introduced during the sentencing phase of a capital trial.

relevant evidence of mitigation Evidence that the defense presents during the sentencing phase of a capital trial in order to support a penalty less than death, such as life imprisonment.

remedy A legal or judicial means by which a right or privilege is enforced or the violation of a right or privilege is prevented, redressed or compensated.

representativeness In government, serving to stand in or act for, as in state-elected officials serving in the U.S. House of Representatives or Senate; also, standing in or acting for a racial, ethnic, gender, or other group.

republic A country governed by its citizens, usually through representatives whom they elect; usually headed by a president.

reservation An exception made by government when it ratifies a convention but wishes to exclude certain sections. States are not allowed to make reservations that undercut the fundamental meaning and intention of the convention.

resolution Determination on a course of action.

respondent The party that has been sued in a civil case.

responsibility A moral, social and often legal accountability; something one must do.

reverse The action of a higher court in setting aside or revoking a lower court decision.

right A legal claim.

rights Individual liberties to which all people are entitled.

riparian rights doctrine The owner of land along a body of water has the right to use the water as well.

rule A guideline for behavior.

rule of law Government by law and adherence to due process under the law.

Rules Enabling Act of 1934 See **Federal Rules of Civil Procedure**.

Salem witch trials In the 1680s and 1690s, New Englanders experienced widespread hysteria over witchcraft. The most famous instance was in Salem, Massachusetts. Before the Salem trials were over in 1692, nineteen people were put to death. Modern researchers believe that the turmoil reflected severe tensions caused by the changing relationship of commerce and agriculture in the colonies and anxieties over changing sex roles.

Sarbanes-Oxley Act An act passed into law by the U.S. Congress in 2002 to address issues of corporate responsibility raised by the outbreak of financial scandals in several prominent corporations that year. Among other provisions, it strengthens oversight of corporate auditors and requires that key officers of corporations (e.g., the chief executive officer and chief financial officer) certify the accuracy of financial records made public according to Securities and Exchange Commission requirements.

scrutiny Careful and close examination or review.

search warrant A written order issued by a judge that directs a law enforcement officer to search a specific area for a particular piece of evidence.

Securities and Exchange Commission (SEC) A federal agency established in the 1930s to oversee and ensure the integrity of the nation's financial markets, where securities (also known as *shares* or *stock*) in the nation's publicly held companies are traded (the New York Stock Exchange is an example of one such financial market). The agency derived its initial authority from the Securities and Exchange Acts of 1933 and 1934, which were enacted in response to the stock market crash of 1929 and the ensuing Great Depression.

sedition Support or incitement of resistance against lawful authority such as the government through speech or publications.

segregation The separation of the races.

self-incrimination Testimony that a person gives that might connect him with a crime.

self-interest A person's own interest or advantage.

senior-in-time user First in time to use water always had priority rights over new arrivals.

sentence A decision by a judge or court on the punishment of a criminal; the punishment itself.

sentencing phase Follows the trial phase in a capital case and, in California, occurs after the jury has voted unanimously that at least one special circumstance exists.

separate but equal The idea that each race should have its own housing, school, churches, jobs, public transportation and so on; racially segregated.

separation of church and state Principle of religious freedom embodied in Amendment 1 and many state constitutions, that churches are private associations subject to the law of the nation but essentially free to teach what they wish.

separation of powers Division of federal power among the president, Congress, and judiciary.

sequester To place members of a jury into seclusion for twenty-four hours a day until they are able to reach a verdict.

sign In human rights, the first step in ratification of a treaty. To sign a declaration, convention, or one of the covenants constitutes a promise to adhere to the principles in the document and to honor its spirit.

signatory/signatory states Countries that have signed a treaty, convention or covenant.

signature Signing. Treaties must be signed by a person who has been given legitimate authority to represent a state in the treaty-making process—typically a head of state, head of government, or minister for foreign affairs. The U.S. Constitution gives treaty-making authority to the executive branch, including the president and designated members of the executive administration. A signature typically indicates a state's intention to pursue the ratification process but does not itself constitute consent to be bound by the treaty's terms. States that have signed treaties are obliged to refrain from acts that would violate the spirit of the treaty prior to ratification.

Sixth Amendment The Amendment to the Constitution that gives people the right to have a lawyer in all criminal cases.

slamming The unauthorized changing of customers' telephone exchange or toll services.

slander Spoken false statements about a person or spoken statements that damage a person's reputation.

special verdict A verdict where the jury must answer specific questions about its findings of fact. Contrast **general verdict**.

social and economic rights Rights that give people social and economic security; sometimes referred to as security-oriented or second-generation rights. Examples are the right to food, shelter and health care. There is disagreement about whether the government is obligated to provide these benefits.

social controls The collection of material and symbolic resources that a society has at its disposal to ensure that people conform to prescribed and sanctioned rules and principals. *Formal social controls* are things such as laws; *informal social controls* are things such as the rules parents establish for children.

society Body of people with something in common such as nationality and/or culture.

Solomon-like Very wise. Solomon was a Hebrew king known for his great wisdom.

sovereign Whoever exercises supreme authority; often the chief of state in a monarchy, a king or queen.

spam Unsolicited commercial e-mail.

special circumstances In California, as nineteen statutorily defined situations, any one of which, if proved to the jury beyond a reasonable doubt, makes the defendant eligible for the death penalty. The jury vote must be unanimous that one or more special circumstances exist.

special purpose entities (SPEs) Used by many corporations to gain "off-balance-sheet" treatment for investments that may otherwise have an adverse effect on a company's reported financial statements.

spoiled ballot/vote Ballot that is disqualified from being counted; for example, a ballot that cannot be read.

staff-attorney systems Pay a staff of lawyers, rather than private lawyers, to represent poor people.

stare decisis The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.

state Often synonymous with *country*; a group of people permanently occupying a fixed territory having common laws and government and capable of conducting international affairs.

states parties Those countries that have ratified a covenant or convention and are thereby bound to conform to its provisions.

status offense Noncriminal forms of misbehavior among minors, such as running away from home, skipping school, or being beyond the control of parents or teachers. See also **delinquent behavior**.

statute A law passed by a legislative body and set forth in a formal document.

statute of limitations A law setting a time limit on enforcement of rights in certain cases.

statutorily By law.

stealth initiative Exclusion of persons from nondiscrimination suits by not including them in a specific list of those who are protected against discrimination.

stimulus package Plan proposed by government to stimulate, or improve, the economy; tax cuts are often proposed as part of a stimulus package.

strict level of review A close examination of a state law, with the outcome weighted in favor of the challenger.

strict scrutiny standard Requirement that the government must have a compelling interest in imposing a restriction, which is tailored to accomplish that interest.

subpoena A written legal notice requiring a person to appear in court to provide testimony as a witness.

substantive due process The actual rights a person has that are spelled out in the Constitution, such as the rights to life, liberty, property, speech, press, religion and assembly, and the right to petition government, as well as some additional rights not spelled out in the Constitution but interpreted through the courts as rights, such as the right to privacy when a person is making a decision.

substantive (“thick”) rule of law Conception of the rule of law that goes beyond merely constraining the discretion of government officials to guarantee the protection of important political values such as democracy, individual liberty, equality, and fundamental human rights; more controversial than procedural conceptions of the rule of law. See **procedural (“thin”) rule of law**.

summons A document directing the sheriff or other officer to notify the named person that an action has been commenced against him in court and that he is required to appear, on the day named, and answer the complaint.

Supreme Court The highest court in the United States.

symbolic speech Expression of an idea without spoken words, such as cross burning or dragging the American flag through the mud.

Talmud Writings that make up the Jewish civil and religious laws.

tender offer Takeover bid in which one company attempts to seize control of another company by making an offer directly to the shareholders of the target company to purchase their shares at a certain price.

test case An action brought before the courts to challenge the legality of a statute.

testify To give evidence under oath at a hearing.

testimony Evidence given by a competent witness, under oath, as distinguished from evidence derived from writings and other sources.

tipper/tippee Terms used to describe parties suspected of involvement in illegal insider trading. A *tipper* is the source of material, nonpublic information about a corporation's affairs or financial health; a *tippee* is the recipient of such information. If a tippee buys or sells a corporation's shares based on the information received from a tipper, he or she may violate the legal rules governing insider trading. Liability depends on a variety of factors, including whether the tippee was or should have been aware that the information had not yet been made public, and the nature of the relationship between the tipper and tippee (was it, for example, a relationship in which the tipper would assume that the tippee would maintain the confidentiality of the information and not act upon it?).

Torah All Jewish religious literature.

tort A wrongful act, injury or damage for which a civil action can be brought.

totalitarianism An extreme form of authoritarianism that places the individual under strict state control, often severely limiting individual liberties such as free speech. The state also controls all aspects of life as well as the resources of a country.

treason Overt attempts to overthrow the government or to betray the state by aiding the enemy.

treaty Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with *convention*. When conventions are adopted by the UN General Assembly, they create legally binding international obligations for the member states that have signed the treaty. When a national government ratifies a treaty, the articles of that treaty become part of its domestic legal obligations.

trial phase (also called *guilt-innocence phase*) Establishes whether or not an accused person is guilty of a crime.

trial The examination of issues regarding fact and law before the court.

trier of fact The traditional distinction between the jury as the trier of fact and the court (or judge) as the trier of law. The court determines the law that should apply to the case and the jurors *find* or *try* the facts that they apply to this law to reach the verdict, basing their findings of fact on the evidence presented at trial.

trust Several corporations that combine their stock and allow a common board of directors to run the corporation as one large enterprise.

trust responsibility With respect to Native American tribes, means that the government has a legal obligation to act in the tribes' best interests with respect to tribal funds and resources.

tyrant An absolute ruler who exercises power in a harsh, cruel manner.

U.S. Constitution Document describing the nation's fundamental laws and the rights of its citizens.

unalienable See **inalienable**.

UN Charter Initial document of the United Nations setting forth its goal, functions and responsibilities; adopted in San Francisco in 1945.

unilateralism In international matters, a nation's willingness to act alone, making decisions independent of the opinions or actions of other countries. Treaties often constrain unilateralism by binding the nations that ratify them to terms reflecting the consensus—and often the compromises—of the member states.

UN General Assembly One of the principal organs of the United Nations, consisting of all member states, the General Assembly issues declarations and adopts conventions on human rights issues, debates relevant issues and censures states that violate human rights. The actions of the General Assembly are governed by the Charter of the United Nations.

Universal Declaration of Human Rights (UDHR) The 1948 declaration that is the primary UN document establishing human rights standards and norms. Although the declaration was intended to be nonbinding, through time its various provisions have become so respected by states that it can now be said to be customary international law.

unlawful combatant Legal status given to an alien suspected of terrorism who does not qualify as a prisoner of war according to U.S. government guidelines. Unlawful combatants are given neither the constitutional protections guaranteed to criminal suspects being tried within the U.S. justice system nor the protections granted to prisoners of war under international law.

utilitarian assumption Argument that punishing young offenders as adults is essential to protecting society from the ravages of juvenile crime.

vaccination The controlled exposure of an individual to an organism such as a virus that will produce immunity to a disease. Persons vaccinated for smallpox, for example, are exposed to the vaccinia virus (a virus closely related to smallpox) to give them immunity to smallpox. Vaccines are often delivered by injection; in the case of smallpox, however, a bifurcated needle treated with the vaccinia virus is used to prick the patient's skin.

vague Not definitely or precisely expressed.

venire A group of sworn jurors.

venue The locality where a crime was committed. Under a "change of venue," the locality in which a trial is to be held can be switched to another location if it is believed that a fair trial cannot be had in the locality where the crime was committed.

verdict In practice, the formal and unanimous decision or finding made by a jury, reported to the court, and accepted by it.

vicinage The neighborhood or vicinity in which a crime was committed; the source of the jurors for a trial.

voir dire The process by which potential jurors are questioned about (1) their ability to be fair and impartial, (2) their ability to determine the facts of a case solely from the evidence presented at trial and (3) their ability to apply the law to the facts as established by the evidence.

voluntary A kind of work that is unpaid.

vote A formal expression of a person's choice made in an election.

waive To abandon or relinquish a right or privilege.

waiver The transfer of a juvenile from juvenile court to adult criminal court to be tried as an adult.

wanton disregard Careless, deliberately harmful neglect or lack of respect.

white collar crime A nonviolent crime such as fraud or embezzlement committed in corporate, professional, or financial settings.

willful Intentional.

witness One who testifies, under oath, to what he has seen, heard, or otherwise observed.

World Health Organization (WHO) [www.who.int] The specialized health agency of the United Nations. Membership is open to any country that is a UN member-state; other states may be admitted by a majority vote of the World Health Assembly, which is WHO's governing body. There are currently 192 member-states in WHO. Representatives from these member-states make up the World Health Assembly. WHO led the campaign for the global eradication of smallpox in the 1960s and 1970s.

writ An order issued from a court requiring the performance of a specified act, or giving authority and commission to have it done.

writ of mandamus An order issued by a court of superior jurisdiction commanding performance of a particular act by an inferior court or public official.

writ of prohibition An order issued by a court of superior jurisdiction commanding a lower court to vacate a ruling issued in a suit.