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Chapter 16: The Judiciary. Joe S. • 31. cards. Explain what "judicial Review" is, and trace its origin in this country to Marbury v Madison. Judicial Review - the right of the federal courts to declare laws of Congress and acts of the executive branch unconstitutional. was set as a precedent in Marbury v Madison when Marshall declared the Judiciary Act of 1789 unconstitutional.

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Chapter 16: The Judiciary 327 C. Debate is over how the Constitution should be interpreted 1. Strict constructionist (interpretivist) approach: judges are bound by the wording of the Constitution 2. Activist (legislative) approach: judges should look to the underlying principles of the Constitution 3. Not a matter of liberal versus conservative

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