

In the early years of the United States of America, a committee in Philadelphia created a constitution for that nation, which was subsequently ratified by the thirteen states in existence. By agreeing to that constitution, those states affirmed their support for it as the unalienable body of laws by which they would be governed. Unfortunately, the constitution often lacked specificity requiring the establishment of a Supreme Court to interpret it and whether future laws complied. It is necessary that the Court has the power to keep a definite constitutional interpretation within the federal government but out of branches with the coercive powers of money and military might.

Although established for many reasons, the Supreme Court was introduced efficiency to the cluttered republican system. Kentucky's attempt at nullification demonstrates disagreement and confusion, which Thomas Jefferson repeats, explaining, "states who formed that instrument [the constitution], being sovereign and independent, have the unquestionable right to judge its infraction." If every state were able to interpret the constitution differently, it would defy the purpose of the constitution, which states, "shall be the supreme law of the land." If the carrying out of constitutional ideals should differ in every state, then the document should no longer be a supreme law, but merely a guideline for states' practices. The Supreme Court may also settle disparity between the constitutions and laws later founded. For example, in the case *Marbury v. Madison*, the justices declared, "if a law be in opposition to the constitution... the Court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law." When one perceives a conflict between a law and the constitution and takes the case to the Supreme Court, the Court to introduce efficiency to the cluttered republican system.

Court must side either with the law or the constitution - it cannot exist and conflict. Yet, if the Court could not declare laws unconstitutional they would not be able to perform this duty, and there would be abundance of laws not aligned with the constitution, causing much confusion. In order to (simplify) the workings of the United States, the Supreme Court must be able to have the final say on the constitution of laws.

Granted any branch could have the power to declare laws unconstitutional, it is important that Courts can do this because they have no means of enforcement. As stated in Federalist No. 78, "the judiciary, on the contrary, has no influence over either sword or purse... it may truly be said to have neither FORCE nor WILL, but merely judgement". This checks the branch's power because they must rely on the executive branch to enforce their decision as they cannot send troops or money to coerce their subordinates. Even the fears of Anti-Federalists only go as far as judgement, as Brutus says, "If therefore, the legislative pass any laws inconsistent with the sense the judges put upon the constitution, they will declare it void". Although it seems to give the judiciary branch power this fear amounts to almost nothing when wonders what the judges may do after their ruling. The answer is nothing. Because they have no means to impress their rulings upon others the court's power is greatly limited to the point of relying on other branches for support.

The Supreme Court enhances the efficiency of the judicial system by streamlining constitutional review, but does so without giving itself any more power. It settles arguments between factions over constitutionality of statutes but can only use the pen, it must rely on the Executive and

Legislative branches for troops and money respectively. Judicial review is the principle of checks and balances, for it checks power of other branches by verifying their laws, while also making the entire process run more smoothly.

All laws of the United States of America must conform to the guidelines of the United States Constitution. This very rule is found in the Constitution itself. The crafters of the great document agreed that "This Constitution... Shall be the supreme law of the land." (Document 6). Yet, without proper enforcement, the principle of Constitutional absolutism becomes irrelevant. When no barrier prevents the legislative or executive branches from extending beyond their constitutional power, the constitution itself becomes meaningless. Thus, to ^{PC} preserve the integrity of the document, the Supreme Court should, and rightfully does, have the power to overturn unconstitutional federal laws. ~~at the end of the~~

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The Supreme Court cannot abuse their power to overturn unconstitutional laws. ^{CT more explicitly} Ham. ^{the} explains, "the judiciary... will always be the least dangerous to the political rights of the constitution" (Document B). There exists little danger of a corrupting or self-motivated Supreme Court. Antifederalists feared the power of the Supreme Court. They believed the power of the Court... ~~is superior to that of the legislature~~, "for, if the judges disagree with a (Congressional) law, they could simply declare the law inconsistent with the Constitution (Document A). Yet, the Supreme Court's power does not extend over the powers of the executive or legislative branches. The legislative branch has the power to craft all laws, and the executive branch

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... has the unique ability to do so. Thus, the Supreme Court can and should...

acts, like "treaties made" (Document F). The Constitution explicitly states that these actions of the government must "be made, under [the Supreme Court's] authority" (Document F). The Supreme Court, then, must approve all other federal acts, implying that the court might NOT approve of certain governmental actions. Thus lies the Supreme Court's power of judicial review within the Constitution. This implicit power was voided by the Court in *Marbury v. Madison*, in which the Court, interpreting the Constitution, decided "the very essence of judicial duty" is to determine whether laws contradict the Constitution in any way (Document J). These laws, they agreed, "that... [are] repugnant to the Constitution, are void" (Document J). Thus, the power of judicial review is not only (constitutional, however, it plays an absolutely necessary role in "keeping" the Executive and legislative branches within the limits assigned to their authority" (Document D). Without it, nothing in the government keeps the other two federal branches from abusing their power.

The power of the Supreme Court to declare laws inconsistent with the Constitution is necessary and harmless. The court cannot abuse this power, but through judicial review, it can prevent the other federal branches from abusing theirs. Further, the Constitution allows from abusing theirs.

The Supreme Court has the unique ability to do so. Thus, the Supreme Court can and should be able to exact its

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has the power to enact all laws. Thus, "The judiciary has no influence over either... It may truly be said to have neither FORCE nor WILL, but merely judgement" (Document B). Further, it must "ultimately depend upon the aid of the executive" branch to enforce its decisions (Document C). Thus, while the Supreme Court may declare a law unconstitutional, it may not act to enforce its decisions. The United States therefore, faces no danger of becoming a judge's oligarchy, due to their constitutional authority. Despite its unique authority and the careful placement of checks and balances between federal branches of government keep the Supreme Court from becoming too powerful. Its ability to overturn unconstitutional laws in no way threatens American democracy.

The power of the Supreme Court to enact judicial review is not only unthreatening; it plays a vital role in the maintenance of the federal government's commitment to the Constitution. By keeping the legislative and executive branches within the realm the Constitution provides, it also ensures no violation of the rights so strenuously fought for during the American Revolution. The Constitution itself provides the Supreme Court with this duty. Article III, Section 1 of the Constitution reads, "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority" (Document F).

Thus, the Supreme Court must approve of all legislative acts and the creation of "the laws of the United States," and all