

Marbury v. Madison

Thomas Jefferson's Reaction

Quotations

1. “Certainly there is not a word in the Constitution which has given [authority to decide on the constitutionality of a law] to [the Supreme Court] more than to the Executive or Legislative branches.”
—*Thomas Jefferson to W. H. Torrance, 1815. ME 14:303*
2. “But the Chief Justice says, ‘There must be an ultimate arbiter (ultimate authority in a matter) somewhere.’ True, there must; but does that prove it is either [branch of government]? The ultimate arbiter is the people of the Union, assembled in convention, at the call of Congress or of two-thirds of the States. Let them decide to which they mean to give an authority claimed by two of their organs.”
—*Thomas Jefferson to William Johnson, 1823. ME 15:451*
3. “The Constitution . . . meant that its...branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional...would make the Judiciary a despotic branch.”
—*Thomas Jefferson to Abigail Adams, 1804. ME 11:51*
4. “To consider the judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men and not more so. They have with others the same passions for party, for power, and the privilege of their corps [group]. Their maxim [short statement] is *boni judicis est ampliare*

juris diction em [good justice is broad jurisdiction], and their power the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control.”
—*Thomas Jefferson to William C. Jarvis, 1820. ME 15:277*

5. “The Constitution on this hypothesis is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.”
—*Thomas Jefferson to Spencer Roane, 1819. ME 15:212*

6. “This member of the Government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is... can do what open force would not dare to attempt.”
—*Thomas Jefferson to Edward Livingston, 1825. ME 16:114*

7. “My construction of the Constitution is...that each department is truly independent of the others and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action; and especially where it is to act ultimately and without appeal.”
—*Thomas Jefferson to Spencer Roane, 1819. ME 15:214*