

James Madison to [Unknown]

Dec. 1834

Dr. Sir

Having alluded to the Supreme Court of the U. S. as a Constitutional resort in deciding questions of Jurisdiction between the U. S. and the individual States a few remarks may be proper shewing the sense and degree in which that character is more particularly ascribed to that Department of the Govt.

As the Legislative, Executive & Judicial Departments of the U. S. are co-ordinate, and each equally bound to support the Constitution, it follows that each must in the exercise of its functions, be guided by the text of the Constitution according to its own interpretation of it; and consequently, that in the event of irreconcilable interpretations, the prevalence of the one or the other Department. must depend on the nature of the case, as receiving its final decision from the one or the other, and passing from that decision into effect, without involving the functions of any other.

It is certainly due from the functionaries of the several Depts. to pay much respect to the opinions of each other;

and as far as official independence and obligation will permit, to consult the means of adjusting differences, and avoiding practical embarrassments growing out of them; as must be done in like cases between the different co-ordinate branches of the Legislative Dept.

But notwithstanding this abstract view of the co-ordinate & independent right of the three Depts. to expound the Constn. the Judicial Dept most familiarizes itself to the public attention as the Expositor, by the order of its functions in relation to the other Departments, and attracts most the public confidence by the composition of the Tribunal.

It is the Judicial Department in which questions of constitutionality as well as of legality, generally find their ultimate discussion & operative decision. And the public deference to & confidence, in the Judgments of the Body, are peculiarly inspired by the qualities implied in its members; by the gravity and deliberations of their proceedings, and by the advantage their plurality gives them over the unity of the Executive Dept. and their fewness over the multitudinous composition of the Legisl: Departmt.

Without losing sight therefore of the co-ordinate relations of the three Depts. to each other, It may always be expected that the Judicial Bench when happily filled, will for the

reasons suggested, most engage the respect & reliance of the public, as the surest Expositor of the Constitution as well in questions within its cognizances, concerning the boundaries between the several Depts. of the Govt. as in those between the Union & its members.