

Federalist 78

By Alexander Hamilton



Summary

- ★ HAMILTON DISCUSSES THE IMPORTANCE OF THE JUDICIAL BRANCH'S INDEPENDENCE AND THE JUDICIAL REVIEW.
- ★ INDIVIDUAL LIBERTIES CANNOT BE PROTECTED IF THE COURTS DON'T HAVE THE POWER TO DECLARE LAWS UNCONSTITUTIONAL
- ★ HE ALSO DISCUSSES ABOUT LIFE TENURE FOR ALL SUPREME COURT JUSTICES AND HIS STRONG TRUST IN IT.

Judicial Branch is least powerful?

- ★ It is has the smallest capacity to annoy or injure the political rights of the Constitution from the nature of its functions. The judiciary branch has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever.
- ★ Has no force nor will, merely just judgement
- ★ Depends upon the aid of the executive arm even for the efficacy of its judgements.



HAMILTON'S POSITION REGARDING THE POWER OF THE JUDICIARY TO DECLARE VOID ANY LEGISLATIVE ACTS THAT WERE CONTRARY TO THE CONSTITUTION.

- ★ Hamilton believed that the courts were created in order to check the power of decisions that were formally made between the legislature and people.

→ Example of this is if the law conflicts with the constitution the most recent law or act will reflect the people's wants.



Why does Hamilton consider independence of the judiciary to be a vital component of the gov.

- ★ Courts are the backbone of the constitution and they protect from infringement (law violation) on the peoples rights. Without independence judges would not be able to check for infringement.



Arguments to support life tenure for judges

- ★ Hamilton argues that life tenures for judges allows them to rule free of influence from the executive and legislative branch.
- ★ He also argues that tenures are a type of reward for the significantly small amount of judges that meet the high and ethical demands that come along with the job.

Life Tenure for Judges



- ★ life tenures frees judges from political pressure that the legislature and executive branches give
- ★ this allows judges to guard against unconstitutional laws and protect individual rights
- ★ It takes many years to completely understand laws
- ★ Not many people can become judges because of their ethical qualities



Sources

https://en.wikipedia.org/wiki/Alexander_Hamilton

<https://sites.google.com/a/hamilton.k12.wi.us/z-copy-civics-and-economics/unit-4-judicial-branch>

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