

## Con Law I

September 2, 2009

### Class Notes and Discussion Questions

1. Constitutional Law I requires you to answer three questions: **(1) What is the action proposed by the federal government? (2) What is the source(s) of authority for the government's action? (3) Is the government authorized to take that action?** Almost every issue we will analyze this semester will involve these three questions at heart. Know them, and use them on the final exam.
2. What analysis does Chief Justice Marshall undertake in order to conclude that Marbury had a vested legal right to a commission?
3. What authority did President Adams have as a lame-duck president to issue commissions to persons like Marbury? What authority did President Jefferson have to strip commissions from persons like Marbury?
4. What does Marshall mean when he argues that every person has a right to a remedy for constitutional wrongs?
5. What is mandamus?
6. What constitutional authority did the Court have in this case? What political authority?
7. What is the difference between the Supreme Court's original and appellate jurisdiction?
8. Where in the Constitution does the Court's authority to exercise judicial review derive?
9. What is the difference between exercising judicial review over statutes as described on ¶¶ 63-66 and exercising judicial review over statutes enacted under the commerce clause or the property clause?
10. Is judicial review necessary?
11. What other branches of government could exercise judicial review?
12. What if judicial review in American was the same as in Europe (see p. 120 in the footnotes near the bottom), how would it work in our Congress?