
Answer all questions completely and thoroughly. All answers should be in your own words and in complete, grammatically correct sentences.

1. **What has supremacy—the Constitution or ordinary laws?**

In practical theory, the Constitution always has the supremacy. This means that, ultimately, if a law or bill is passed by Congress, then later deemed unconstitutional, the law or bill can be appealed with reasoning stated by the Constitution.

2. **How does the Constitution limit the power of legislative bodies?**

The Constitution, when followed correctly, is designed to balance power of the three branches of government. In regard to legislative bodies, specifically, the Constitution implements the "checks and balances" protocol; which allows ideas and bills to be reviewed or altered (by the other two branches) in accordance to the standards set by the Constitution.

3. **Why is this limitation so important, in Marshall’s view?**

In the circumstance of Marbury vs. Madison, this system of checks and balances is crucial in deciding what is “correct”. In this case, the Supreme Court (the judiciary branch) deemed it unconstitutional to interfere with the actions of another branch; which was, in this case, the legislative branch (Congress). By Marshall’s standpoint, if the Supreme Court was to make a definite decision in regards to the case at hand, then the actions of the government would be unconstitutional.

4. **What would happen if the Constitution and “ordinary legislative acts” were on equal footing?**

If this were the case, then the legislative branch of government would likely develop massive amounts of power. Meaning: if Congress could create any bill or law with equal protection as the Constitution, then Congress could use it to an ultimate advantage. In addition, in scenarios where the power the Constitution becomes the deciding factor, (if ordinary acts were seen to be the same), then the Constitution could potentially become irrelevant.

5. **What does Marshall mean when he writes, “it is the duty of the judicial department to say what the law is”?**

Later on in his statements, Marshall states “If two laws conflict with each other, the courts must decide on the operation of each”. This concept is the most notable aspect of this scenario. The judicial department has a role, which is directly stated in the Constitution, to interpret laws and make decisions based upon circumstances in the case.
6. Why is this so fundamentally important to this case?

In the case of Marbury vs. Madison, the ideology of actions behind what to do in situations of conflicting law become the key focus. As stated by Marshall, “…if…the constitution is superior to any ordinary act of legislature, the constitution, and not such ordinary act, must govern the case to which they both apply”. Therefore, in this case, the Constitution will have the final say; only because the case involved bother law and the Constitution.

7. How does his reasoning in Part II support the theoretical foundation he established in Part I?

Marshall, by stating the role of the Constitution, effectively establishes the role of the Supreme Court in the matter being reviewed. Considering that the Supreme Court is needed to review the law, then it is clear to see that the Constitution will rule the final word in this case.

8. What is the concept of judicial review?

Judicial review gives the courts (in this case the Supreme Court of the United States) the power to review the actions and decisions of the three branches of government. This ability to review decisions within the government allow unconstitutional bills/laws and decisions to be marked as invalid from a legal standpoint. This concept, however, doesn't always apply directly to the Constitution (it can apply to smaller forms of government).