

Below are some of
the laws that harmed
the legitimacy of the
court. essay
example...

[Law](#), [Criminal Justice](#)



Introduction to American Government

“ Mr. Smith, who served as a member of the Texas Legislature for eight years, has recently been elected to the U. S. House of Representatives. As he makes the transition from Austin to Washington D. C. what are some of things that he should be aware of? Specifically, how is the structure of the Texas Legislature similar or different from the U. S. House? Also, how would you inform him about how Congress has changed over time. Finally, how would you suggest he develop his Home Style?”

John Marshall became the Chief Justice of the United States Supreme court for thirty years. He became the longest serving Chief Justice in the land, and he is remembered for his rational decisions on matters that affected the federal government. He assumed during the reign of Andrew Jackson, a president who was partial basing on tribal lines. It was during this time when the case United States Supreme vacated the conviction of Samuel Worcester tribal laws were withdrawn (Cane, 2010). That latter held that the Georgia statute that prohibited non-native Americans from being present on Native American lands without licenses from the state was prohibited. Marshall argued in his opinion that the relationship between the non-natives and the United States is that of nations. He continued to say that the United States inherited the character and rights federal government from Britain, her colonist. The rights included the sole right to deal with the Indian nations in the North America, to the exclusion of any European powers. This, he said, did not include the rights of possession of land or political dominion over the laws. The court under his leadership ruled that the individual states had no authority in American Indian affairs. President Andrew Jackson found this as

apocryphal and in his speech, he responded " John Marshal has made his decision; now let him enforce it!" This statement by the president was not unifying the people, but it intensified the partiality that was there against the non-native citizens.

The president said this because he knows none of the three arms of the government; Executive, Legislature, and Judiciary can work alone. John Marshall acted upon this unconstitutional presidential statement. His longest term in office did not only make him be remarkable, but his well-thought out judgments. He played an important role in the evolution of the American legal system. He contributed most in reinforcing the idea of the federal courts obligations to exercise judicial reviews, by discounting the supposed laws if they violate the constitution. Under his leadership, the Supreme Court made many important decisions regarding the federalism, which affected the balance of power between the two forms of government. In particular, Marshall confirmed the authority of federal law over state law, and he supported an expansive interpretation of the enumerated powers. During his time, he helped to establish the Supreme Court as the highest authority in interpreting the constitution and streamlining the controversial cases that had to be decided in the federal courts (Dobbs, 2005).

There are cases that were brought to court that helped the court establish its legitimacy and those which harmed legitimacy in courts. The following are the famous cases which promoted courts' legitimacy:

Marbury versus Madison (1803): This is a landmark case by the Supreme Court in the United States laws and worldwide laws. The case created the foundation for the power of the judicial review by the judicial branch of the

United States under the constitution. The case demonstrated the first time nullifying of a law by pronouncing it unconstitutional in Western history. This process is currently known the judicial review. The decision helped to create and define the checks, and balances found in American Government. This case came from a petition brought to the Supreme Court by William Marbury, who was appointed as the Justice of peace in the District of Columbia by the President of that time, John Adams (Kollman, 2012).

Fletcher versus Peck (1810): This is also a landmark case with a unanimous decision, where the Supreme Court for the first time, ruled a state law unconstitutional. This helped create a precedent for the sanctity and importance of legal contracts. This also had an implication on the land ownership of land, that Native Americans did not actually own titles to their lands. The case resulted in the Supreme Court, under Justice William Johnson, reaching a unanimous decision that ruled to the repeal by the state legislature. The law was found invalid because of the unconstitutionality of the law. Basing on the principle of separation of powers, Chief Justice John Marshall said the act was invalid since even Georgia, was a fully sovereign state independent of the national constitution. Ultimately, Marshall relied on the restrictions placed by the federal constitution. The case resulted in the court asserting its judicial right to invalidate a state law which was in conflict with the constitution.

Cohens versus Virginia (1821): this is a Supreme Court decision which is most noted for Justice John Marshall. It dealt with the Supreme Court assertion of its power over the state Supreme Court decisions regarding criminal law when the plaintiff claims the constitutional law was violated.

This case evolved around an act of Congress, which approved the creating and operated a District of Columbia and lottery. The Cohens brother started selling these tickets in the Commonwealth of Virginia which violated the state law. The brothers took the case to the Supreme Court claiming that the actions were protected by the act that was passed by the Congress. It was concluded that the federal law was above the state law, and the Supreme Court upheld Cohen's convictions.

Gibbons versus Ogden (1824): this case defined the right to regulate commerce. Ogden had filed suit against Gibbons for operating a rival steamboat between New York and New Jersey ports. He had exclusive rights to operate the boats while Gibbons had a federal license. Gibbon lost the case and took the matter to the U. S Supreme Court where that court reversed the decision, holding that the New York courts were unconstitutional. This demoralizes the lower courts and their legitimacy.

Plessy versus Ferguson (1896): This is the infamous case that asserted 'equal but separate accommodations' for blacks in railroad cars did not violate the 'equal protection under the laws' clause of the fourteenth amendment. By defending the law of segregation, the court paved a way for the repressive Jim Crow laws though fair. John Marshall streamlined this law, making it constitutional.

Regents of the University of California Versus Bakke (1978): It imposes limitations on affirmative action to ensure that providing opportunities for minorities did not come at the expense of the rights of the majority. A closely divided court ruled that while the race was a legitimate factor in school

admissions.

It has been noted that legitimacy in the United States courts, especially the Supreme Court, has blossomed in the recent past. A research conducted by scholars conducting many different hypotheses derived from legitimacy theory, shows that the courts have handled cases in a just manner. Cases that are brought in courts or to the House by representatives have been attended to and well thought out judgements have been made. Whether the court legitimacy rests on satisfaction with its performance, or support for the Supreme Court, reflects the polarization of politics in the contemporary United States. Analysis of these issues generally concludes that the Supreme Court legitimacy is reasonably secure because it has little support for the institution but has been fair. Also in part, the Court has access to powerful influence on judicial authority.

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