THE CONSTITUTIONAL CONTROL OF LAWS IN THE UNITED STATES OF AMERICA

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ABSTRACT

In this study, I dealt with the historical development of judicial oversight on the constitutionality of laws in the United States of America, in order to know the factors that helped the emergence and development of this oversight in its mother country, the United States of America, with reference to the oversight images in it. And then discussing the formation of the Supreme Constitutional Court, its competencies and judicial efforts.

Keywords: Constitution, Superiority of Constitution, Constitutional Court

INTRODUCTION

Oversight on the constitutionality of laws is only a form of sanctions followed by democratic countries to compel the legislative and executive authorities to respect the constitutional rules, and it is one of the basic guarantees to achieve the principle of legitimacy and legality and in accordance with the principle of the supremacy of the constitution and the gradation of legislation. The oversight on the constitutionality of laws takes two forms: political oversight or judicial oversight and judicial oversight, the most important types of oversight that aim to confirm respect for the constitution and not violate it. After the United States of America lived for a period of time as colonies of Britain and enjoyed only the powers approved by the colonial country under royal orders issued by the British Crown or laws enacted by the Imperial Parliament. These imperial laws and royal orders were superior to all that were enacted by the parliaments of the states. The state courts refrained from applying the laws enacted by their parliaments if they exceeded the powers set for them in the royal orders or imperial laws [1].

The Problem of the Study

The problem of this study is to answer the main question, which is:

What is the oversight of the constitutionality of laws in America? Several sub-questions arise from it (Hamid et al., 1990):

1) How did this oversight originate and develop in the USA?
2) What are the oversight methods in USA? In what way do I use the judiciary?
3) What is the composition of the Supreme Constitutional Court and what are its functions? , And its judicial efforts?

The Importance of Study

This study contains great importance in researching the judicial oversight experiment on the constitutionality of laws in the United States of America and its pros and cons. This is through the rulings issued by the Supreme Court in its capacity to oversight on the constitutionality of laws, and the negative consequences it has left in this area (Adler, (n.d.)).

Limitations of the Study

Objective limits: This research is concerned with oversight on the constitutionality of laws in America (Al-Arja, 2016).

Time Limits: This research is concerned with the emergence of judicial oversight in the United States of America in the year 1780 (Merzeh, (n.d.))

Spatial limits: This study is concerned with the United States of America only

The Study Plan

The first requirement: the emergence and development of judicial oversight on the constitutionality of laws in the United States of America (Fattah, 1999)

The second requirement: Judicial oversight images on the constitutionality of laws in America

The third requirement: the formation of the Supreme Constitutional Court, its jurisdiction and judicial efforts

The first requirement: the emergence and development of judicial oversight on the constitutionality of laws in the United States of America (Al-Khatib, 2014)

The constitutional oversight power over the laws in America can be tacitly drawn from two sources. First, Article III Paragraph 2 of the United States Constitution of 1787 extends jurisdiction to all cases according to justice and law that arise under the Constitution, the laws of the United States, and treaties made or which will be concluded in accordance with its powers, and secondly, Article VI, which provides for the clause known as the Sovereignty Clause of the 1951 Amendments to the American Constitution. It appears from this that constitutional oversight on the Constitution and laws of states is expressly provided for, while constitutional oversight on acts of Congress is not explicitly provided for [2]

The fact that the Constitution did not explicitly endow the courts with a judicial oversight over the legislation, but there is no doubt that the founders intended to create such power. These words were expressed by American philosophers of their belief in oversight over the constitutionality of laws in the United States of America [3]

As the United States of America was the pioneer of the countries that took the legal oversight system on the constitutionality of laws, that is, the American judiciary exercises the right of oversight on the constitutionality of laws. It is necessary to study the stages of the emergence and development of this oversight, and there are reasons that led to its emergence and strengthening, which are as follows (Asfour, 1954):

First: The Federal System of the State

Jurisprudence defines the federal union as an internal legal act based on the constitution of the state itself [4]

After the independence of the United States of America in 1776, the hostility with the English ceased, and the American Revolution was completed in 1783. In February 1781, thirteen colonies ratified the Articles of Confederation, which lasted for seven years until the constitution was written in 1787 and ratified in 1788. Three years later, the Declaration of Rights was added. The Constitution brought about a change in the general framework defined by the texts of the Confederation. One of the most important of these changes is the creation of an executive authority and giving Congress the power to impose taxes, regulate trade, and create a federal judiciary headed by the Supreme Court [5].

The state that enters into a federation, whatever its kind needs to regulate how powers are distributed between it and the federal state. For this reason, these states are keen to find sufficient guarantees to achieve this intended regulation. At the forefront of these guarantees

is the existence of a supreme judicial body whose jurisdiction is to adjudicate on disputes that may arise between the member states and the Union state in the light of the proper interpretation of the Constitution [6].

Second, the Deadlock in the US Constitution

The American Constitution issued in 1787 is considered the oldest written and static constitution in the modern era and is still in force. This is due to the fact that it came in a written document that requires more complex procedures for its amendment than the procedures that are followed in amending ordinary laws [7]

The text of Article 5 of the Constitution includes that the Congress shall propose, whenever two-thirds of the members of the two Houses consider it necessary, to amend this Constitution, or to call - at the request of two-thirds of the legislative assemblies of the different states, to convene a conference to propose amendments, both cases becoming a legal part of the Constitution [8]. It is clear from the text of the article that the legal system of the United States of America has adopted the principle of distinction between ordinary laws and constitutional laws, as it made the amendment of the latter a matter outside the normal jurisdiction of the legislative councils, as it requires procedures and majorities for the proposal and approval of the amendment, none of which is required for the proposal or approval of ordinary laws that the problem of oversight It does not arise when there is no distinction between constitutional laws and ordinary laws

Third: Preceding precedents for the ruling of the Federal Supreme Court in the Marbury case (Hassanein, 2003).

The constitutional courts during the period of the declaration of independence in 1776 did not examine the constitutionality of any law they applied to the disputes before them. This oversight arose in the year 1780, in the state of New Jersey; a court decided the unconstitutionality of the law to form a jury of six members. This is because the Constitution requires the formation of that body of twelve members “and then the rulings of the courts proceeded in the work of constitutional oversight until the issuance of the Constitution Federal [9].

In 1786, before the establishment of the Federal Supreme Court, an argument for the unconstitutionality of a law was raised before a court in Rose Island, and after the court had examined this argument, it declined to apply the law pleaded for its unconstitutionality [10]. Mandatory currency for violating the state constitution [11]

In 1787, the North Carolina Court declared unconstitutional legislation passed by the state legislature on property expropriated from loyalists during the American Revolution in Bayard v. Singleton. The court denied the legislature's right to expropriate any property (a right found in the state constitution) without trial from the side of the jury. Despite this precedent and other precedents, there was no obligation on the judiciary to directly review the laws of Congress or the President of the Republic [12]

Fourth: Marbury v Madison

It is the first opportunity that the Supreme Court was able to seize for the purpose of imposing its oversight and its facts are summarized in the fact that the Federal Party, which believed in the necessity of a union of states, “achieves a kind” of national unity. For nearly eleven years, and that his policy of strengthening the union led to the emergence of the Republican Party, which was calling for the strengthening of the powers of the states. The Republican Party received the support that won it in the November elections of 1800 [13].

After Jefferson won the presidency and they are opponents of federalism (federalism), the federal president proceeded during the remainder of the period to hand over the

presidency to fill some important positions with federalists. He focused on the judiciary and had the opportunity to appoint a federal chief of the Supreme Court to succeed Judge Alzoth, who is John Marshall, who has a high stature to control the judicial authority [14]. Six new district courts and sixteen judges were required." Congress also empowered the president to appoint another number of district court judges to serve in the District of Columbia, and the law reduced the number of justices in the Supreme Court from six to five to prevent the new president from having the opportunity to appoint a member of it if one of the judges died The number of judges appointed by President (John Adams) has reached forty-two." The Senate approved these appointments and these decisions were signed and sealed with the state seal, but the Minister of Interior neglected to hand over appointment orders to the new judges due to the state of urgency and that the President of the Republic did not Appointments are only approved on the night of the end of his presidency, and when President Jefferson assumed his duties as successor to President (Adams) he took advantage of not handing over appointments to judges loyal to the Federalist Party. Instructed the Secretary of the Interior (Madison) not to deliver appointment orders to judges, among whom were Judges (Marbury, Dennis Ramsay, Robert Townsendhu and William Harper), which compelled them to resort to the Supreme Court to issue an order to the Minister of the Interior to deliver appointment orders based on its authority to issue this order [15].

When the case came before John Marshall, Chief Justice of the Unionists, Marshall's decision was a "blind" decision, as he decided to Marbury the right to hand over the duties of his office under the provisions of the Judicial Act of 1789. Then he decided that the law was unconstitutional and in doing so laid the basis of the principle of review or reinstatement judicial consideration is the prerogative of the federal courts. This issue has become, almost as far as the Constitution itself, the charter upon which the Supreme Court relied to reconsider the laws of Congress [16] and this is the Supreme Court's first ruling and is the primary supporter of its right to constitutional oversight (Mohsen, 1971).

Fifth: Marshall's Arguments in Justifying Oversight on the Constitutionality of Laws

John Marshall, then Chief Justice of the Supreme Court (1801-1835) affirmed the right of the judiciary to refrain from applying any legal text that contradicts the provisions and provisions contained in the Constitution and cited arguments in which he justified this kind of oversight despite the absence of an express provision in the Constitution and its amendments, as follows: [17]

1) The American Constitution is the supreme law of the country. If ordinary legislation violates the provisions of the Constitution, it is considered unconstitutional and void, the court must refrain from implementing any law or regulation that violates the Constitution (Al Shukri, 2004).
2) The constitution requires the judge to take an oath to respect the constitution and implement its provisions.
3) The American Constitution, when it stipulated the legal rules that the judge must apply in the country in all disputes and rank them in Article Six, wanted its authors to show the transcendence of the Constitution and the necessity of restricting it.

The second requirement: Judicial oversight photographs on the constitutionality of laws in the United States of America (Al-Mudhaffar, 1992)

This means the means by which Judicial oversight is stirred, as the judiciary exercises its oversight over the constitutionality of laws by one of the following methods:

Section one: the unconstitutionality payment (Metwally, 2009)

The oversight system based on the constitutionality of laws in the United States of America is based on the payment method, which means that the courts do not rule out the constitutionality of laws on their own. That is, this oversight does not arise except in the form

of a payment by one of the litigants during a civil, criminal or other litigation before one of the courts, whether state courts or US federal courts, especially the Federal Supreme Court, where all judicial bodies of different degrees have the right to examine the constitutionality of laws in the United States It is the normal, most common and important method in oversight on the constitutionality of laws in it [18]

Raised the unavailability of laws on the occasion of a pending case before the judiciary, the defendant pleads with the unconstitutionality of the law on which the plaintiff's requests are based, and vice versa, and this is by basing the defendant not to implement his obligations on a law, so the plaintiff pleads with the unconstitutionality of that law, and the court's jurisdiction is to examine the constitutionality of the law. If it appears to her that it is inconsistent with the provisions of the Constitution, she neglects its ruling and refrains from applying it and decides on the case accordingly." [19].

The conditions necessary for accepting the defense of unconstitutionality are the same as the conditions necessary for accepting all the cases and defenses involved in the judicial function. They are represented in two important conditions, namely, the existence of an objective and serious litigation and the necessity of the constitutionality of laws for the appellant not having the constitutionality of laws in relation to the litigation clause, as stipulated by the American Constitution in the third article of it [20], as the article decided that the judicial function includes all disputes and disputes that arise under the provisions of this constitution, state laws, and treaties concluded or to be concluded. An attribute in his presentation and a person is not a person unless he has a personal interest, provided that it is of a degree of gravity that justifies raising the constitutional problem (Al-Mahdhabi et al., 1996).

Since the jurisdiction of the court is limited to the non-application of the law declared unconstitutional to the dispute before it, i.e. abstaining from its application, part of the jurisprudence goes to the effect that this method leads to the actual repeal of the law, especially in countries of judicial precedent such as the United States, considering that the court is of the highest degree In its subsequent rulings, it obliges itself to judge the unconstitutionality of the law, and it also obliges the courts of a lower degree with the same ruling [21].

The Value of Ruling the Unconstitutionality of the Law as a Judicial Precedent

The principle in this oversight has no absolute authority in the sense that in the case of excluding a text of a law for violating the constitution from one of the courts, this does not obligate the rest of the other courts. It also does not restrict the court that issued it, as the court itself can apply the law subject of the dispute in any other dispute [22].

The relative authenticity of the court's decision to abstain from applying the law that is against the constitution has been established in the American judicial system, that is, the law that is judged to be unconstitutional remains valid for others because it has not been repealed, amended, or decided to be invalid. case by case, and therefore, if it was conceivable to adopt the principle of case law in the United States, the value of this principle remained relative, especially in constitutional matters, and this was expressed by the Supreme Court in the case known as the Traveler Case in 1849, where it said, "It must be known that the rule that applies According to this court, its opinions regarding the interpretation of the constitution are always open to discussion and reconsideration if it turns out that they were established on a false basis, and the validity of these opinions should not depend on the strength of the logic and evidence on which they are based."[23]

The researcher believes that the judiciary of the American courts is a judiciary of abstention from the application of the law and is based on the system of case law. This judiciary is close to the judiciary of annulment in terms of practical results, but it differs from

the judiciary of annulment in that the law remains in existence. As for the annulment judiciary, the law abolishes the law from existence, and the evidence for this is that the Supreme Court, if it is restricted by its issued rulings, but according to the change of circumstances and its development, it may amend its previous ruling (Afifi, 1984).

Section Two: Judicial Order (Preventing Orders)

Judicial prohibition order (an order in the form of an explicit prohibition directed to a person to warn him that if he continues a certain wrong activity or if he engages in a wrong activity, he is obligated to compensate in addition to being punished on the basis of insulting the judiciary). It is to submit a request to issue a prohibition order by the stakeholder whose interest is harmed, if it is not possible to pay the damage if the law is applied, to prove to the court that the law is contrary to the constitution [24]

The origin of this method is due to the fact that individuals in England used to resort to the king's advisor to ask for their redress and the removal of the injustice that befallen them. The king's advisor devised a method (judicial order) to correct the conditions of the law and achieve justice. This application moved to the states that were colonies of Britain and the framers of the federal constitution were influenced by these The idea then included the text of Article Two, Paragraph Two, the jurisdiction of the Federal Supreme Court to consider all disputes that arise under the Constitution in accordance with the law and justice [25]

According to this method, any person, without waiting for the application of this law, can ask the judiciary to direct a judicial order to the officials charged with following up on the implementation of that law, preventing them and preventing them from implementing that law. In view of the wide use of this method, which burdened the judiciary and opened a door to malicious lawsuits, it was issued to regulate its use and ensure its proper practice of the 1910 law [26].

The prohibition order was not established under an explicit constitutional text. Rather, it was a subjective judicial establishment linked to the development of the American judicial system, which is affected by the principles of common law and the justice system. Injunctions of prohibition are either temporary issued by the court during consideration of a case brought before it, or permanent issued by the court based on a direct suit filed before it. Permanent or temporary prohibition orders are an important guarantee of the rights and protection of individuals in all political, economic, financial, intellectual and cultural fields [27].

Section Three: Decisional Judgment

Decisive judgment is considered one of the most recent methods in the field of constitutional oversight, as it was not used until 1918 by the state courts, and the Federal Supreme Court joined in that in 1936 [28]

According to this method, any individual resorts to any federal court asking for a ruling that determines whether the law that is intended to be applied to him is constitutional or unconstitutional. The practice of this method does not require the existence of a conflict between the executive authority or its representative and between individuals, nor does it require the existence of a direct and immediate interest, the potential interest is sufficient to start it [29]

Under this method, the employee concerned with implementing the law refrains from applying it on his own as soon as he knows that the request has been submitted to the court until the court expresses its opinion on the law and act accordingly. The Federal Supreme Court initially hesitated to accept the decision judgment and refused to adopt this supervisory

path on the grounds that the court's function does not extend to researching theoretical issues (Bakri, 2000).

In the abstract, as in the case of (Grans), the Supreme Court held that the declarative rulings are not judicial rulings in the correct sense, and they are closer to advisory opinions than to judicial rulings. Issuing declarative rulings in matters related to the constitutionality of laws [30], that the declarative ruling issued by the court in accordance with this method has relative authenticity, and its effect is reflected only by the one in whose favor it is decided or what is benefited from it as a judicial precedent in countries that adopt the public law system [31].

The third requirement: the formation and competencies of the Federal Supreme Court and its judicial efforts

The Supreme Court occupies a large position among the constitutional bodies and institutions in the United States of America and plays a large role in the American judicial system. And it represents a great place in the hearts of the American people, and the role played by the Court is of a complex nature, in addition to its role in issuing the final word on individual disputes and litigations that need to be resolved. Between the legislative and executive powers and binding them to their constitutional limits [32].

Since the Federal Supreme Court has a major role in adjudicating constitutional issues, it is self-evident to address the formation of the court, its functions and efforts (Batikh, 1996).

Section One: Formation of the Federal Supreme Court

The court is composed of nine judges (the president of the court and eight members), who remain in their positions as long as they enjoy good health and good behavior (Paragraph One of Article Three of the Constitution). Emphasis was placed on the process of selecting court judges and the factors that affect it as an "important matter in the United States, especially in the recent period, as it has become essential in the campaigns of American presidential candidates, and the process of selecting judges is very simple. What must be approved by a majority of the Senate in order for that nomination to be confirmed, "Second Paragraph of the Constitution?" When the position of Chief Justice of the Court becomes vacant, the President of the United States has the choice between choosing him from among the judges who are members of the Court or from others outside the Court. This position is very important [33]

Since the process of selecting judges requires the approval of the Senate, in most cases the Senate issues its opinion with approval. However, it may happen that he expresses a refusal in special cases. Since the court began to practice its work until the end of 1979, the cases of refusal of appointment were limited to twenty-six cases only. The total of approved appointments, this amounted to two hundred and thirty-eight cases. And that the constitutional or legislative texts governing the organization of the work of the Supreme Court did not require the existence of a special capacity in the members of the court, and that it was customary to include only the jurists who, if they were not so in terms of the nature of their work, then it is necessary to apply to them the description and its evidence in terms of composition or form [34].

The members of the Supreme Court carry out their work for the rest of their lives, and they may not be dismissed except in the manner of completion, and their salaries may not be reduced, and these are the two guarantees that the American Constitution guarantees the independence of its judiciary and the performance of their dangerous job unaffected by desire or fear. In order to ensure their reassurance during their work, they are permitted to retire if one of them reaches the age of seventy and has held his position in the court for at least ten years, in which case he receives a full salary despite his retirement. As for the Chief Justice

of the Supreme Court, he occupies in American public opinion a moral position that is only religious in the position of the President of the Republic himself [35].

Section Two: Jurisdictions of the Supreme Court

The Federal Supreme Court guaranteed the principle of oversight on the constitutionality of laws and its potential to play a very important political role in all problems, whether economic or social (Darwish, 2000).

The court has jurisdiction over three types of cases, and they are cases in which it has primary or primary jurisdiction, such as all cases related to ambassadors and other diplomatic corps. The same applies to cases in which the states are a party, and this is the only jurisdiction stipulated and regulated by the Constitution in its third article, and the appellate jurisdiction, which includes judgments of the courts of first instance in relation to all cases in which the states or one of their bodies or employees are a party. As well as civil cases brought by the state government to implement some laws and judgments of the courts of appeal if it ruled that legislation issued by one of the states is inconsistent with the federal law. Or the higher courts in the states to it to be adjudicated directly [36].

Section Three: The Judicial Efforts of the Supreme Court

The Supreme Court initially played a moderate and faint role in the scope of its use of its judicial powers to influence the economic and social problems in the state. This is through some limited rulings in which the Court decided the unconstitutionality of some laws due to the existing political problem until the outbreak of the civil war of secession, which was reflected in avoiding the emergence of the federal state as a centrifugal force for the member states' systems. Thus, it refused to clash without indifference with the traditions and customs that were prevalent in some states, especially the slave problem. In spite of this, the Supreme Court has cautiously adhered to the principle of central and federal authority when interpreting broadly the constitutional texts and provisions defining the powers of the head of state and the Congress [37].

That the constitutional oversight of the Federal Supreme Court is on federal laws as well as decisions of the President of the United States and oversight on state laws and local ordinances the first unconstitutionality of a law passed by Congress is the aforementioned Marbury vs. Madison 1803 (Al-Tamawi, 1988).

And the American judiciary remained hesitant in its position on oversight on the constitutionality of laws until 1830, the right to oversight on the constitutionality of laws was no longer in dispute if the courts proceeded in the usual way in directing these oversight. From the end of the nineteenth century until 1936, the courts expanded greatly in imposing its oversight on the constitutionality of laws [38].

First: its Efforts to Challenge the Constitutionality of Laws Issued by State Legislatures

The Federal Supreme Court had a role in eliminating the constitutionality of laws despite the absence of an explicit, clear and specific text as in the case of 1819 (Mc Clauch v. Maryland) whose facts are summarized that since the establishment of the Bank of the United States, the states have been hostile to the bank and the depression prevailed in 1818. 1819 Several state legislatures taxed bank branches within their jurisdiction with a view to eliminating this institution. James Mc Cluch, the Baltimore branch treasurer, refused to pay that tax, so the state of Maryland sued him in court. The Maryland court insisted on paying the tax. Mack took the case to the Supreme Court. Chief Justice Marshall has the right of Congress to interpret the phrase "necessary and proper." The Supreme Court has taken this

matter into consideration and has concluded that states have no right to levy taxes or otherwise impede the implementation of constitutional laws enacted by Congress. The law enacted by the Maryland legislature is thus considered unconstitutional and void [39]

That the Supreme Court has succeeded in subordinating the powers of the states, especially the courts, to their jurisdiction and obligating them to interpret their interpretations of the Federal Constitution by granting individuals the right to challenge judgments of state courts before them if they relate to the interpretation of the Constitution or affect the rights guaranteed to them, and its most important ruling in Cohens vs. Virginia of 1821 [40]. The facts of this case are that Virginia law prohibits dealing in lotteries, which was permitted under federal law (Batikh, 2010).

And that Cohen of Virginia dealt in the lottery contrary to the law of his state, he was brought to trial and a guilty verdict was issued by the Virginia District, and Cohen appealed this ruling to the Federal Supreme Court. The other is a citizen of that state. The decision was one of Marshall's views of consolidating the power of the federal government over the power of the states [41]

According to these cases, we found that the Supreme Court imposed on the member states the need to respect the federal laws as they are the supreme law in the state.

Second: Its Efforts to Challenge Orders and Laws Issued by the President of the Republic

The position of the Federal Supreme Court on the economic laws was issued by President (Roosevelt) as a means of overcoming the economic crisis that swept the world in 1930. The Court ruled that these laws are unconstitutional, and he called him to say (the United States is not governed by politicians in the White House and Congress, but is governed by Supreme Court judges) expressing His displeasure with the position of the Supreme Court [42].

A famous court order was the 1952 Steel Order when American steelworkers threatened to strike during the Korean War and when the labor dispute continued unresolved, President Harry Truman ordered the Secretary of Commerce to take over the steel companies to keep them working, and the steel companies sued him. When the case was brought before the Supreme Court, it invalidated the president's order, saying that Congress had not given any prior authorization to nationalize the steel industry [43].

The defense argued that the court did not have the power to issue a restraining order in the face of the president's decisions, but the lower federal court, to which the dispute was first presented, ruled that the president of the republic was not a party to the case and that the order had been issued to his ministers [44].

This situation has led some jurists to say that the constitutionality of laws in America oversight has become a class weapon used by a certain group to assess obstacles to social progress. And others went to call the system the government of the judiciary or the aristocracy of the judiciary and sometimes by persuasive legislation or judicial law [45].

CONCLUSION

After completing this study related to judicial oversight on the constitutionality of laws in the United States of America, I reached the following results and recommendations:

RESULT

1) Judicial oversight on the constitutionality of laws in the United States of America has proven its effectiveness and importance in confirming the principle of the supremacy of the constitution and the protection of the rights and freedoms of individuals.
2) Judicial oversight on the constitutionality of laws in America is considered a great support for confronting the abuses of the executive and legislative authorities.
3) Judicial oversight in the United States of America is based on distinguishing between the executive and legislative branches and not making them in the same legal rank. This oversight does not arise in the absence of discrimination.
4) That all courts in the United States of America, with all their degrees, exercise Judicial oversight on the constitutionality of laws
5) The American judiciary has adopted the method of censorship of abstention, that is, it refrains from applying the unconstitutional law and does not repeal or invalidate that violating law, and that the effect of the abstention ruling is limited to a specific case and the parties to the case only and does not extend to others.

RECOMMENDATIONS

1) The continuation of courts of all levels in exercising the right of judicial oversight
2) The legislative or executive authorities did not take a hostile stance towards the American judiciary because of its exercise of its right to examine the constitutionality of laws and not to consider this as interference in its affairs.

FOOTNOTES

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