

But the mo-

ment that this bias becomes obvious a Court loses its moral authority, and decisions which might be justified on grounds of policy excite natural indignation and suspicion when they are seen not to be fully justified on grounds of law. American critics indeed are to be found who allege that the Supreme Court not only is proving but always has proved too weak for the burden it is called upon to bear, and that it has from the first been powerless whenever it came into conflict with a State, or could not count upon the support of the Federal Executive. These allegations undoubtably hit a weak spot in the constitution of the great tribunal. Its judgments are without force at any rate as against a State if the President refuses the means of putting them into execution. "John Marshall," said President Jackson, according to a current story, ⁵⁸ "has delivered his judgment: let him now enforce it if he can"; and the judgment was never put into force.



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