

*FOR IMMEDIATE RELEASE*

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*The Announcement Contends That No Branch—Not Even the Supreme Court—Holds Exclusive Power to Define the Constitution.*

[Philadelphia, PA]—The Constitution is not self-enforcing. It relies on the good faith of those who swear an oath to uphold it. That oath is not symbolic. It is a binding duty owed directly to the Constitution itself.

When Congress knowingly passes a law that violates the Constitution, its members have already broken that oath. When a President signs such a law or enforces it despite recognizing its unconstitutionality, that oath has been broken as well. When courts allow an unconstitutional law to stand despite clear constitutional conflict, the same breach occurs. At that point, the failure is not isolated. The system itself has failed because every branch charged with preserving constitutional limits has abdicated its responsibility.

For this reason, constitutional government cannot rest on the assumption that one branch will always correct the others. Treating the Supreme Court as the final and exclusive authority on constitutional meaning does not preserve the system. It replaces it. When constitutional interpretation is monopolized by the judiciary, the Constitution ceases to be supreme law and instead becomes whatever the Court permits it to be.

This understanding of constitutional structure is known as departmentalism. Under departmentalism, each branch of government interprets and applies the Constitution within its own sphere of authority. The oaths sworn by legislators, presidents, and judges are independent, not hierarchical. No branch swears obedience to another branch. Each swears obedience to the Constitution itself.

Judicial review, as articulated in *Marbury v. Madison*, recognized the duty of courts to refuse to apply unconstitutional laws in cases before them. It did not grant courts exclusive or superior interpretive authority over the other branches. Judicial supremacy is a later invention, not a constitutional requirement.

Thomas Jefferson warned plainly of this danger:

“To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy.” (1820)

If courts may refuse to apply unconstitutional statutes because of their oath, then the same logic applies across the system. A President may refuse to execute judicial rulings he determines to be unconstitutional within the executive sphere. Congress may refuse to fund, structure, or reinforce interpretations it concludes violate the Constitution. Denying this symmetry elevates judges above the Constitution rather than placing them under it.

American history reflects this understanding. Jefferson rejected judicial supremacy. Andrew Jackson declined to enforce *Worcester v. Georgia*. Abraham Lincoln treated *Dred Scott* as binding only on the parties to the case. Franklin Roosevelt openly challenged judicial authority during the New Deal era. The modern belief that presidential resistance is inherently illegitimate emerged in the twentieth century alongside administrative governance, not from Founding era constitutional theory.

Under departmentalism, constitutional authority remains divided. Each branch retains a negative power, the ability to refuse participation in unconstitutional action. Law remains valid and enforceable only when all three branches independently concur on its constitutionality. This structure does not produce chaos. It produces restraint.

Constitutional disputes resolve through alignment, revision, or inaction. Inaction is not a failure of the system. It is the constitutional default. The Constitution was designed to slow government, not accelerate it. Liberty exists prior to government action, not because of it.

Claims that departmentalism invites disorder misunderstand the source of civil unrest. Instability arises from coercion without legitimacy, not from institutional restraint. A slower government with fewer laws and higher constitutional legitimacy is not dangerous. It is the system the Founders designed.

Any rejection of departmentalism must ultimately justify why nine unelected judges should possess authority denied to every other oath bound official. If constitutional supremacy belongs to the Constitution itself, then no branch may place itself above the oath it swears.



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**Alex Schnell for PA-3**

Email: [press@alex schnellpa3.com](mailto:press@alex schnellpa3.com)

Website: <https://alex schnellpa3.com>