

Marbury v. Madison

5 U.S. 137 (1803)

Argued: February 11, 1803
Decided: February 24, 1803

Facts of the Case

In 1800 the Federalists (a political party who favored a strong central government over having states control themselves, which was the Anti-Federalist view) and their candidate, President John Adams, lost the election to Thomas Jefferson. Early in 1801 the lame-duck Congress (made up of mostly Federalists) enacted a controversial Judiciary Act that created 58 new judge positions, including 42 justices of the peace, for Adams to assign people to. Jefferson complained that the Federalists "have retired into the judiciary as a stronghold." On the night March 3, 1801, John Marshall, acting as secretary of state, affixed the official seal to the commissions for the justices of the peace listing the names of the people who were to fill these new judge positions. He did not, however, deliver the commissions. The next day, after Thomas Jefferson was inaugurated into the Presidency, he directed the new secretary of state, James Madison, to not deliver 17 of the 42 commissions, including that of William Marbury. William Marbury sued to require Madison to hand over his commission so that he could be one of the judges as Adams appointed.

The decision in Marbury's case, written by U.S. Supreme Court Chief Justice John Marshall (the very same John Marshall who affixed the seal to Marbury's commission) established and justified the power of **judicial review**. It is the first case read by virtually every first-year law student and is generally considered the greatest of all landmark cases. It turns out that the Judiciary Act created by Congress conflicted with the Constitution. The Judiciary Act gave **jurisdiction** to the Supreme Court to handle any controversy in the Federal judicial appointments, however the Constitution does not give the Supreme Court that power. If a law is created that violates any part of the Constitution, that law must be erased or undone because the Constitution is the supreme law of the land (Supremacy Clause). Marbury's suit was dismissed for lack of **jurisdiction**. The case of Marbury vs. Madison demonstrated the power of Judicial Review as well as Checks and Balances between the Executive, Legislative, and Judicial branches of government.

Discussion Questions

How do you define Judicial Review?

How do you define Jurisdiction?

What was John Marshall's role in this case? Be sure to include both positions he served.

What does Judicial Review do in terms of the Supreme Court's power?

What happens if Congress passes a law that conflict with a section of the Constitution?

How does Judicial Review affect checks and balances between the three branches of government?