

Marbury v. Madison

In the early 1800s, the role of the judicial branch was unclear and its influence small. How did the Supreme Court establish its power of judicial review?

Background of the Case

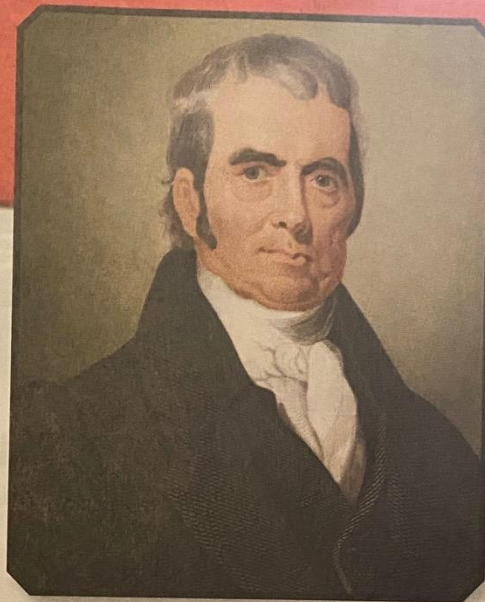
As President John Adams's term expired in 1801, Congress passed the Judiciary Act of 1789. This bill gave the outgoing president a chance to appoint 42 new justices of the peace in the District of Columbia. The Senate approved the people Adams named. However, not all the paperwork was delivered before the next president—Thomas Jefferson—was sworn in.

Jefferson wanted to stop Adams's appointments from taking place if he could. One of his first acts as president, then, was to order his secretary of state, James Madison, not to deliver the final four appointments.

William Marbury was one of the four who did not receive his appointment in time. Acting according to the terms of the Judiciary Act, he filed suit in the Supreme Court against Madison. Marbury claimed he should have received his appointment as declared by the Senate.

The Decision

The Supreme Court heard the case in 1803. Chief Justice John Marshall announced the ruling. He stated that Marbury's rights under the Judiciary Act had been violated. However, the Court further ruled that the part of the act that would have given the Supreme Court the power to enforce the delivery of Marbury's appointment was unconstitutional. Even though Marbury was ruled the winner, the Court could not force the president to give him the appointment.



Chief Justice of the United States Supreme Court, John Marshall

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Marshall wrote:

“It is emphatically the province [function] and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound [explain] and interpret the rule.”

Why It Matters

In *Marbury v. Madison*, the Supreme Court first claimed the right to declare acts of the legislative and executive branches unconstitutional. With that step, it defined itself as the final authority on what the Constitution means. By doing so, it made the judicial branch independent of and equal to the other branches.

Analyzing the Case

- 1. Explaining** Why is *Marbury v. Madison* a landmark case?
- 2. Describing** Why did the Supreme Court refuse to allow the appointment of the last judges?