



Marbury v. Madison (1803)



History Makers

John Marshall

1755–1835

John Marshall was the fourth chief justice of the U.S. Supreme Court. Marshall set out to make the judiciary a force to be reckoned with.

In 1803, in the case of *Marbury v. Madison*, Marshall upheld the power of judicial review. Many other rulings during Marshall's tenure as chief justice also strengthened federal power over the states.

Jefferson and Madison were angry when Marshall claimed this power for the Court, but they could hardly fight his decision. After all, *Marbury v. Madison* was decided in their favor.



For more on John Marshall, go to the **Research & Writing Center** @ ClassZone.com

KEY ISSUE Judicial review

KEY PEOPLE John Adams president 1797–1801; appointed Federalists as judges
Thomas Jefferson president 1801–1809; Democratic-Republican
James Madison secretary of state to President Jefferson
William Marbury Federalist financier; appointed as justice by President Adams

The Case

President John Adams appointed William Marbury to be a justice of the peace. However, Adams's term as president ended before the appointment papers were delivered to Marbury. After Thomas Jefferson took office, he named James Madison as secretary of state. Normally it would have been Madison's job to deliver appointment papers, but Jefferson ordered Madison not to deliver Marbury's papers.

Marbury then sued. He asked the Supreme Court to order Madison to deliver the papers.

The Court's Decision Marbury based his demand on two sections of the Judiciary Act of 1789. One section of that law created federal judgeships. Another section named the Supreme Court to settle disputes about certain judicial appointments.

The Supreme Court decided that the Judiciary Act was an invalid law. When Congress passed the Judiciary Act it gave a new power to the Supreme Court. But the Constitution does not allow Congress to do that. As Chief Justice John Marshall wrote, if the Constitution is to be the supreme law of the land, then any law contrary to the Constitution "is not law."

Historical Impact This was the first time the Supreme Court exercised the power of judicial review by overruling a law passed by Congress. Until this time, the Supreme Court was thought of as virtually powerless. That changed after Marshall proclaimed, "It is, emphatically, the province and the duty of the judicial department to say what the law is." Marshall's decision strengthened the Constitution's system of checks and balances by affirming an important power of the courts.

By upholding judicial review, Marshall helped to create a lasting balance among the three branches of government. The strength of this balance would be tested as the United States grew.

CRITICAL THINKING Summarize Explain how John Marshall strengthened the Supreme Court.