

^Name: _____

Date: _____

Marbury vs. Madison

Directions: Read Marbury vs. Madison and fill in the graphic organizer.

“But the President Said I Could Be a Judge!”

In 1800, President John Adams ran to be re-elected as president, but he lost to Thomas Jefferson. During his last weeks in office, Adams appointed a bunch of men to be justices of the peace in the District of Columbia. Each man would receive a paper commission that was signed and sealed. The commissions were prepared, but they were not sent before Adams left office. When President Jefferson took over, he refused to send them.

One man, William Marbury, was upset. He wanted to be a judge! So he asked the United States Supreme Court to issue a legal order called a writ of mandamus (man-DAY-mus). In this case, the writ would have required Marbury’s commission to be delivered.

The Argument

Did you notice that Marbury didn’t start in a regular, local court? He started at the Supreme Court. Normally, that would be backwards. But in 1789, Congress had passed a law saying people could start at the Supreme Court if all they wanted was a writ of mandamus. Marbury argued that he was entitled to the writ because his commission had already been created. He also argued that the Supreme Court had the power to issue the writ.

The Decision

The Supreme Court agreed that Marbury had a right to receive his commission, but disagreed that the Court had the power to issue the writ. Why? Because the Supreme Court gets its power directly from the Constitution, and the Constitution says only certain kinds of cases can start at the Supreme Court. That meant the 1789 law passed by Congress was unconstitutional. Congress did not have the power to allow more kinds of cases to start at the Supreme Court. Therefore, the Supreme Court said it could not help Marbury get his commission.

So What?

Believe it or not, this is considered one of the most important cases the Supreme Court has ever decided. That’s because it was the first time the Supreme Court struck down an act of Congress for being unconstitutional. The idea that the Supreme Court has the final say about what is constitutional is called **judicial review**. Judicial review lets the judicial branch do two things: 1) interpret the Constitution and decide what it means, and 2) stop the executive and legislative branches from doing things that go against the Constitution.

The decision in Marbury v. Madison helped cement the judicial branch as equal with the other two branches of government by giving it equal power.

What was the issue of Marbury vs. Madison?

What was the decision of the Supreme Court?

Why is this decision important?