

Marbury v. Madison:

Legal Questions this case helped answer:

Who has the power to interpret the constitution?



Background/Summary of Court Case:

At the very end of his term, 2nd President John Adams appointed (hired) many people including William Marbury as justice of the peace in the District of Columbia.

Thomas Jefferson, the new president, refused to recognize the appointment (hiring) of Marbury.

The normal practice of making such appointments was to deliver a "commission," or notice, of appointment. This was normally done by the Secretary of State. Jefferson's Secretary of State at the time was James Madison. James Madison refused to deliver Marbury's commission (notice) of appointment. Marbury sued Madison, and the Supreme Court took the case.



Chief Justice John Marshall wrote that the **Judiciary Act of 1789**, which spelled out the practice of delivering such commissions (notices) for judges and justices of the peace was unconstitutional. The Supreme Court said, the Judiciary Act of 1789 was illegal and not to be followed.

This was the first time the Supreme Court struck down a law because it was unconstitutional. It was the beginning of the practice of "judicial review."



Importance of the Case/Big Ideas:

Marbury v Madison is a landmark court case. Marbury v Madison gave the Supreme Court the power of Judicial Review.

Judicial Review means that the Supreme Court has the power to interpret the laws and decide the constitutionality of a law, whether it is legal or not. This court case increased the power of the Supreme Court by giving the Supreme Court Justices the power of Judicial Review.

Vocabulary:

Constitutional: Whether a law is legal

Judicial: Related to Judge or Justice

Judicial Review: The power to review and interpret a law