Marbury v. Madison

The issue before the Supreme Court was not only whether Marbury was entitled to his position as judge, but also whether the court had the authority to write a writ of mandamus* that forced President Jefferson to confirm Marbury for the judge's position. In an interesting twist, John Marshall, previous President Adams' Secretary of State) had also been appointed as Chief Justice of the Supreme Court by President Adams two months prior to the end of Adams' term. The responsibility for hearing the case and writing the decision of the Supreme Court fell to him.

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***writ of mandamus**
An order from a court directing a government official to fulfill their official duties.

****Judiciary Act of 1879**
A law passed by Congress that established the basic outline of the federal courts.

Key

Marbury	Primary Process
Marbury	Secondary Process
	Precedents
	Process

1800

President John Adams loses presidential election of 1800 to Thomas Jefferson.

1801

John Adams writes 58 midnight appointments for judgeships before leaving office.

President Adams appoints his Secretary of State, John Marshall, to Chief Justice of the Supreme Court.

Marshall does not ensure the judge appointments are delivered before leaving his job as Secretary of State.

John Marshall is sworn in as Chief Justice to the Supreme Court.

Thomas Jefferson takes office as the 3rd president 1801.

President Jefferson appoints James Madison as the new Secretary of State and tells him to ignore the remaining appointments.

William Marbury, businessman, is one of the appointments but snubbed of judgeship.

Marbury takes his case to the Supreme Court.

Marbury wants Supreme Court to issue **writ of mandamus*.**

Marbury's lawyer argues that the **Judiciary Act of 1789**** gives the Supreme Court the ability to force appointments.

1803

The Supreme Court decides unanimously (4–0) against Marbury in 1803.

The Supreme Court determined that Marbury did, in fact, have a right to a judgeship because President Adams had signed the appointment several weeks before leaving office. However, the Court also decided that the Judiciary Act of 1789 conflicted with the US Constitution because it gave the Supreme Court more power than the Constitution. Therefore the Supreme Court could not force Marbury's commission to be confirmed.

The Supreme Court stated that the US Constitution is the superior law, and, if a law, such as the Judiciary Act of 1789, directly conflicted with the US Constitution, it should be changed to ensure that the integrity of the Constitution would not be compromised. The Supreme Court also determined that it is the job of judges to interpret laws and decide whether or not they conflict with the Constitution. If the Supreme Court determines that any law is in conflict with the US Constitution, the Court has the power to declare that law unconstitutional. This is the power of judicial review.

The Judiciary Act of 1789 was the first law struck down by the United States Supreme Court as unconstitutional. It was, however, far from the last. Although Marbury never became a judge, his case is still studied today in law schools across the country because it resulted in the Supreme Court's gaining the power of judicial review over 500 times and has declared over 500 laws unconstitutional.