



# Marbury v. Madison

*"A Law repugnant to the Constitution is void"*

Chief Justice Marshall, 1803



WILLIAM MARBURY

a "*Midnight Judge*" appointed by  
John Adams

Attempted to Change the method  
of awarding electoral votes in  
Maryland

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If this had happened, Jefferson  
would have lost, and Adams would  
have had a 2nd term as president.



JOHN MARSHAL

John Adams named Chief Justice

Known for Marbury v. Madison  
and  
McCulloch v. Maryland

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Serving for 34 years, he was the  
most influential justice on US  
Constitutional Law.

# Key People Background



# Historical Background

The presidential election of 1800 between Thomas Jefferson and John Adams was a bitterly contested one. Jefferson won the popular vote, but confusion over the **Electoral College** handed the election to the **House of Representatives**.

Eventually, Jefferson won by **ONE** vote.



## BEFORE JEFFERSON TOOK OFFICE

Before Jefferson took office (1801), Adams appointed 58 members of his party '[Federalists]' (including Marbury) to fill government posts and preserve the control of the Judiciary. These were nicknamed the "***midnight appointments***".

## ADAMS' NOMINATION

Adams also nominated John Marshall, his Secretary of State, to be Chief Justice of the Supreme Court.

## WHAT HAPPENED NEXT

Because Marbury did not receive the commission before Jefferson became President, Jefferson directed his Secretary of State (Madison) to withhold the commission, and in response, Marbury motioned the Supreme Court.

# Argument for Marbury



## LEGAL RIGHT TO THE APPOINTMENT

Marbury had been lawfully appointed as Justice of the Peace by President John Adams, and his commission had been signed and sealed. Therefore, he had a legal right to the position and deserved to receive the commission.

## DENIAL OF A LEGAL DUTY

By refusing to deliver Marbury's commission, Secretary of State James Madison was failing to perform a clear, legally required duty, which violated Marbury's rights under the law.

## RIGHT TO A LEGAL REMEDY

Under the law, if a person's legal rights are violated, that person is entitled to a remedy. Marbury argued that the court should issue a writ of mandamus (a court order) to force Madison to deliver the commission.





# Arguments for Marbury

## NO HARM IN WITHHOLDING THE COMMISSION

Madison's side argued that since Marbury never actually received the commission, he did not officially become Justice of the Peace, and therefore no legal harm had occurred.

## JUDICIAL OVERREACH

They believed that the courts should not interfere with executive decisions. Delivering commissions was an executive responsibility, and the court should not compel the executive branch to act.

## JURISDICTION ISSUE

Madison's side could argue that the Supreme Court did not have the constitutional authority to issue a writ of mandamus under the Judiciary Act of 1789, as it went beyond the Court's original jurisdiction set in the Constitution—a position the Court ultimately agreed with.





# The Ruling

The ruling in *Marbury v. Madison* (1803) established the principle of judicial review, giving the Supreme Court the power to declare laws unconstitutional. Although the Court agreed that William Marbury had a right to his commission, it ruled that the specific provision of the Judiciary Act of 1789 that allowed the Supreme Court to issue a writ of mandamus was unconstitutional. Therefore, the Court could not grant Marbury's request. This decision, written by Chief Justice John Marshall, marked the first time the Supreme Court struck down a law passed by Congress, reinforcing the Court's role as a check on legislative power.



# The Beginning of Judicial Review

Ultimately, *Marbury v. Madison* is significant not for the resolution it came to, but how Chief Marshall reached his decision.

**Judicial Review** is not specifically granted in the U.S. Constitution, although the Framers of the Constitution did discuss judicial review and the power of the courts.



**JEFFERSON WAS NOT A PROPONENT OF JUDICIAL REVIEW**

Despite the power granted to the Supreme Court, it would never again declare an act of Congress unconstitutional (although it has been used as precedent in certain cases). Many historians believe that this case established the Judicial Branch as a Co-Equal Branch of the Government.



*Marbury* provides precedent for Judicial Review and has helped influence constitutions of nations around the world.

***Marbury v. Madison* holds an almost unrivaled place of importance in American Judicial and Legal History.**