

Marbury vs madison



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Marbury vs Madison •What Occurred in the case? oJudicial review is the power of the courts to annul the acts of the executive and/or the legislative power where it finds them incompatible with a higher norm. Judicial review is an example of the functioning of separation of powers in a modern governmental system (where the judiciary is one of several branches of government). This means that the Judicial Branch of the government can check and/or balance the Executive Branch and/or the Legislative Branch if the problem violates the Constitution. That is one of the checks and balances set up in the Constitution.

This way no one branch has all the power. Marbury v. Madison, 5 U. S. (1 Cranch) 137 (1803) is a landmark case in United States law. It formed the basis for the exercise of judicial review in the United States under Article III of the Constitution. This case resulted from a petition to the Supreme Court by William Marbury, who had been appointed as Justice of the Peace in the District of Columbia by President John Adams shortly before leaving office, but whose commission was not delivered as required by John Marshall, Adams' Secretary of State.

When Thomas Jefferson assumed office, he ordered the new Secretary of State, James Madison, to withhold Marbury's and several other men's commissions. Being unable to assume the appointed offices without the commission documents, Marbury and three others petitioned the Court to force Madison to deliver the commission to Marbury. The Supreme Court denied Marbury's petition, holding that the statute upon which he based his claim was unconstitutional. oOn his last day in office, President John Adams

named forty-two justices of the peace and sixteen new circuit court justices for the District of Columbia under the Organic Act.

The Organic Act was an attempt by the Federalists to take control of the federal judiciary before Thomas Jefferson took office. The commissions were signed by President Adams and sealed by acting Secretary of State John Marshall (who later became Chief Justice of the Supreme Court and author of this opinion), but they were not delivered before the expiration of Adams's term as president. Thomas Jefferson refused to honor the commissions, claiming that they were invalid because they had not been delivered by the end of Adams's term. William Marbury (P) was an intended recipient of an appointment as justice of the peace. Marbury applied directly to the Supreme Court of the United States for a writ of mandamus to compel Jefferson's Secretary of State, James Madison (D), to deliver the commissions. The Judiciary Act of 1789 had granted the Supreme Court original jurisdiction to issue writs of mandamus "...to any courts appointed, or persons holding office, under the authority of the United States. " On November 1800, President John Adams, a Federalist, lost his bid for reelection to Thomas Jefferson, a Republican.

The Federalists also lost control of Congress in the election. For the few months before the new President and Congress took office, however, Adams and his Federalist Party still had control. During these months, Adams persuaded Congress to pass a new law, the Judiciary Act of 1801. This act gave Adams the power to appoint several new federal judges. The Federalists hoped to fill the nation's courts with people who would be

opposed to the policies of the incoming Republican administration. Adams was generally successful in this effort, appointing some 39 new judges.

Adams's Secretary of State was to deliver the commissions, or official documents authorizing the appointments. The Secretary of State, though, failed to deliver the commissions to three new justices of the peace before Adams's term of office ended. One of the commissions was to go to William Marbury. When Thomas Jefferson became President in March 1801, he learned of Adams's attempt to pack the court with Federalist judges. He also discovered the failure to deliver the remaining commissions.

To prevent these Federalists from becoming justices of the peace, Jefferson instructed his Secretary of State, James Madison, to refuse the appointments. Marbury went to the Supreme Court in an attempt to gain his post. He wanted the Court to issue an order forcing Madison to give Marbury his commission. The Judiciary Act of 1789 had given the Supreme Court the power to issue such an order. •How it impacted Congressional power and the enactment of law in our country This historic court case established the concept of Judicial Review or the ability of the Judiciary Branch to declare a law unconstitutional.

This case brought the Judicial Branch of the government on a more even power basis with the Legislative and Executive Branches. The Founding Fathers expected the branches of government to act as checks and balances on each other. The historic court case Marbury v. Madison accomplished this end thereby setting the precedent for numerous historic decisions in the future. While Marbury never became a justice of the peace, the Court's ruling in Marbury v. Madison established a very important precedent.

A precedent is a legal decision that serves as an example in later court cases. Chief Justice Marshall's ruling interpreted the Constitution to mean that the Supreme Court had the power of judicial review. That is, the Court had the right to review acts of Congress and, by extension, actions of the President. If the Court found that a law was unconstitutional, it could overrule the law. Marshall argued that the Constitution is the "supreme law of the land" and that the Supreme Court has the final say over the meaning of the Constitution. Judicial review enabled the Court to check power of the Legislative and Executive branches by preventing them from imposing legislation that violated citizens' constitutional rights. Prior to Marbury, the Supreme Court had failed to challenge Congress, and thus was the weakest branch of the The decision in this Supreme Court Case established the right of the courts to determine the constitutionality of the actions of the other two branches of government o oTwo recent cases in American history where the foundations of this case had an impact on the establishment of law in our society. oBrown vs Board of Edu oRoe vs Wade