

## ***Marbury v. Madison (1803)***

**Argued:** February 11, 1803

**Decided:** February 24, 1803

### **Background and Facts**

In the early 1800s, the Constitution was still very new. There were a lot of questions about what it meant and what powers it gave to the different branches of the government. This was true when it came to the powers of the Supreme Court. Many of the powers the Supreme Court has today, like the power to declare laws unconstitutional, did not yet exist. This case is important because it explains how the Supreme Court got that power.

In 1801, President John Adams appointed many judges just before the end of his presidential term. Secretary of State John Marshall was supposed to finish the paperwork and deliver it to the new judges, but he did not deliver the papers to 17 of these judges. When Thomas Jefferson became president, he appointed James Madison as his new secretary of state. President Jefferson told Madison not to deliver the papers. He belonged to a different political party than President Adams and many of the judges he appointed. President Jefferson wanted to appoint his own judges from his own political party instead. Without the papers, the judges that President Adams appointed could not take office.

William Marbury was one of the judges who did not receive his paperwork. He sued James Madison and asked the Supreme Court to issue an order that would require Madison to deliver his papers. Marbury said that the Judiciary Act of 1789 gave the Supreme Court the power to issue these orders to U.S. government officials.

### **Constitutional Question**

Does the Supreme Court have the power to order Madison to deliver the papers?

### **Arguments for Marbury (petitioner)**

- Marbury should be appointed because President Adams ordered it.
- The Judiciary Act of 1789 gives the Supreme Court the power to order Madison to deliver the papers.
- James Madison is a government official. He is required to follow President Adams's official act by delivering the papers. The Supreme Court should use its power to require Madison to deliver them.

## Arguments for Madison (respondent)

- Marbury’s appointment did not happen because his papers were not physically delivered before the end of President Adams’ term.
- The question of whether Marbury’s appointment was lawful is a **political question**, not a **judicial issue**. Political questions are issues that the Court should not decide. Sometimes this is because the Constitution does not give the Court enough guidance to decide the issue. Sometimes this is because the issue is one for another branch of government (the **legislative branch** or **executive branch**) to decide.

## Decision

In a **unanimous** decision, the Supreme Court ruled that Marbury had a right to receive the papers. However, the Court also said that they did not have the power to order Madison to deliver the papers.

The opinion was written by Chief Justice Marshall. It held that Marbury had a right to the papers because all the correct procedures were followed: the papers were properly signed and sealed. However, the Court also held that the Constitution did not give the Supreme Court the power to order Madison to deliver the papers. The Court said that the Judiciary Act of 1789 conflicted with the Constitution. They thought the law gave the Supreme Court more power than the Constitution did. Therefore, according to the Constitution, the Supreme Court did not have the power to decide this case.

The Supreme Court then declared that the Constitution was the supreme law of the land. They pointed to the Supremacy Clause in Article VI of the Constitution. This means that when laws conflict with the Constitution, they must be struck down as unconstitutional. If a law is struck down, it is no longer a law. Congress would need to change the law so that it no longer conflicts with the Constitution. The Court also said that it is the job of judges and Supreme Court justices to interpret laws and to decide when they are in violation of the Constitution. Therefore, the Supreme Court has the power to strike down actions of the legislative and executive branches when they conflict with the Constitution.

## Impact of the Case

*Marbury v. Madison* established the concept of **judicial review**. This means that the **judicial branch** has the power to decide whether **executive orders** and laws passed by Congress or the states conflict with the Constitution. If the court thinks that the law and the Constitution are in conflict, the law is unconstitutional and will be struck down. This case said that the Constitution is the supreme law of the land and that the Supreme Court has the power to decide what it means.

## Glossary

- **Appointed**: to assign someone to a job or position.
- **Executive branch**: the part of the government that is responsible for carrying out laws. The president is the head of the national executive branch.

- **Executive order**: an order to the executive branch by the president. This has the same effect as a law, except it is not passed by Congress.
- **Judicial branch**: the part of the government that decides the meaning of laws and how they should be applied.
- **Judicial issue**: a problem that can be decided by the courts.
- **Judicial review**: the power of the court to decide whether a law or decision by the government conflicts with the Constitution.
- **Judiciary Act of 1789**: a law passed by Congress that gave the Supreme Court the power to issue orders requiring U.S. government officials to carry out certain duties.
- **Legislative branch**: the part of the government that writes and passes laws. Congress is the national legislative branch.
- **Political party**: a group of people who share the same beliefs and opinions about the way the country should be run.
- **Political question**: a problem that the Court should not decide because either 1) the Constitution does not give the Court enough guidance to decide the issue or, 2) the issue is one for another branch of government (legislative or executive) to decide.
- **Secretary of State**: a person appointed by the president to deal with foreign affairs and lead the Department of State.
- **Sued**: when a person uses the legal process to force another person, company, organization, or the government to give them something or do something.
- **Unanimous**: agreed upon by everyone.
- **Unconstitutional**: not allowed by or contained in the Constitution. If a law is unconstitutional, it will be struck down, meaning it is no longer a law.

Additional information about *Marbury v. Madison*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.