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How did marbury vs madison establish judicial review

Marbury v. Madison is an 1803 U.S. Supreme Court case that established the principle of judicial review for U.S. courts. This principle allows that the judiciary has the power to strike down laws that the court deems unconstitutional. The suit was brought by William Marbury against James Madison, Jefferson's secretary of state. When outgoing President Adams appointed Marbury Justice of the Peace in the District of Columbia, Madison did not deliver the signed and sealed appointment to Marbury, preventing Marbury from assuming his position and causing Marbury to file suit seeking his appointment.[1] HIGHLIGHTS The case: William Marbury, an executive appointee of President John Adams, did not receive the papers assigning him his commission. His suit against James Madison, President Thomas Jefferson's secretary of state, asked for the Supreme Court to issue a writ of mandamus, which would compel Madison to deliver the commission. The issue: Whether the Supreme Court has the jurisdiction to issue a writ of mandamus that would compel Madison to deliver the commission to Marbury. The outcome: The court held that withholding Marbury's appointment was illegal but that the law establishing the court's authority to issue a writ of mandamus—the Judiciary Act of 1789—was inconsistent with the Constitution and that the court could therefore not issue the writ. The court's ruling established, for the first time, that the court could invalidate laws that contradicted the Constitution. Background In the final days of his presidency, Congress passed and President John Adams signed the Judiciary Act of 1801, which reorganized the federal judiciary, creating six new federal circuits in which federal judges "gained jurisdiction over all cases arising under the Constitution and acts of the United States," according to the Federal Judicial Center.[2] After the signing of the Judiciary Act of 1801, Adams nominated and the Senate approved 16 new judges and 42 justices of the peace prior to leaving office. At that point, the appointment process was considered complete when the signed and sealed appointments had been delivered by the secretary of state, at that time John Marshall, to the appointees.[3] After Jefferson took office, he instructed his secretary of state, James Madison, to decline to deliver any outstanding appointments from the Adams administration. William Marbury, who Adams had appointed Justice of the Peace for the District of Columbia, petitioned the Supreme Court for a writ of mandamus, a ruling that would have compelled Madison to deliver his commission or to demonstrate why Marbury should not receive it.[4] The authority of the court to issue a writ was established by the Judiciary Act of 1789.[5] Outcome In a 4-0 decision, the Supreme Court ruled that although it was illegal for Madison to withhold the delivery of the appointments, forcing Madison to deliver the appointments was beyond the power of the U.S. Supreme Court.[6] The ruling also established what is now known as judicial review, a practice by which the Court can strike down a law it declares to be unconstitutional. In this case, Chief Justice John Marshall noted that portions of the Judiciary Act of 1789, the legal basis for Marbury's appeal, were inconsistent with the Constitution and that these portions of the act could not stand.[7] Marshall's opinion concerned three key questions: Do the plaintiffs have a right to receive their commissions? Can they sue for their commissions in court? Does the Supreme Court have the authority to order the delivery of their commissions? In answering the first two questions, Marshall and the court found that the plaintiffs, who included Marbury, had the right to receive their commissions and could use the judicial system to seek those appointments.[3] However, the court also found that the Judiciary Act of 1789, which established the court's authority to issue a writ, contradicted the Constitution. According to Marshall's ruling, this contradiction meant that the court could not offer any legal remedy to Marbury and the other plaintiffs. The National Constitution Center summarizes Marshall's opinion, stating, "Marshall ruled that the Supreme Court could not order delivery of the commissions because the law establishing such a power was unconstitutional." [8] Legacy The Marbury case has been understood as the decision that established a precedent of judicial review, the notion that laws passed by Congress could be reviewed by the judicial branch of government to determine their adherence to the Constitution. In his opinion, Marshall noted that "a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." [9] According to the National Archives and Records Administration (NARA), Marbury established a precedent of judicial oversight of legislation as it relates to the Constitution. NARA notes that Marshall's opinion began a tradition in which "the role of the Supreme Court to invalidate Federal and state laws that are contrary to the Constitution has never been seriously challenged." [10] Other prominent cases influenced by judicial review: 1 "Library of Congress", "Primary Documents in American History: Marbury v. Madison," accessed July 3, 2020 1 "Federal Judicial Center", "Landmark Legislation: Judiciary Act of 1801," accessed July 3, 2020 1 3.0 3.1 "Oyez", "Marbury v. Madison," accessed July 3, 2020 1 "Thirteen/WNET New York", "Marbury v. Madison (1803)," December 2006 1 "Georgia State University", "Marbury v. Madison (1803)," accessed July 16, 2020 1 "C-SPAN", "Landmark Cases: Marbury v. Madison," accessed July 3, 2020 1 "National Constitution Center", "Marbury v. Madison: The Supreme Court claims its power," February 24, 2019 1 "Cornell University Legal Information Institute", "William Marbury v. James Madison, Secretary of State of the United States," accessed July 3, 2020 1 "National Archives and Records Administration", "'Marbury v. Madison (1803)," accessed July 3, 2020 1 American Bar Association, "Commemorating the 200th Anniversary of Marbury v. Madison," accessed December 17, 2013 Marbury v. Madison is arguably the most important case in United States Supreme Court history. Decided in 1803, it established two cornerstones of constitutional law and the modern judiciary. These are: Federal laws that conflict with the U.S. Constitution are invalid, and Judges determine whether federal laws are unconstitutional. This is called judicial review. Until this case, it was unclear which branch of government had the final say in what is, and is not, a constitutional law. There was even some question of whether a federal law could still be enforced if it did violate the Constitution. Marbury v. Madison resolved the question of judicial review. The case involved a dispute between outgoing President John Adams and incoming President Thomas Jefferson. Chief Justice John Marshall sided with Jefferson, his political rival, in the Supreme Court's decision. But he took the opportunity to increase the power of the Supreme Court in doing so. Table of Contents Background of the Case Written over 200 years ago, the language in the decision can be hard to decipher for modern readers. It is also very hard to glean its importance without knowing the circumstances under which it was decided. Fortunately, the underlying facts of the case are interesting, at least if you like political intrigue involving the Founding Fathers. Politics in 1800 were contentious. Thomas Jefferson and his political party, the Democratic-Republicans, had soundly beaten John Adams, a Federalist, in the presidential election of 1800. The Federalist Party was the first political party in the U.S. Prominent figures included John Adams, Alexander Hamilton, and other New Englanders. They typically favored a strong central government. The Democratic-Republicans, their rivals, were based in the South and believed in a small central government and favored republicanism. Thomas Jefferson and James Madison were the founders. By the election of 1800, the Federalist Party was on its way out. Democratic-Republicans would dominate the coming elections. In the early days of the republic, however, there was a long period between the election and the inauguration of the new president. John Adams and his party used this time (1800-1801) to expand the judicial branch and appoint Federalists to administrative and judicial positions, which would allow them to retain some power. This also hobbled Jefferson throughout his term. Adams and Jefferson, former friends and allies, had become bitter enemies, only resolving their differences on their deathbeds. Adams was able to appoint most of these newly created judicial positions, including the new Chief Justice John Marshall, who was a prominent Federalist himself. A few last-minute appointees, however, were not served their commissions prior to Adams leaving office. After Thomas Jefferson's inauguration, Jefferson instructed his Secretary of State, James Madison, to not serve the commissions. Not surprisingly, Jefferson wanted as few Federalist judges as possible. William Marbury, a prominent financier and Federalist, sued James Madison in response to not being served his commission for justice of the peace for Washington, D.C. Marbury requested the U.S. Supreme Court issue a writ of mandamus to force Madison to deliver the commission. A writ of mandamus is a court order for a government official to fulfill their obligation under the law. The question, then, was whether the Supreme Court could grant this request to issue a writ of mandamus and force Secretary of State James Madison to deliver the commissions. Power Politics Marbury v. Madison was about power politics from the start. The reason it is celebrated today is Chief Justice John Marshall's deft and successful navigation of the underlying political issues. There were two political problems facing Chief Justice John Marshall, regardless of what outcome he reached: Thomas Jefferson was almost certain to refuse to comply with a writ of mandamus issued by his main political rivals. If Jefferson ignored the Supreme Court, it would limit the Supreme Court's authority as a co-equal branch of government. Equally problematic for the justices, failing to issue the order could be interpreted as a sign of weakness, similarly leading to a delegation of authority to the executive branch while also being a further blow to the Federalist party. So, the case wasn't really about Marbury, Madison, and a commission. It was about rival political parties and the separation of powers. Chief Justice John Marshall John Marshall, the nation's fourth Chief Justice, was not a neutral arbitrator in the case. He was appointed by Adams in 1801, after serving as Adams' Secretary of State. He had no formal education but had his own law practice before entering politics. John Marshall was a prominent Federalist himself, and, interestingly, he was also Thomas Jefferson's second cousin. An experienced politician, he did not attempt to get Jefferson to follow a court order forcing him to appoint Marbury. However, he sided with Madison (and implicitly, Jefferson) in a way that managed to solidify the power of the Supreme Court. The Decision Marshall framed the decision by answering these three questions: Did Marbury have a right to the commission? Was a writ of mandamus the proper remedy? Did the Supreme Court have the right to issue such a mandamus? Marshall, writing for a unanimous Supreme Court, held that Marbury did have a right to the commission, meaning that Jefferson was violating Marbury's rights, and the law, by withholding it. Further, Marshall held that Marbury could properly sue in court for a mandamus. In doing this, Marshall was able to frame the Jefferson camp as not following the law. Put simply, the answer to the first two questions was yes. The reason the Supreme Court sided with Madison and Jefferson, however, is that Marshall determined that the Supreme Court did not have the right to issue the mandamus. He determined this by finding that the law under which Marbury was seeking to have the mandamus issued, the Judiciary Act of 1789, violated Article III, Section 2 of the U.S. Constitution. Marshall held that the Judiciary Act exceeded the original jurisdiction given to the courts in the Constitution, and that the Constitution trumped a legislative act of Congress. Marshall went on to say: "If . . . the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply." Further, "a law repugnant to the constitution is void, and . . . courts, as well as other departments, are bound by that instrument." Marshall, by this statement and decision, implicitly gave the Supreme Court the power to declare an act of Congress invalid. As he put it, "[I]t is emphatically the province and duty of the judicial department to say what the law is . . . If two laws conflict with each other, the courts must decide on the operation of each." Ultimately, Marbury v. Madison is not important for the resolution that the court reached, or even the underlying facts. It is important because of how Chief Justice Marshall reached his decision. The Beginning of Judicial Review Judicial review is not specifically granted in the U.S. Constitution. John Marshall did not invent the theory, however. While not explicitly stated, the framers did discuss judicial review and the power of the judiciary. Alexander Hamilton, also a Federalist, wrote positively about judicial review, for example. In winning the case, Thomas Jefferson only noted that the opinion was longer than it needed to be, which is true enough. However, Jefferson later wrote in a letter to James Madison (d. 1810) that Marshall's "twistifications in the case of Marbury . . . shew how dexterously he can reconcile law to his personal biases." Jefferson, an ardent believer in republicanism, is typically thought to have preferred all branches of the government to have a say in interpreting the constitution. He was not a proponent of judicial review. James Madison, who of course also went on to become president, was less clear in his beliefs. Lasting Impact Despite its newly declared power, the Supreme Court under John Marshall never again declared an act of Congress unconstitutional. Only in 1895 - nearly a century later - was it used as precedent for judicial review. At the time Marbury was decided, it was not necessarily seen as a momentous case. It steadily gained in importance, however, and is now seen by many as the case that established the judiciary as a co-equal branch of the U.S. Government. Marbury provides precedent for judicial review dating to the founding fathers, and the model that Marshall set for an active and powerful judicial branch has helped to shape constitutions throughout the world. Marbury v. Madison has some critics to this day. Most, however, take judicial review as a foundational aspect of the separation of powers. Regardless of personal beliefs, its age and role as a cornerstone of judicial power means that Marbury v. Madison holds an almost unrivaled place of importance in American judicial history. Read the full case on FindLaw.

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