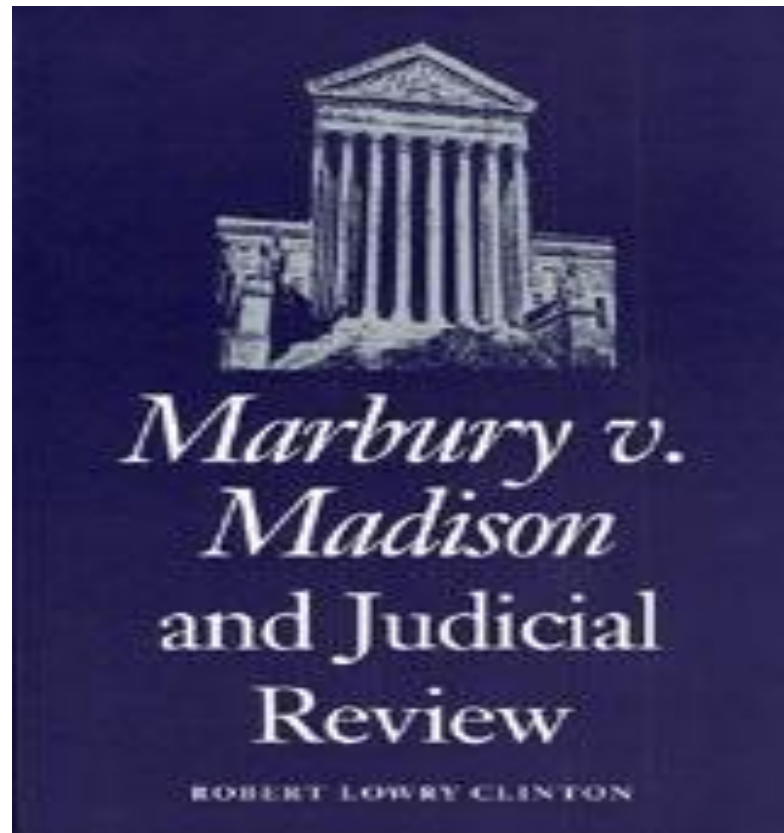


MARBURY V. MADISON



MARBURY V. MADISON

1800 Election

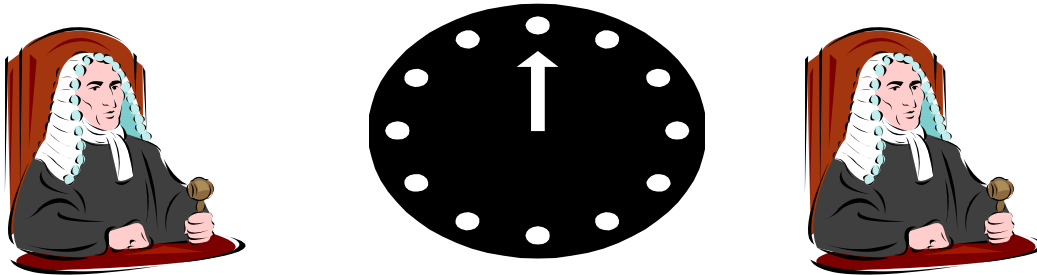
Jefferson (Republican) wins

Adams (Federalist) the current president



MARBURY V. MADISON

On his last day, Adams fills courts with as many Federalist judges as possible



They were called “midnight judges”

MARBURY V. MADISON

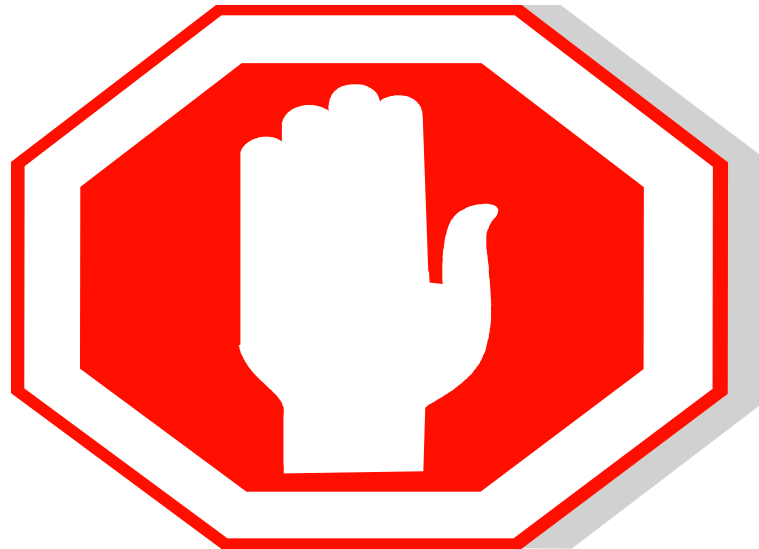
Jefferson becomes President the next day but some of Adams' judges have not yet received their official forms.

Jefferson says "no" - cannot be judges



MARBURY V. MADISON

Jefferson orders James Madison
(Secretary of State) not to give the
papers to the judges



MARBURY V. MADISON

William Marbury is one of the judges affected by Jefferson's decision (did not receive his papers)



MARBURY V. MADISON

Marbury demands that the Supreme Court examine the case and force the executive branch (Jefferson) to hand out his judges papers



MARBURY V. MADISON

John Marshall, the chief justice
(and a Federalist), listens to
Marbury's case

MARBURY V. MADISON

Marshall agrees that Marbury had been treated unfairly



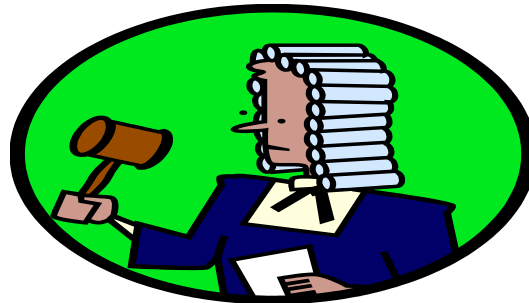
MARBURY V. MADISON

Marbury says “Judiciary Act of 1789” gives the Supreme Court the right to do this.



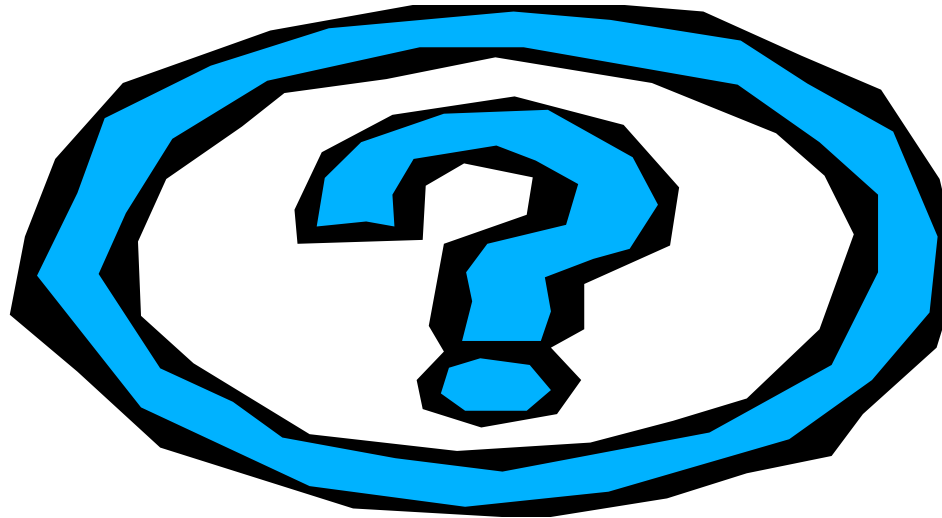
MARBURY V. MADISON

“Judiciary Act” would allow Supreme Court to force Jefferson & Madison into making Marbury a judge



MARBURY V. MADISON

However, Marshall has to decide if this Act (law) is constitutional or unconstitutional?



MARBURY V. MADISON

Marshall decides that forcing the government to make Marbury judge would be **unconstitutional**



MARBURY V. MADISON

Marshall's ruling establishes
Judicial Review - Supreme Court can
declare act of Congress unconstitutional



MARBURY V. MADISON

Importance!

Judicial review has increased the Supreme Court's legal authority... making it a much stronger branch

