

**WHAT HAPPENED? WHAT IS THE STORY BEHIND THE CASE?**

**In 1801, John Adams and the federalists are still in charge in making laws. Then, the Judiciary Act of 1801 would be passed as an extension to the Judiciary Act of 1789. It made district courts and new circuit courts, along with new justices of the peace. Then, Jefferson asks Adams to be a judge, and then Adams appoints 16 circuit judges and 42 justices of the peace. One of them is William Marbury and is excited to become a judge. Then, when Thomas Jefferson is getting for his oath of office, John Marshall gets appointed to be the Chief Justice for the Supreme Court, but hasn’t acted upon it. Marshall is still the Acting Secretary of State, which gives appointments to judges to get them confirmed. Goes to senate and back to Marshall. Marshall hands out the judge ships except to William Marbury. Jefferson is refusing to hand out judge ships when asked by John Adams. Jefferson orders Levi Lincoln, his Acting Secretary of State. Then, his Secretary of State is James Madison. They refuse to hand out the judge commissions because they believe the Judiciary Act is terrible. They passed the Judiciary Act of 1802, which removed the Judiciary Act of 1802.**

**HOW DID THE SUPREME COURT RULE IN THE CASE?**

The Supreme Court saw that Madison’s refusal to deliver the commission was illegal. But due to the Writ of Mandamus, but did not order Madison to give Marbury his commission.

**NAME OF CASE**

Marbury v. Madison

**YEAR OF CASE**

**1803**

**INVOLVED (ex. people, states, amendments, laws)**

Thomas Jefferson, Judiciary Act of 1789, Judiciary Act of 1801, Judiciary Act of 1802, William Marbury, John Adams, James Madison, Levi Lincoln, John Marshall, Supremacy Clause of the Constitution

**WHAT IS THE CONSTITUTIONAL ISSUE IN THIS CASE?**

Nowhere in the Constitutional establishes that the federal government could pass laws by Congress to be unconstitutional.

Also, James Madison was supposed to give judge commissions but refused to give one to William Marbury. John Adams hired many federalists judges.

Marbury goes to the Supreme Court