

Marbury v. Madison

- Judiciary Act of 1801 created (expanded the courts)
- Adams made hundreds of appointments the last few days in office – known as “Midnight Judges”
- The Federalist-controlled Congress approved the appointments – thus Federalist would control the courts
- Several commissions not delivered in time (before Adams left office) and Jefferson ordered Madison (Secretary of State) to not deliver the papers (including the one for William Marbury)
- Marbury sues for his commission and directly takes the case to the Supreme Court
- John Marshall (Chief Justice) turns down the Marbury case stating that the Constitution did not give the Court jurisdiction to decide the case – thus establishing judicial review

Judicial Review – the right of the Supreme Court to determine if a law violates the Constitution