

Discuss a major Supreme Court decision you believe to be pivotal in our nation's history

Marbury v. Madison

The Constitution of the United States gave our nation a good chance at success from the moment of its writing. However, though it did well to set up a democracy and to protect the rights of the people, its makers were not perfect, nor could they foresee all situations the young country would face. While deciding *Marbury v. Madison*, a relatively unimportant case, Chief Justice John Marshall saw the need for a branch of the government to defend the Constitution, to ensure that the nation's leaders did not violate that supreme law of the land. In his decision, Marshall would declare the Supreme Court's authority of judicial review, strengthening the nation, and giving it a long history by saving it from the despotism that has claimed many others.

Marbury v. Madison had little to do with judicial review in itself; it was a small, even trivial dispute between two men as part of a larger political conflict. Late in the evening of March 3, 1801, on the last full day of his presidency, John Adams signed the commissions of 16 judges and 42 justices of the peace. However, because then-Secretary of State John Marshall did not ensure the delivery of all the commissions that night or the next morning, when the new president came in after his noon inauguration on March 4, he found and stopped the undelivered commissions (Garraty 220-223). Thomas Jefferson, an outspoken Democratic-Republican, told Secretary of State James Madison to ignore the already signed and sealed commissions. One of those justices, William Marbury, went to the Supreme Court appealing to the Judiciary Act of 1789. He asked the court to issue a writ of mandamus ordering Madison to deliver the commission, which he said was by right his (Mikula and Mabunda 104-105).

The court, in 1803, found three things. First, it agreed that the commission rightfully belonged to Marbury. The court then considered what it could do. Under the Judiciary Act of 1789, the court could issue a writ of mandamus (Lundmark 79). However, there was a confliction here. The Constitution said that the court had original jurisdiction in a very specific, limited set of situations. The clause in the Judiciary Act to which Marbury appealed expanded this set of situations when the court had original jurisdiction. To John Marshall, the two were contradictory, and the Constitution was superior to a law of Congress (Lundmark 75-83). Therefore, second, the court declared that clause of the Judiciary Act to be unconstitutional. As a result, in its last decision the court said that it could not give Marbury his commission, because the "legal remedy" to which he appealed was unconstitutional.

The effects of that second decision on American history have been tremendous. The Constitution did not specifically give the Supreme Court the power of judicial review; ironically, James Madison was one of those writers who left the issue of determining constitutionality out of the document. However, this was obviously the Supreme Court's duty, and by instituting this power, John Marshall protected Americans and set an important precedent for future generations. The concept of judicial review, in one way or another, has been an essential part of most important Supreme Court cases since *Marbury v. Madison*. These cases have preserved the ideals found throughout the Constitution and in the hearts of Americans. While other nations around the world must live under the rule of power-hungry dictators, the check of judicial review in the United States protects its people from presidents and leaders who would force their wills upon the people.

Works Cited:

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