The Court Decides

How one case tested the limits of the Supreme Court's power

8.C.6.2 "Analyze the exercise of the Supreme Court's authority under the leadership of Chief John Marshall by explaining how the Marbury v. Madison decision confirmed the principle of judicial review."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the two sentences that show the conflict between the Judiciary Act and Article III, then circle the sentence showing how the Court settled that conflict.

A Commission, a Law, and the Constitution

1 In 1801, President John Adams appointed William Marbury a justice of the peace in Washington, D.C. Marbury's commission, the official paper for his appointment, was signed and sealed but not delivered before Adams left office. The new president, Thomas Jefferson, told Secretary of State James Madison not to deliver it. Marbury asked the Supreme Court to order Madison to hand it over. Chief Justice John Marshall now faced a tense question: Could the Court protect Marbury's claim without taking power the Constitution had not given it?

2 Marshall's opinion in *Marbury v. Madison* (1803) said Marbury had a right to the commission and that the law should provide a remedy. Yet the Court could not issue the order he wanted. Marbury had gone straight to the Supreme Court instead of arriving through an appeal. A section of the Judiciary Act of 1789 seemed to let the Court issue such an order in a case brought there first. But Article III of the Constitution lists the limited kinds of cases the Court may hear first, and this case was not among them.

3 Marshall concluded that Congress could not expand the Court's power beyond the Constitution's limits. When a federal law conflicts with the Constitution, he wrote, judges must follow the Constitution. The Court therefore declared the conflicting part of the Judiciary Act invalid and refused Marbury's request. This decision confirmed **judicial review**, the Supreme Court's authority to decide whether a law violates the Constitution. Marshall's Court could not force Madison to deliver the commission, but it showed that the justices could check Congress by refusing to apply an unconstitutional law.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Judiciary Act and Article III give different answers about whether the Supreme Court could hear Marbury's case first?

2. Why did Marshall follow Article III instead of the conflicting part of the Judiciary Act?

3. What did the Court do with the conflicting part of the Judiciary Act, and how did that choice affect Marbury?

4. How did the decision both limit the Court in this case and confirm its authority to check Congress?

3 YOUR TURN

Your own words

Imagine Congress passes a law allowing the Supreme Court to hear a dispute between two private citizens over a federal election rule as the first court. In three sentences, explain how Marshall's reasoning would guide the Court, what it should do with that part of the law, and why its choice would be judicial review.

ANSWER KEY

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GRADE 8 · 8.C.6.2

PART 1 · READ AND MARK

Underline the two sentences that show the conflict between the Judiciary Act and Article III, then circle the sentence showing how the Court settled that conflict. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Judiciary Act and Article III give different answers about whether the Supreme Court could hear Marbury's case first?	**The act seemed to allow the Court to issue the order in a case brought there first, but Marbury's case was not among the kinds Article III allowed the Court to hear first.**
2	Why did Marshall follow Article III instead of the conflicting part of the Judiciary Act?	**He reasoned that Congress could not expand the Court's power beyond the Constitution's limits, so judges had to follow the Constitution.**
3	What did the Court do with the conflicting part of the Judiciary Act, and how did that choice affect Marbury?	**The Court declared that part invalid and refused Marbury's request for an order to deliver his commission.**
4	How did the decision both limit the Court in this case and confirm its authority to check Congress?	**The Court could not hear Marbury's request as a case brought there first, but it exercised judicial review by refusing to apply a federal law that conflicted with the Constitution.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Article III does not let the Supreme Court hear a dispute between two private citizens as the first court. Because the new law would add a type of case to the Court's original jurisdiction, the justices should refuse to apply that part of the law and decline to hear the case first. Comparing a law with the Constitution and setting aside the conflicting part is judicial review.

Accept answers that distinguish hearing a case first from hearing it on appeal. For Your Turn, students should identify the conflict with Article III and explain that refusing to apply the conflicting law is judicial review.