

A Court's Power

Trace how judicial review began in the United States.

8.18.A "identify the origin of judicial review;"

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline the sentences that explain why the Supreme Court could judge a law against the Constitution. Circle the case name and year that mark the origin of judicial review.

The Decision That Defined a Power

- ① In 1803, a disagreement over an undelivered government commission reached the Supreme Court. William Marbury had been named a justice of the peace near the end of President John Adams's term. When Thomas Jefferson became president, his secretary of state, James Madison, did not deliver Marbury's document. Marbury asked the Court to order Madison to deliver it. The dispute gave Chief Justice John Marshall a chance to address a larger question: What should a court do when a law conflicts with the Constitution?
- ② The Constitution does not use the words judicial review. However, it says that the Constitution is the supreme law of the land, and judges must follow it. In *Marbury v. Madison*, Marshall wrote that courts must decide what the law is when they hear cases. If a congressional law contradicts the Constitution, he reasoned, the court must follow the Constitution instead. This power of courts to declare a law unconstitutional became known as judicial review in the United States.
- ③ Marshall's decision did not give Marbury the commission he wanted. The Court ruled that part of the Judiciary Act of 1789, which allowed Marbury to bring this request directly to the Supreme Court, went beyond the Court's original jurisdiction under the Constitution. That section of the law was invalid. By refusing to enforce a congressional law that conflicted with the Constitution, the Supreme Court established judicial review as a lasting part of national government for future cases.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 Which 1803 Supreme Court case is identified as the origin of judicial review?

2 What kind of conflict did Marshall say courts must resolve by following the Constitution?

3 What two ideas in the passage support Marshall's reasoning that a court can reject an unconstitutional law?

4 How did the Court's ruling in Marbury v. Madison establish judicial review, even though Marbury did not receive his commission?

3 YOUR TURN _____ Your own words

Write exactly three sentences for a museum label about the origin of judicial review. Name the case and year, explain Marshall's constitutional reasoning, and describe the lasting outcome of the decision.

PART 1 • READ AND MARK

Underline the sentences that explain why the Supreme Court could judge a law against the Constitution. Circle the case name and year that mark the origin of judicial review. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	Which 1803 Supreme Court case is identified as the origin of judicial review?	Marbury v. Madison.
2	What kind of conflict did Marshall say courts must resolve by following the Constitution?	A conflict between a congressional law and the Constitution.
3	What two ideas in the passage support Marshall's reasoning that a court can reject an unconstitutional law?	The Constitution is the supreme law of the land, and judges must decide what the law is when they hear cases.
4	How did the Court's ruling in Marbury v. Madison establish judicial review, even though Marbury did not receive his commission?	The Court ruled that part of the Judiciary Act of 1789 was invalid because it conflicted with the Constitution. By refusing to enforce that law, the Court established that courts can declare laws unconstitutional.

PART 3 • YOUR TURN (SAMPLE ANSWER)

The origin of judicial review is the Supreme Court's 1803 decision in Marbury v. Madison. Chief Justice John Marshall reasoned that courts must follow the Constitution when a congressional law conflicts with it. The Court invalidated part of the Judiciary Act, establishing judicial review for future cases.

Accept responses that identify Marbury v. Madison in 1803 and connect judicial review to the Constitution's supremacy over conflicting laws. For the open response, accept equivalent wording if all three required ideas are accurate.