Marbury v. Madison

Library of Congress: Marbury v. Madison
The U.S. Supreme Court case Marbury v. Madison (1803) established the principle of judicial review—the power of the federal courts to declare legislative and executive acts unconstitutional. The unanimous opinion was written by Chief Justice John Marshall.

President John Adams named William Marbury as one of forty-two justices of the peace on March 2, 1801. The Senate confirmed the nominations the following day, March 3, which was Adams's last full day in office. However, acting Secretary of State John Marshall failed to deliver four of the commissions, including Marbury's. When Thomas Jefferson took office on March 4, he ordered that the four remaining commissions be withheld. Marbury sued the new secretary of state, James Madison, in order to obtain his commission. The Supreme Court issued its opinion on February 24, 1803.

The Establishment of Judicial Review
Although it was first asserted in Marbury v. Madison to strike down an act of Congress as inconsistent with the Constitution, judicial review did not spring full-blown from the brain of Chief Justice Marshall. The concept had been long known, having been utilized in a much more limited form by Privy Council review of colonial legislation and its validity under the colonial charters, and there were several instances known to the Framers of state court invalidation of state legislation as inconsistent with state constitutions.

Courtesy of Constitution Annotated, “ArtIII.S1.1.1.1 Judicial Vesting Clause: Doctrine and Practice”