

MARBURY V. MADISON

How was this case in conflict with the Constitution?

Supreme Court does not have original jurisdiction

2. How did the Supreme Court rule in this case?

Judiciary Act 1789 is unconstitutional

3. Why is this ruling important?

Established Judicial Review

Supreme Court of the United States

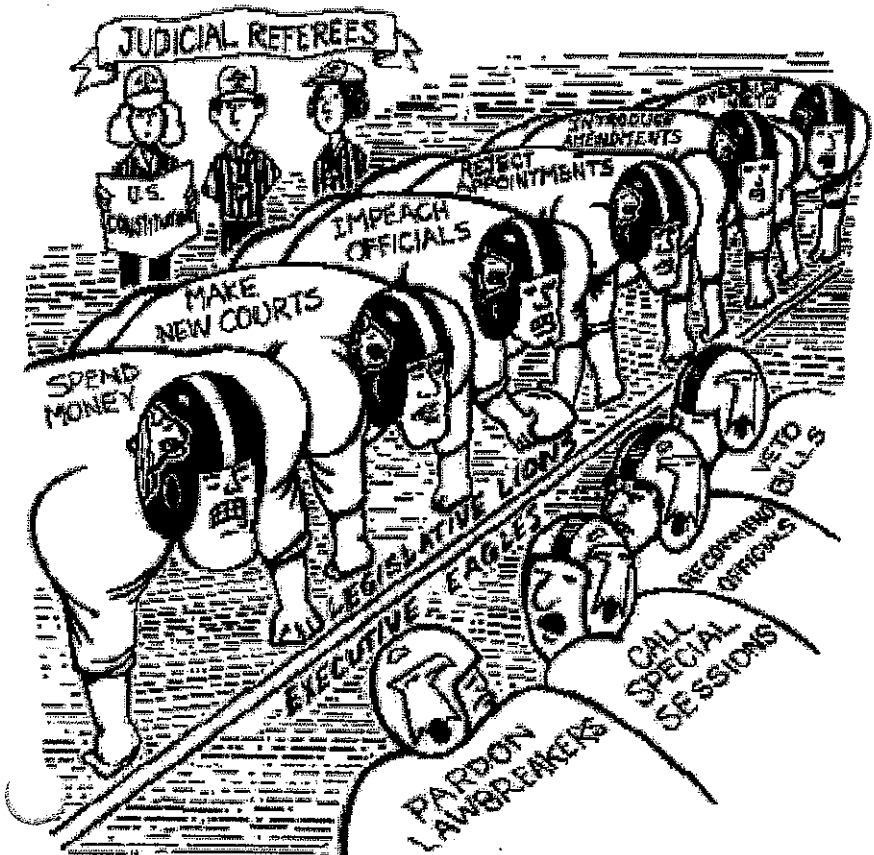
Marbury v. Madison (1803)

The Supreme Court of the United States declared that:

- ▶ Marbury is entitled to the commission, but:
- ▶ The Court cannot issue the writ because the Judiciary Act of 1789, which granted the Supreme Court original jurisdiction to issue writs of mandamus, is unconstitutional.
- ▶ The Supreme Court of the United States has the power to review acts of other branches and determine their constitutionality. This power is called judicial review.



William Marbury brought his case directly to the Supreme Court because the Court had original jurisdiction over the case. He asked the Court to issue a writ of mandamus to order James Madison to deliver his commission.



HOW DO THEY EXPECT US TO STOP THEM?

1. What is happening in the cartoon?

legislative + executive branches are lining up against one another judicial branch acting as referees

2. What is the cartoonist's message?

Constitution contains the "rules" + justices decide if the rules are being broken just like a referee in sports

3. Do you agree or disagree with the message? Explain your answer.

You are a judge on the Supreme Court. As a Supreme Court judge, you have the power of judicial review. Your assignment is to determine whether or not the following scenarios are consistent with the words of the Constitution. You will determine if the ruling in question is "constitutional" or "unconstitutional."

Please explain your ruling!!!

Scenario #1: Separation of Church and State

A ninth grade girl decided that she wanted to start a Bible club in her public high school. The student talked to some friends and they expressed interest. She asked permission to start the club and got a teacher to advise the group.

Some other students protested the starting of this club because they believed it violated separation of church and state. According to this group of people, religion has no place in public spaces like a school. The administration told the group they could no longer meet at the school.

But, don't Americans have the right to assemble (come together in a public space) and have the freedom of speech? Was prohibiting the Bible club "constitutional"? You be the judge.

No!

YOUR RULING:

- schools decision unconstitutional
- Amend #1
freedom of religion

Scenario #2:

A twenty year old man is charged with robbery. The major evidence supporting his involvement in the crime comes from cell phone tracking records maintained by the service provider. The police used the cell phone records to trace his location at the time of the robbery.

The man is arrested for his involvement in the robbery when the records reveal he was near the location of the burglary at the approximate time the crime was committed.

Is this constitutional? Why or why not? You be the judge! *No!*

YOUR RULING:

*4th Amend - probable cause
for warrant*

"The Constitution is what the Supreme Court says it is!"

This statement refers to the idea that

1. the original Constitution was framed by judges and lawyers
- ② the Supreme Court interprets the meaning of the Constitution
3. amendments must receive the Supreme Court's approval before they are enacted
4. decisions of the Supreme Court cannot be reversed

The significance of the Supreme Court case *Marbury v. Madison* is that the decision

1. advanced civil rights for minorities
2. upheld the constitutionality of a national bank
3. limited Presidential control of foreign policy
- ④ established the power of judicial review