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Marbury v madison worksheet

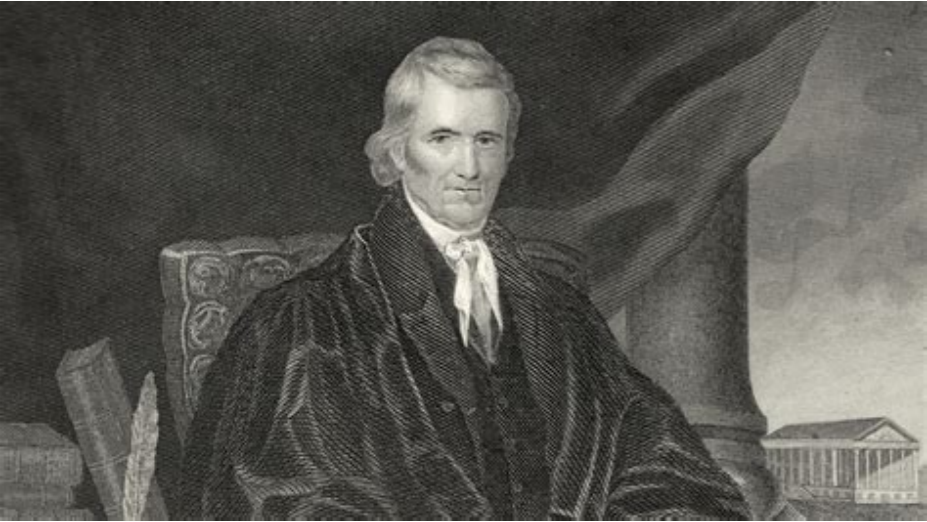
Marbury v madison worksheet quizlet.

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The Supreme Court has the power to interpret the Constitution. Its rulings on cases determine the meaning of laws and acts of Congress and the president. Knowing the key decisions of the Supreme Court and the precedents they set is vital in understanding the meaning of laws, how our country has changed over time, and the direction the country is currently headed. In this lesson students will examine the case of Marbury v.



VOCABULARY: Before beginning the lesson, have students test their understanding of the following vocabulary words. You may print this out or you may assign it to each student individually using Google Classroom, Schoology or another classroom platform. This activity is divided into two pages, Judicial Review Marbury v Madison Vocabulary Drag and Drop Activity (Google Slide) Lame-Duck Recuse Repudiate Judicial Review Writ of Mandamus Partisan Jurisdiction Incumbent Federalist Party Democratic Republican Party **INTRODUCTION:** After students have reviewed the vocabulary words using the drag and drop activity, guide them through this brief visualization activity. Have students close their eyes. Imagine you are President John Adams. You have just served 4 years (1 term) as the second president of the United States. You lost the election to Thomas Jefferson, who does not hold the same values and ideas for this country as you. It was not a pleasant experience, the election. Both sides are hurt and angered by things said by the other side. How do you want to spend the last few weeks, days, hours as president? Do you want to make a future impact? After giving students a minute to quietly reflect on this situation and these questions, have them turn and talk to a partner and discuss these questions. After a minute have volunteers share their thoughts. Tell students that they will be learning about the importance of the Marbury v Madison case that came about due to President John Adams' actions in the last hours of his presidency.**EXPLORATION:** Have students complete the following activity: **HANDOUT:** Judicial Review Marbury v Madison Activity (Google Slide) Remember to make a copy of the document before assigning to each student. You will be able to post this assignment in Google Classroom, Schoology, or other platforms. Students will independently work through the presentation, viewing video clips and answering questions within the presentation to gain a better understanding of the concept of judicial review taken from the court case Marbury v Madison. Students will be answering the following questions: Explain why President John Adams was so eager to sign so many judicial appointments in the last hours of his presidency. What happened to some of the commissions prior to Adams leaving office? Why was this important? Describe the letter from Thomas Jefferson to Abigail Adams and what it illustrated about the midnight appointments. Did William Marbury have a right to his commission according to the Supreme Court ruling? Did William Marbury have a right to his commission according to the Supreme Court ruling? The panelists are discussing the essential point in the Marbury v Madison case. That point is the power of judicial review. As per the panelists, explain the meaning of judicial review. According to Cliff Sloan, what is the significance of the Marbury v. Madison decision on our Constitutional system? Explain the concept of judicial review that resulted in the Marbury v. Madison decision. Democratic Republican PartyFederalist PartyIncumbentJudicial ReviewJurisdictionLame-duckPartisanRecuseRepudiateWrit Of MandamusJudicial BranchSupreme Court CasesMiddle School Home Politics, Law & Government Law, Crime & Punishment Marbury v. Madison (1803) is a legal case in which the U.S. Supreme Court asserted for itself and the lower courts created by Congress the power of judicial review, by means of which legislation, as well as executive and administrative actions, deemed inconsistent with the U.S. Constitution could be declared unconstitutional and therefore null and void. State courts eventually assumed a parallel power with respect to state constitutions.Marbury v.



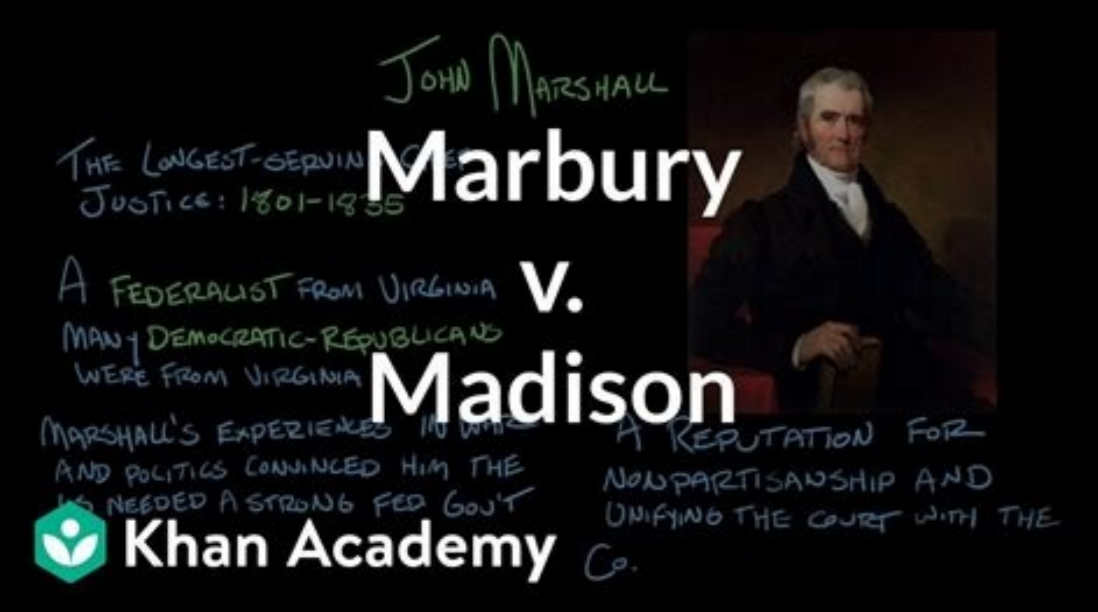
Madison arose after the administration of U.S. Pres. Thomas Jefferson withheld from William Marbury a judgeship commission that had been formalized in the last days of the preceding John Adams administration but not delivered before Jefferson's inauguration.



Ruling on a request by Marbury, the U.S. Supreme Court held that it could not order the surrender of the commission because the law that would have empowered it to do so was unconstitutional. Marbury v. Madison strengthened the federal judiciary by establishing for it the power of judicial review, by which the federal courts could declare legislation, as well as executive and administrative actions, inconsistent with the U.S. Constitution ("unconstitutional") and therefore null and void. The exercise of judicial review helped the federal judiciary check the actions of Congress and the president and thereby remain a coequal branch of government alongside the legislative and executive branches.Marbury v. Madison, legal case in which, on February 24, 1803, the U.S. Supreme Court first declared an act of Congress unconstitutional, thus establishing the doctrine of judicial review. The court's opinion, written by Chief Justice John Marshall, is considered one of the foundations of U.S. constitutional law. In the weeks before Thomas Jefferson's inauguration as president in March 1801, the lame-duck Federalist Congress created 16 new circuit judgeships (in the Judiciary Act of 1801) and an unspecified number of new judgeships (in the Organic Act), which Adams proceeded to fill with Federalists in an effort to preserve his party's control of the judiciary and to frustrate the legislative agenda of Jefferson and his Republican (Democratic-Republican) Party. Because he was among the last of those appointments (the so-called "midnight appointments"), William Marbury, a Federalist Party leader from Maryland, did not receive his commission before Jefferson became president. Once in office, Jefferson directed his secretary of state, James Madison, to withhold the commission, and Marbury petitioned the Supreme Court to issue a writ of mandamus to compel Madison to act. Marbury and his lawyer, former attorney general Charles Lee, argued that signing and sealing the commission completed the transaction and that delivery, in any event, constituted a mere formality. But formality or not, without the actual piece of parchment, Marbury could not enter into the duties of office. Despite Jefferson's hostility, the court agreed to hear the case, Marbury v. Madison, in its February 1803 term. Some scholars have questioned whether Marshall should have removed himself from the case because of his prior service as Adams's secretary of state (1800–01). Certainly, later judicial standards would have called for recusal, but at the time only financial connections to a case led judges to step aside, as Marshall did in suits regarding Virginia lands in which he had an interest. The Republicans, always quick to criticize Marshall, did not even raise the issue of the propriety of his sitting in the case. All-American History Quiz The issue directly presented by Marbury v. Madison can only be described as minor. By the time the court heard the case, the wisdom of Jefferson's desire to reduce the number of justices of the peace had been confirmed (and the Judiciary Act of 1801 had been repealed); Marbury's original term was almost half over; and most people, Federalists and Republicans alike, considered the case to be moot. But Marshall, despite the political difficulties involved, recognized that he had a perfect case with which to expound a basic principle, judicial review, which would secure the Supreme Court's primary role in constitutional interpretation. The chief justice recognized the dilemma that the case posed to the court. If the court issued the writ of mandamus, Jefferson could simply ignore it, because the court had no power to enforce it. If, on the other hand, the court refused to issue the writ, it would appear that the judicial branch of government had backed down before the executive, and that Marshall would not allow. The solution he chose has properly been termed a tour de force. In one stroke, Marshall managed to establish the power of the court as the ultimate arbiter of the Constitution, to chastise the Jefferson administration for its failure to obey the law, and to avoid having the court's authority challenged by the administration. Get a Britannica Premium subscription and gain access to exclusive content. Subscribe Now Marshall, adopting a style that would mark all his major opinions, reduced the case to a few basic issues. He asked three questions: (1) Did Marbury have the right to the commission? (2) If he did, and his right had been violated, did the law provide him with a remedy? (3) If it did, would the proper remedy be a writ of mandamus from the Supreme Court? The last question, the crucial one, dealt with the jurisdiction of the court, and in normal circumstances it would have been answered first, since a negative response would have obviated the need to decide the other issues. But that would have denied Marshall the opportunity to criticize Jefferson for what the chief justice saw as the president's flouting of the law. Following the arguments of Marbury's counsel on the first two questions, Marshall held that the validity of a commission existed once a president signed it and transmitted it to the secretary of state to affix the seal. Presidential discretion ended there, for the political decision had been made, and the secretary of state had only a ministerial task to perform—delivering the commission. In that the law bound him, like anyone else, to obey, Marshall drew a careful and lengthy distinction between the political acts of the president and the secretary, in which the courts had no business interfering, and the simple administrative execution that, governed by law, the judiciary could review. Having decided that Marbury had the right to the commission, Marshall next turned to the question of remedy, and once again found in the plaintiff's favour, holding that "having this legal title to the commission, a refusal to deliver which is a plain violation of that right, for which the laws of his country afford him a remedy." After castigating Jefferson and Madison for "sport[ing] away the vested rights of others," Marshall addressed the crucial third question. Although he could have held that the proper remedy was a writ of mandamus from the Supreme Court—because the law that had granted the court the power of mandamus in original (rather than appellate) jurisdiction, the Judiciary Act of 1789, was still in effect—he instead declared that the court had no power to issue such a writ, because the relevant provision of the act was unconstitutional. Section 13 of the act, he argued, was inconsistent with Article III, Section 2 of the Constitution, which states in part that "the supreme Court shall have original Jurisdiction" in "all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party," and that "in all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction." In thus surrendering the power derived from the 1789 statute (and giving Jefferson a technical victory in the case), Marshall gained for the court a far-more-significant power, that of judicial review. 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Year	Name of Case	Essential Question of Case	Constitutional Provision(s)	Outcome / Decision	Impact / Why is this a Landmark Case?
1803	Marbury v. Madison	Did Marbury have the right to his commission?	Art. III, Section 2	Yes, he did.	This case established the power of judicial review.
1806	Argo v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1810	Booth v. Clark	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1811	Booth v. Clark	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1812	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1813	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1814	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1815	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1816	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1817	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1818	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1819	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1820	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1821	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1822	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1823	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1824	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1825	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1826	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1827	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1828	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1829	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.
1830	Johnson v. Johnson	Did the court have jurisdiction over a writ of mandamus?	Art. III, Section 2	Yes, it did.	U.S. Supreme Court established that the writ of mandamus was a proper remedy.

Click to download the free sample version Download sample Marbury v. Madison was a landmark legal case wherein the U.S. Supreme Court first declared an act of Congress as unconstitutional. It established the doctrine of judicial review written by Chief Justice John Marshall on February 24, 1803. President John Adams had made many federal appointments before his term ended. He filled the judiciary system with Federalists in order to preserve his party's control of the branch and to aggravate the legislative agenda of newly elected president Thomas Jefferson and his Democratic-Republican Party. Adams appointed William Marbury as Justice of the Peace in the District of Columbia. Marbury was part of Adams' 'midnight appointees'. He received his commission at the start of Jefferson's term. Once inaugurated and in office, Jefferson instructed James Madison, his secretary of state, to withhold Marbury's commission. Marbury appealed to the Supreme Court and petitioned to issue a Writ of Mandamus to compel Madison to act, claiming that his action was illegal. He petitioned it along with three other similar appointees. A Writ of Mandamus is a court order to a subordinate government official, ordering the government official to fulfill their official duties properly or to correct an abuse of will. Marbury used the provision of the Judiciary Act of 1789 to enable his claim to the Supreme Court. The supreme court denied the petition of Marbury. Chief Justice John Marshall stated that the Judiciary Act of 1789 was unconstitutional, for it gave the Supreme Court authority that was denied by Article III of the U.S. Constitution. He held that the Constitution did not give the Supreme Court the power to issue Writs of Mandamus. In a nutshell, the Judiciary Act of 1789 established the federal judiciary of the United States. As per Article III of Section 1 of the U.S. Constitution, it prescribed that the power of the judiciary shall be vested in one supreme Court and such inferior courts.



The Judiciary Act made no provision for the structure or procedures of any of the courts which were transferred to the Congress. As per Marshall, Section 13 of the Judiciary Act of 1789 provided that Writs of Mandamus may be issued. However, that section of the Act was inconsistent with the Constitution and therefore invalid. The decision of Marshall in denying the petition was highly acclaimed. He made a strong statement to preserve the status of the Supreme Court as the head of a co-equal branch of government. The Marbury v. Madison case was an instance wherein the Supreme Court struck down a law from the Congress for the first time as it was unconstitutional. The Marbury v. Madison case set a precedent for the dutiful power of the court and its commitment to checks and balances. This was the beginning of the practice of "judicial review." Marbury vs Madison Worksheets This bundle contains 11 ready-to-use Marbury vs Madison Worksheets that are perfect for students who want to learn more about Marbury v. Madison which was a landmark legal case wherein the U.S. Supreme Court first declared an act of Congress as unconstitutional. The Point Of View To Say What The Law Is Political Cartoon Analysis Society Impact Concept Mapping Who Am I? Download includes the following worksheets: Marbury v. Madison Facts Did It Happen? Marbury v. Madison Crossword Who am I? Marbury v. Madison Word Search Point Of View To Say What The Law Is... Political Cartoon Analysis Marbury v. Madison: Impact in Society My Opinion Concept Mapping Link/cite this page if you reference any of the content on this page on your own website, please use the code below to cite this page as the original source.