

disgusted with it and begin to see things through a much more gloomy medium than I once thought possible. -John Marshall [Learn More...](#)

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John Marshall gave the Supreme Court its bite. [Learn More...](#)

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When James Madison, Jefferson's secretary of state, refused to deliver several commissions for new justices, they petitioned the Supreme Court to compel the executive to act. Marshall's written decision on behalf of the unanimous Court found that the petitioners were entitled to their commissions, but refused to take the legal action that they wanted. Rather, the court declared that the **JUDICIARY ACT OF 1789**, which had given the court such power, was inconsistent with the Constitution and therefore invalid.

This was a complex decision. In the specific matter before the Court, the decision limited judicial power. However, the more fundamental issue that it decided was to insist on the court's authority to declare an act of Congress void if found to be in conflict with the Constitution. As Marshall explained, "it is emphatically the province and duty of the judicial department to say what the law is." Since *Marbury v. Madison* the Supreme Court has been the final decision maker regarding the Constitutionality of Congressional legislation.

The **MARSHALL COURT**, and this decision in particular, established the principle of "judicial review" whereby Congressional laws and executive actions may be judged by the Supreme Court to be within the bounds of the Constitution. In keeping with John Marshall's Federalist views, he generally favored strong government action and especially supported the supremacy of the federal government over state authorities.



This 1808 engraving of John Marshall, one of the most powerful men in the history of the U.S. judicial system, was done 7 years into his nearly 35-year term as Chief Justice of the Supreme Court.



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