

GUIDED READING: MARBURY v. MADISON (1803)

(Wikipedia's Marbury v. Madison is the corresponding reading.)

Name: _____

1. Why is Marbury v. Madison an important case?

2. Summarize the background of the case, before it reached Marshall.

3. Explain why some people claim that Marshall ruled the way he did because he was afraid of an erosion of the court's authority.

4. Explain why some people believe that Marshall was not afraid of a confrontation between the executive and judicial branches?

5. Where did the idea of judicial review come from? Who originally espoused it? What was his reasoning?

6. In what sorts of cases was judicial review used before Marbury v. Madison?

7. What does Hamilton think of the courts and the constitution?

8. Why do Jeffersonian Republicans and Jacksonian Democrats disagree with Hamilton's reasoning?

9. Compare Marshall and Madison's view of the Constitution's power in delineating the Supreme Court's original jurisdiction.

10. What should happen, according to Marshall, when an ordinary law and the constitution come into conflict? Explain why.

11. What are some of the criticisms of Marshall's opinion?
