



*The Judicial Branch and the Legal System SS.7.C.3.11*  
**Landmark Supreme Court Cases: Marbury v. Madison**  
**VIDEO SCRIPT**



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## CIVIL RIGHTS CASES

1. Throughout the history of the United States, our civil rights have been impacted by decisions of the United States Supreme Court. Some decisions have been more impactful than others, and we call these decisions landmarks. A landmark decision is one that is especially significant.
2. In this video, we will explore an important Supreme Court case that established something called judicial review.
3. After watching, you will be able to:
  - ◆ Use primary sources to assess the significance of landmark U.S. Supreme Court cases.
  - ◆ Evaluate how these cases have had an impact on society, and
  - ◆ Recognize and/or apply constitutional principles and/or rights in relation to relevant U.S. Supreme Court cases.
4. So what does the Supreme Court actually do?. Well, Article 3 of the U.S. Constitution gave the Supreme Court jurisdiction over certain types of cases. It was not until Marbury v. Madison (1803) that the court claimed the power of what we call judicial review. This is the power to decide whether certain laws and government actions are unconstitutional. So how did this case do that?
5. Before he left office, President John Adams appointed a number of federal judges and justices of the peace, but he didn't get all of the paperwork and appointments completed before he left office. The new president, Thomas Jefferson, refused to send out all of the letters that completed the process.
6. Can you imagine if you were offered a lifetime job and because of a paperwork problem you were told that the job was no longer yours? William Marbury was one of the persons whose paperwork was not delivered before Adams left office. He sued James Madison, President Jefferson's secretary of state, because he did not receive his paperwork. It was Madison's responsibility to deliver it but Jefferson told him not to.
7. The Supreme Court ruled that the law that allowed Marbury to sue was unconstitutional, or not in agreement with the U.S. Constitution. This was the first time that the Supreme Court ruled that part of a law was unconstitutional. Let's take a look at what the court said!
8. "It is...the duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity,...interpret the rule. If two laws conflict with each other, the court must decide on the operation of each."

10. So what does the principle of judicial review mean and how does it impact society? Basically, the Supreme Court said that SOMEBODY had to interpret the Constitution, and it was the job of the Supreme Court to do so because the judicial branch is not involved in making law unlike the legislative and executive branches. Marbury v. Madison strengthened the system of checks and balances. Don't forget that this system is what makes sure one branch can limit the power of the other branches and help protect our rights!

11. Let's Check In. How did the constitutional principle in the Marbury v. Madison decision impact society?

→ ANSWER TO QUESTION

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