

Midnight Judges

The Judiciary act of 1801 was a last minute decision which is why it was also called the midnight judges act. This act was put into place to resolve issues within the Supreme Court. The judges of the Supreme Court needed to know they could reiterate decisions made on local court levels. President Jefferson did not want the Supreme Court to have too much power by being divided and vote on different levels other than the original duties assigned to the Supreme Court.

In the election of 1800, the Democrat-Republican party won with Thomas Jefferson as their candidate. Even though the Federalists left most elective offices they were still a power political force in America, especially with the federal judges in the Supreme Court. In order to keep the dominant federalist presence, Adams enlarged the federal judiciary and appointed new judges in the last few months of his presidency. Governor Morris, a Federalist from New York, felt this created a judiciary which was independent of the Federal government which was more constitutional.

The Democratic-Republicans were shocked by the so called “midnight appointments”. They felt that even though the Federalists lost the election they were still trying to exert their influence through the Supreme Court judges. Jefferson felt the Federalists wanted to destroy the Republicans through the use of the judges. The two political parties were at odds. As one of Adams’ last minute judicial appointments in 1801, John Marshall was named Chief Justice of the Supreme Court. Marshall helped shape the court’s decisions and defined how the judiciary would interact with the federal government. Marshall’s actions on the Supreme Court would direct how the judiciary would act for the next two centuries. Marshall believed in the supremacy of the national government over state. He kept with the Federalists political beliefs. One of the earliest and major decisions for John Marshall came in the case of Marbury v Madison in 1803. This issue was the validity of the Federalists last-minute expansion of the Supreme Court. Even though Marshall was a part of these appointments he used the case to establish the relationships between the different branches of government.

Jefferson’s secretary of state, James Madison, refused to deliver commissions for the new justices. When he did this the judges petitioned the Supreme Court to convince the president to act. Marshall wrote on behalf of the Supreme Court stating they had the right to petition their commissions. Instead of taking legal action they declared the Judiciary Act of 1789, which had given the court its power, was invalid because it was unconstitutional. This decision was complicated. This decision limited the judicial power. The larger issue was the court could declare acts void if they were in conflict with the constitution. Marbury v Madison was the decision maker regarding the constitutionality of congressional legislation.

Marbury v Madison and Marshall’s court established the principal of ‘judicial review’. This states the Supreme Court has the right to declare acts and congress and the executive branch unconstitutional. Even though Marshall bended on judicial review, he was still a federalists and felt that strong government action held dominance over state authority.
