

Marbury v. Madison 1803

Notes & Brief

Background knowledge for the case:

The Judiciary Act of 1789

Section 13: The SC shall have the power to issue writs of Mandamus to any person holding office. (Congress gives the power to Supreme Court to issue writs of Mandamus.) Act of Congress

↳ The constitutional issue in Marbury v. Madison:

• whether or not this language is constitutional?

↓ Court declared this section of the law that gave the court jurisdiction to issue writs of Mandamus unconstitutional.

NOTE [The court has already been doing this during the 1790's but congress had just codify it in Sect. 13]

• SC has 2 types of jurisdiction: (Key to understand Marbury)

- 1 - original (specified in constitution);
- 2 - appellate

NOTE

If const. says this is your original jurisdiction + congress in Sect. 13 has said "you can do this (writs of mandamus)"
 under your original jurisdiction
 =
 we have a conflict

NOTE [Sect. 13 = does not appear in const. under the courts of constitution]

Q: Did congress expand or change the

court's original jurisdiction by section 13?

• congress has included issue (writs of mandamus) as a fifth line in OG jurisdiction.

↓ can congress on its own amend the const. or would you consider this action amending the const.?
 Const. is saying you can do all 4 of the OG jurisdiction, but congress in this case is saying you can do 5

which creates a conflict

Timeline:

who are the players/actors?

After the election: (November) → Adams realizes he's not gonna have a 2nd term + surrenders White House to Jefferson.

• President is John Adams → His Secretary of State is John Marshall
 ↳ during last months of Adams' presidency John Adams nominates John Marshall to also be chief justice of SC.

↳ this case begins when John Marshall is Secretary of State & ends w/ Marshall issuing the opinion in Marbury b/c he has now become the chief justice of SC.

Then → John Adams loses presidency to Thomas Jefferson → Secretary of State is James Madison

in meantime while all of this is happening:

Adams also nominates Marbury to be SC justice of the peace for district of Columbia.

& the case is decided by John Marshall who was Adams' Sec. of State initially

After Adams loses prez: he puts his 2 goons to SC

continue:

Federalist lost both prez election (Adams) & majority in congress.
→ now they lost 2 the anti-federalist (secessionists)

* Marshall has no prior judicial experience & still appoints to SC b/c it's his boy.

Federalist are now scared b/c they might change the policies & laws that they have set in place. ↓

what do the federalists do now?

• they take steps to seize control of the 3rd branch (Judiciary) SC
↓
we can leave our boys to uphold their policies well after their time is over.

Important:

At this time SC lacked power to influence American politics & Marshall knew this & that is important to his case, it's

↑ courts power

Feb. 13 1801

congress (federalist) passed the Judiciary Act of 1801 → creating 6 new circuit courts

↳ one way to create an legacy is to create lots of new courts.

in last weeks of prez & nominate a new SC justice

→ they reduced the size of court to 6 to 5 to limit incoming prez to nominate judge

they could give their boys jobs or part of the courts.

next time a justice dies you cannot appoint additional person

• external check on court. → congress determ. size of court.

Feb 27 1801

passed organic Act → 2 appoint 42 justices of the Peace for D of Columbia.
1801

march 4 1801

has 42 additional judges names & submit to Senate to confirm

↓ one of the 42 is marbury had no experience or anything

(banker & investor)
Prob donated \$ to federalist b/c of banker.

Final hours

Senate confirmed marbury to become justice & Adams signed the commission

marbury found out & never got commission & this

Suit. under sec 13 of Judiciary act of 1789

↓ said they failed to deliver these commissions & orders dem or delay them

if nominee were been confirmed by Senate, is receiving commission necessary?

failed to deliver 4 of commissions & not intentional

Job of 3rd Marshall
1 diploma Coloc
↓ deliver it to marbury & stamp in (Seal)

→ Next day March 3, 1801 Jeff took office & his new Sec of State (Madison) → goes into his office & finds 4 in his office one of them is marbury & runs to prez

↳ issuing SC to issue a writ of mandamus & nullification compelling 2 deliverer commissions

Cont.

Marbury is asking SC 2 issues a writ of mandamus to new S of State (Madison) & deliver his commission.

↳ why does Marbury think he can do this?
b/c congress said so, not const.

↳ congress gave SC under its org juris. the power to issue mandamus cases & this should be no surprise 2 parties involved b/c SC has done this.

- Marshall was done & let it slip that he was going to strike down Sec. 13 of unconst.

* never done in US has SC has struck down an act of congress as unconst.

→ Fed were pissed & abolished courts 1802 term

→ congress decides when courts meet

↓
1 yr.

→

This case is Not about Marbury

↳ The real issue is:

Marshall's view that Sec. 13 is unconst. on the grounds that the org juris. given to the SC by const. was exclusive & congress could not enlarge it.

↓ Marshall is like: no where in the const. is it say writ of mandamus.

Brief

Facts:

what extent is it repugnant

Congress passed a law (Judiciary Act of 1789) in that law sec. 13 gave the SC the power to issue writs of mandamus under its original jurisdiction, we have an instance where a person wants a...
 a writs of mandamus; Marshall says congress gave you the power to issue it, I did not get my commission & want my commission & the SC demands of ^{Secretary of State} James Madison to give my commission.

Questions:

1. Did Marbury have a right to commission?
2. since Marbury had a right to the commission, did the law provide him a remedy? ^{deserving Remedy}
3. was a request for a writ of mandamus filed in U.S. SC, the proper remedy?

Final decision:

1. Did Marbury have a right to commission?

Yes he was app. by Pres → Confir. by Senate → Signed by Pres & Seal by Sec of State

→ delivery is not part of app. process

it's not in constitution & is irrelevant.

2. since Marbury had a right to the commission, did the law provide him a remedy? ^{deserving Remedy}

→ yes "if someone is legally wronged, the law must provide remedy."

3. was a request for a writ of mandamus filed in U.S. SC, the proper remedy?

NO! Sect. 13 was repugnant to constitution

∴ → "congress gave me more power which went against the OG juris. in Article 3."

NOTE:

Congress itself cannot amend the Constitution

∴ "you can't give me more power & cannot change Courts OG juris. & lacked the authority to decide dispute."

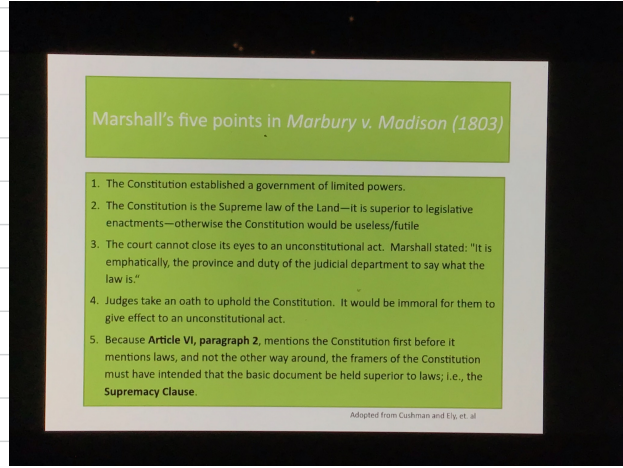


What does this case involve?

It involves increasing the power of Supreme court (SC):

"From this point forward, I will (SC) tell you forever more (Congress & President) what you can & cannot do."

The 5 points:



The overall message:

SC has authority to determine constitutionality & if actions of Congress or President or anybody conflict w/ courts interpretation of Constitution or courts interpretation of statute, then courts will strike it down as unconstitutional & unenforceable