

Marbury v. Madison Brief

Marbury v. Madison

5 U.S. 137 (1803)

I. *Outline:*

- A. Petitioner/Appellant: William Marbury
(Advocate: Charles Lee)
- B. Respondent/Appellee: James Madison
(Advocate: Levi Lincoln)

II. *Facts of the case:*

- A. On his last day in office, under the Organic Act of 1801, President John Adams appointed 42 Justices of Peace for the District of Columbia. The Judiciary Act of 1801 also created six new circuit courts and several new district courts. Adams made more than two hundred nominations, including sixteen federal judgeships that were approved by the Senate. This Act was made by the Federalists who wanted to have more control of the federal judiciary prior to Thomas Jefferson taking his position in office. President Adams' signed commissions were supposed to be sent by the Secretary of State, John Marshall. However, they were not all delivered by the end of Adams' term. With that, President Jefferson did not honor the undelivered commissions and viewed them as invalid.
- B. William Marbury was one of the people that was not given a commission even though he was appointed as a Justice of the Peace. Marbury then applied directly to the Supreme Court for a *writ of mandamus* to compel James Madison, Jefferson's Secretary of State, to deliver the commission. Furthermore, the Judiciary Act of 1789, Section 13 can be interpreted as giving the Supreme Court original jurisdiction in *mandamus* cases against federal officials.
 - 1. While Article III of the Constitution established a Supreme Court, the Judiciary Act of 1789 established the structure and jurisdiction of the federal court system.

III. *Legal question(s):*

- A. Does William Marbury have a right to the commission he demands?
- B. Did laws allow for Marbury's writ to be granted?
- C. Can the Supreme Court review acts of Congress and determine their constitutionality?
- D. Does the Supreme Court have original jurisdiction to issue *writs of mandamus*?

IV. *Holding:*

- A. Yes. William Marbury has a right to the commission because he was appointed by the President and confirmed by the Senate.
- B. Yes. The law grants Marbury's writ to be granted. "If someone is legally wrong, the law must provide a remedy."

- C. Yes. The Supreme Court has the authority to review acts of Congress and ultimately use the Constitution as the highest law of the land.
 - D. No. The Supreme Court could not grant *writ of mandamus* because Section 13 of the Judiciary Act was unconstitutional with respect to allowing this writ. Article III of the Constitution of the United States establishes certain limits for different departments of the government.
- V. *Opinion of the Court:*
- A. Marshall; Application for writ of mandamus is denied and Marbury does not receive his commission.
 - B. Unanimous 4-0
- VI. *Separate Opinions:*
- A. Jefferson believed that the commissions were invalid since they were not delivered by the end of Adams' term.
- VII. *Comments and evaluation:*
- A. This case not only establishes the traditions of judicial review and the Constitution as the highest level of law, but also recognizes the Supreme Court as a powerful branch of the United States government.