

- I. Marbury v. Madison
- II. 5 U.S. 137 (1803)
- III. *Facts*: John Adams appointed William Marbury to Justice of the Peace in Washington D.C. at the end of his presidency. There were other appointees as well who were approved by congress. They were all supposed to get their commissions before the end of President Addams term but this didn't happen. His successor, President Thomas Jefferson refused to finalize the commissions. William Marbury then requested a writ of mandamus from the Supreme Court.
- IV. *Issues*
 - (1) Does Marbury have the right to the commision?
 - (2) If he does have a right, does the law provide a remedy?
 - (3) If the law does provide a remedy, is it a writ of mandamus being issued?
- V. *Decision and Action*
 - (1) Yes
 - (2) Yes
 - (3) No
- VI. *Reasoning: Per Brennan*
 - (1) He was appointed by the president and it was approved by congress. The appointment process was complete.
 - (2) It is the Supreme Court responsibility to provide a remedy.
 - (3) Granting the Supreme Court the right to issue writs of mandamus under original jurisdiction is not stated in the Constitution and therefore is unconstitutional.
- VII. *Concurring Opinion*: Unanimous decision
- VIII. *Dissenting Opinion*: N/A
- IX. *Voting Coalitions*: (4-0) For the majority: Marshall, Paterson, Chase, Washington. Not participating: Cushing and Moore
- X. *Summary*: The Supreme Court declared a congressional act to be unlawful and from that point on decided whether or not congressional acts were constitutional. This was the result of Marbury v. Madison.
- XI. Free space