Case Name: **Marbury v. Madison (1803)**

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| Background & Facts:**Background:*** **Supreme Court has authority to hear two types of cases:**
1. **Original Jurisdiction (i.e. the first court to hear the case)**
2. **Appellate Jurisdiction (i.e. cases first argued & decided by a lower court; appealed to SCOTUS to be reviewed)**
* **Judiciary Act of 1789 – Authorized SCOTUS to issue *writ of mandamus***
* ***Writ of Mandamus -* a command by a superior court to a public official or lower court to perform a special duty.**
* **1801 – End of John Adams’ presidency he appointed many Federalist judges (that aligned w/ him politically before opposing party (Thomas Jefferson/Dem-Rep) took office**
* **John Marshall (Adams Sec. of State) was supposed to finish the paper and deliver the commissions to these new judges --- he thought the next guy (James Madison) would do it…HE DIDN’T!!!**

**Facts:*** **William Marbury (one of the midnight judges Adams appointed) didn’t get his new job as a judge**
* **Marbury sues James Madison (Jefferson’s new Secretary of State) and asked the SCOTUS to issue a *writ of mandamus* requiring Madison to DO HIS JOB (i.e. deliver the commissions)**
* **President Jefferson and Secretary of State Madison were Democratic-Republicans who were attempting to prevent the Federalist appointees from taking office**
* **Chief Justice Marshall framed the case as a question about whether the Supreme Court even had the power to order the writ of *mandamus.***
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| Issue: **Does Marbury have a right to his commission, and can he sue the federal government for it?****Does the Supreme Court have the authority to order the delivery of the commission?** |
| Constitutional Provisions/Statues/Precedents:* **Article III, Section 2, Clause 2 of the U.S. Constitution**

**“In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.”*** **The Judiciary Act of 1789**

**This Act authorized the Supreme Court to “issue writs of *mandamus* … to persons holding office under the authority of the United States.”**  |
| Arguments for the Petitioner:**-Marbury’s commission was valid, whether it was physically delivered or not before the end of President Adams’ term, because the president had ordered it.****-The Judiciary Act of 1789clearly gives the Supreme Court the power to order the commission be delivered.** **-Secretary of State Madison, as an official of the executive branch, was required to obey President Adams’ official act. Therefore, the Court should exercise its authority under the Judiciary Act to issue a writ of *mandamus* against Madison.** **-Article III states that Congress can make exceptions to which cases have original jurisdiction in the Courts. The case falls under original jurisdiction of the Supreme Court.** | Arguments for the Respondent:* **The appointment of Marbury to his position was invalid because his commission was not delivered before the expiration of Adams’ term as president.**
* **The appointment of commissions raised a political issue, not a judicial one. Therefore, the Supreme Court should not be deciding this case.**
* **The case falls under the appellate, not original, jurisdiction of the Supreme Court. It should be tried in the lower courts first.**
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| Decision & Opinions**- The Court unanimously decided not to require Madison to deliver the commission to Marbury.****-Marbury was entitled to his commission but that according to the Constitution, the Court did not have the authority to require Madison to deliver the commission to Marbury in this case****- The court said that the Judiciary Act of 1789 conflicted with the Constitution because it gave the Supreme Court more authority than it was given in Article III.****- The dispute between Marbury and Madison did not involve ambassadors, public ministers, consuls, or states. Therefore, according to the Constitution, the Supreme Court did not have the authority to exercise its original jurisdiction in this case. Thus, the Judiciary Act of 1789 and the Constitution were in conflict with each other. (i.e. SUPREMACY CLAUSE)****- Furthermore, the Court said, it is the job of judges, including the justices of the Supreme Court, to interpret laws and determine when they conflict with the Constitution. According to the Court, the Constitution gives the judicial branch the power to strike down laws passed by Congress (the legislative branch) and actions of the president and their executive branch officials and departments. This is the principle of JUDICIAL REVIEW!!!!!** |

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