

Marbury vs madison case summary



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This case took place on February twenty fourth, 1803. It was the first case in which an act of Congress was declared unconstitutional. That being said it was the first time, and the means by which judicial review was used. As the case name suggests the disagreement was between James Madison and William Marbury.

It took place a couple of weeks before president Thomas Jefferson took office in 1801. Because of the Judiciary Act of 1801, and the Organic Act there was a multitude of courtship places open. President John Adams tried to fill as many as he could with Federalist party members as to oppose Jefferson's Democratic-Republican party. He wanted to make it hard for him to pass anything while he was in office.

But since William Marbury was one of the last ones to have an appointment, the so called " midnight appointments", he did not receive their commission. This happened because Jefferson took office and instructed his secretary of state James Madison to withhold the remaining commissions. When Marbury found out he wrote a writ of mandamus to the Supreme Court. He did this in the hope Madison would act and hand out the rest of the commissions.

Marbury and his lawyer, former attorney general Charles Lee, went before the courts and stated that the signing and sealing of the commission completed the transaction and that delivering them was only formal. Even though Jefferson was very upset stating that he could not serve without the document. Despite this plea, however, the court agreed to hear their case Marbury vs Madison in February of 1803.

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This case was underway, but was quickly resolved. After hearing the case most people from both the Republicans and the Federalists agreed that it was a very insignificant case. By the time the case took place the people were agreeing the Jefferson's decision to reduce the amount of justices of the peace, and the Judiciary Act of 1801 was repealed. Also, Marbury's term was already half over with by the time the case made it to the courts. In other words it seemed that there was no way Marbury would win this case.

However, Marshall, the chief justice saw the problem facing him and came up with a brilliant solution. The solution he found the named a tour de force, and is still used today. He managed to establish all power to the court s the final arbiter of the Constitution. By doing this, he could effectively chastise the Jefferson administration for not following the law, while also protecting the court's authority on the matter. He reduced the case to three basic problems and questions. First, did Marbury have the right to the commission? Second, if he did, and his right had been violated, did the law provide him with a remedy? Third, if it did, would the proper remedy be a writ of mandamus to the Supreme Court? With these three questions Marshall effectively broke down the case to its simplest form.

The result of the first two had the desired effect. He explained that by failing to deliver the commission the Marbury, the secretary failed in his duties and violated the law. Having established that Marbury was entitled to receive the commission he turned to the next question. Marbury had a right to the commission, and therefore by not receiving it was denied right. Because of this violation he could have argued that a writ of mandamus would be the right course of action, since the Judiciary Act of 1789 was still in effect,

therefore he declared the the court had no jurisdiction to issue such a thing. He continued that it was inconsistent with Article 3 of the Constitution. With this statement, he surrendered the power derived from the 1798 statute which would have given Jefferson a technical victory in the case. By pointing this out he gained a very important power, judicial review.

Through his masterful ideas and use the the Constitution through the law Marshall won the case. Even though Marbury only served half his term it had a much greater impact throughout history. We use judicial review to this day and it has been the cornerstone for a lot of cases since this one. Even though this decision has been very controversial it is a part of our system and we are used to it by now. It also fits well with our system of checks and balances run by the government.

Through this very small incident in history it impacted the whole country. This case revolutionized our way of thinking in the courts. The courts have more power in this process and have been able to hear and change the outcome of many cases. This has helped shape our country into hat it is today and although it was been surrounded in controversy it is an undeniable fact of our life.