

Marbury v. madison  
case brief (includes  
reflection) essay  
sample



**ASSIGN  
BUSTER**

Facts Marbury was commissioned to serve as a judge by former president John Adam. The former Secretary of State and the present Chief Justice John Marshall failed to deliver the commission before President Thomas Jefferson started his term. The current Secretary of State, James Madison, under Jeffersons orders, did not deliver the commission. Marbury applied for a writ of mandamus to force Madison to deliver said commission. Holding Marburys application for a writ of mandamus was rejected because the Judiciary Act of 1789, the law on which his application was based, was found by the Marshall Court to be unconstitutional.

Reasoning The holding was derived from several reasons.

The court first contemplated whether Marbury has a right to the commission that he wants delivered to him. The Marshall Court established that, since his commission is for a legal position, and not for a political one, the Executive branch does not have the power to terminate it without violating his vested right to the position. As his right has indeed been violated, the court decided that the laws of the United States and judicial system need to provide him a solution it is the duty of the judicial branch to do so. The court also states that since an officer has indeed infringed up on the right of an individual, a mandamus is a valid remedy to consider.

However, the Marshall Court found that the Act on which this request is based on, Section 13 of the Judiciary Act of 1789, is in conflict with Article 3, Section 2 of the US Constitution. Section 13 increased the Supreme Courts power, giving it the right to issue writs of mandamus in appellate and original cases, whereas the Constitution stated that the Supreme Court has

original jurisdiction only for cases affected ministers, ambassadors, and consuls. Section 13 does indeed justify the granting of a writ, but Article 3 Section 2 does not, as Marbury does not belong to any of the groups mentioned in the Constitution. This means that the Supreme Court is not authorized to hear the case and thus does not have the power to grant the mandamus.

Because the Constitution is considered to be a fundamental principle of American society, any legislature that conflicts with it is considered to be void. Since the Constitution limits the powers of the three branches of the US government, any act that expands or decreases their jurisdictions must be deemed unconstitutional. From this, the Supreme Court deems the Judiciary Act of 1789 unconstitutional. The Supreme Court can draw this conclusion because the judicial department is bound to support the Constitution, as stated in the Article VI, all executive and judicial officers shall be bound by oath [ . . . ] to support this Constitution. As a result of this conclusion, Marburys request was discharged.

Reflection This trial was held during a politically intense time. Many last-minute appointments of numerous Federalists to the judicial branch occurred, which greatly angered the newly elected Republicans. The Marshall Court needed to make sure his ruling placates both groups. Because they have to this motive, the courts goal was not to ensure that Marbury receives a just remedy for an infringement of his right thus, Marbury did not get the fair hearing he deserved as an American citizen.

As he was the former secretary of state, his appointment to Chief Justice should have been questioned by the judges that were already a part of the Supreme Court. Political interests and judicial decisions should remain separate so that both branches can function properly and fair solutions are presented to everyone. Since Marshall is a Federalist from the newly discharged government, he should have stepped down.

Since this case was merely in the wrong court, the Marshall Court should have ruled that the case needs to be heard in a different court instead of discharging it. Because of this, it can be concluded that they actually overstepped their jurisdiction when they discharged the case. Also, it is debatable whether the court overstepped jurisdiction by establishing the precedent of judicial review. While it is true that Article III and VI do not assert judicial review, meaning that the Marshall Court did overstep, the establishment of judicial review has helped the American people. It gave the judicial branch of government an additional power to check against unconstitutional acts and laws. While the intention of establishing this rule may have been for reasons other than the ones stated in the Opinion of the Court, it contributed to the development of American constitutional policies, which improved the lives of the American people.

Reference: Marbury v. Madison 5 U. S. (1 Cranch) 137 (1803)