

Marbury vs. madison case study sample

[Law](#), [Constitution](#)



Introduction

The courts judicial review and constitutional interpretation has been a central rational objection for democracy. The regular judicial invalidation of policies passed by elected officials as a minimum brought up problems of democratic legitimacy. The rational objection, which has been brought up against a background over many years of the United States populist political argument, prompted the active use of the judicial power in constitutional interpretation give way to the decision of legislative and majorities. The courts power in striking down laws considered unconstitutional has been politically controversial throughout American history (Prakash, 2003). The judicial review power has become politically salient and controversial chiefly in relation to particular constitutional courts decisions. Frequently political controversy concentrated on the substantive advantage of those personal decisions, and the courts sustained the criticism that the decisions have violated the constitution. Such quite harsh criticism prompted proposals for reasonably dramatic remedies, such as constitutional amendments along with statutory efforts to examine the courts. However, the substantive disapproval of particular cases still accepts the judicial review legitimacy more generally. The judicial review power has been applied by the Supreme Court in cases such as Marbury v. Madison (1803), M’Culloch v. Maryland (1857), Dred Scott v. Sandford (1857), Gibbons v. Ogden (1824), and Lochner v. New York (1905) among others (Prakash, 2003). In Marbury v. Madison (1803), the U. S. Supreme Court, under the leadership of Chief Justice John Marshall, decided on this landmark case. The court confirmed the judicial review legal principle in the new nation. The landmark decision

helped in defining the boundary between the legitimate separate judicial and executive branches of the American Government. The paper explores courts judicial review and constitutional interpretation of the case Marbury v. Madison (1803).

Marbury v. Madison Case Brief

Marbury v. Madison (1803) was a landmark case in the Supreme Court of the United States. William Marbury took a petition to the Supreme Court after President John Adams appointed him the Peace Justice of the Colombian District when his commission was not delivered (Find Law, n. p.). His petition to the Supreme Court was to force the James Madison, the newly appointed Secretary of State, to deliver the documents. The Court established first that the refusal of Madison to hand over the commission was both unlawful and remediable. However, the Court stopped without obliging Madison via writ of mandamus to deliver Marbury's commission, instead maintaining that the Judiciary Act (1789) provision that permitted Marbury to take his claim to the Court was itself unconstitutional, as it asserted to expand the original jurisdiction of the Court beyond that which was established by Article III. Consequently, the petition was denied (Find Law, n. p.).

President John Adams, on his final day in office, named 42 peace justices and 16 justices for the new circuit court meant for the Columbian District under the Organic Act. This act was the Federalists' attempt to control the federal judiciary ahead of when Thomas Jefferson took office (Find Law, n. p.).

President Adams signed the commissions and sealed by John Marshall, but they were not handed over before Adams's term as president expired.

Thomas Jefferson declined to respect the commissions, maintaining that they

were invalid as they had not been handed over before Adams's term ended. William Marbury, the plaintiff, being among the intended appointed peace justice, applied straight to the Supreme Court for a writ of mandamus compelling James Madison, the defendant who was the secretary of state to hand over the commissions. The Supreme Court was granted original jurisdiction to deliver writs of mandamus by the Judiciary Act (1789) (Find Law, n. p.).

There were five major issues in the Marbury v. Madison (1803) case. First, does Marbury, the plaintiff, have an entitlement to the commission? Second, does the law give Marbury a remedy? Third, does the Supreme Court possess the authority of reviewing Congress's acts to establish whether they are unconstitutional and than void? Fourth, can Congress expand the Supreme Court's scope of original jurisdiction beyond the specification in Article III of the U. S. Constitution? Finally, does the Supreme Court possess original jurisdiction in issuing writs of mandamus? (Find Law, n. p.).

Short Answer

In response to the first issue above, Marbury is entitled to the commission. The order that the grants the commission takes effect the moment the Executive's constitutional power to appoint has been exercise. The power was exercised the moment President Adams signed the commission, thus making the handing over of the commission to Marbury effective (Find Law, n. p.). In response to the second issue above, the law gives Marbury a remedy. Where a particular task is given by law, and an individual right rely on the performance of that task, the individual considering himself ill-treated has a right to fall back on the law for remedy (Find Law, n. p.). Having the

legal right to hold the office, Marbury has an ensuing right to the commission; any refusal to deliver is a clear violation of the right the laws of the country give him a remedy (Find Law, n. p.). In response to the third issue above, the Supreme Court possess the authority of reviewing Congress acts to establish whether they are unconstitutional and then void. It is forcefully the Judicial Department's duty to pronounce what the law is. When there are two conflicting laws, the Court must resolve on the function of each (Find Law, n. p.).

In response to the fourth issue above Congress cannot expand the Supreme Court's scope of original jurisdiction beyond the specification in Article III of the U. S. Constitution Constitutionally the Supreme Court have original jurisdiction in every case affecting other public consuls and ministers, ambassadors and those wherein a state is a party. The Court has an appellate jurisdiction in every case (Find Law, n. p.). In response to the final issue above, the Supreme Court does not possess original jurisdiction in issuing writs of mandamus. To allow this court issues a mandamus, it has to be proved to the step is an exercise of appellate jurisdiction. It may also prove that the step necessary to allow the exercise of appellate jurisdiction. It is the necessary principle of appellate jurisdiction to revise and correct the proceedings in an already instituted cause without creating that case. Although, as a result, a mandamus may well be referred to courts, yet issuing such a writ to an official to deliver a paper is, to all intents and purposes, equivalent to uphold an original action for the paper. Consequently this is a subject of original jurisdiction (Find Law, n. p.).

In this case, the Supreme Court denied the application for a writ of

mandamus. Chief Justice Marshall after examining the Judiciary Act (1789) and the Article III of the Constitution, it established that there was a conflict between the two laws (Find Law, n. p.). Marshall maintained that all Acts of Congress conflicting with the Constitution cannot be considered as law and that the Courts are instead bound to follow the Constitution, asserting the judicial review principle. In denying the request, the Court maintained that it was short of jurisdiction since Section 13 of the Judiciary Act enacted by Congress in 1789 that authorized the Court to deliver a writ like this, was unconstitutional and, therefore, invalid. Consequently, Marbury did not get a commission (Find Law, n. p.).

The Concept of Judicial Review

Judicial review refers to the court's authority to check on legislative or executive act as well as to invalidate that act in case it contradicts the constitutional principles. Judicial review also refers to the power of the law court to examine the actions of the legislative and executive branches (Prakash, 2003). Although judicial review is normally related to the U. S. Supreme Court, it is a power that most federal and state law courts possess in the United States. The judicial review concept is basically an American invention since there was no country worldwide before the early 1800s that granted its judicial branch such power (Prakash, 2003).

In the U. S., the national law's supremacy was set up the U. S. Constitution's Article VI, Clause 2. This termed as the Supremacy Clause, stated that the U. S. Constitution and the U. S. Laws made in pursuance thereof are the supreme law of the land. It further stated that judges in all states shall be bound in so doing. This implies that state laws cannot contravene the U. S.

constitution and obligates every state court to uphold the national law (Prakash, 2003). State courts use judicial review to uphold the national law. Via judicial review, state courts establish the validity of the state statutes or state executive acts. Such rulings are based on the principle that any state law that contravenes the U. S. constitution is considered invalid (Seidman, 2001). They also determine the state laws' constitutionality under state constitutions. If, however, state constitutions conflict with the U. S. Constitution, or national statute, the state constitution has to yield (Seidman, 2001).

Although the state laws' judicial review is evidently defined in the supremacy clause, the U. S. Constitution's Framers never resolved whether the federal courts are supposed to poses this power over executive and congressional acts (Seidman, 2001). By the Supreme Court upholding the congressional acts in the Republic's early years, the judicial review power is involved. However the major question on the Court's power to knock down an act of Congress. The judicial review power has been applied by the Supreme Court in cases such as: Marbury v. Madison (1803), M'Culloch v. Maryland (1857), Gibbons v. Ogden (1824), and Lochner v. New York (1905), Dred Scott v. Sandford (1857), among others (Prakash, 2003)

The application of judicial review is dependent on imperative of judicial self-restraint rules that limit the Supreme Court, along with state courts from widening its power (Seidman, 2001). The Supreme Court would hear only controversies or cases, real live conflict between rival parties upholding valuable legal rights. This implies the Court can no longer provide Advisory Opinions on legislation. Additionally, a party that brings a suit must have

standing to challenge a statute. The primary judicial restraint rule is that any statute is presumptively valid; implying that judges presume legislators had no intention of violating the Constitution (Prakash, 2003). It follows that the issue of unconstitutionality is raised by the Burden of Proof. Also, in the case the court can interpret a disputed statute such that the implication of the words are not tamped or in the case a court can establish a case on non-constitutional basis, these options are to be preferred. Conclusively, a court will neither sit in verdict of the legislators' motives or wisdom, nor will it sustain an invalid statute only because it is considered unwise or undemocratic (Prakash, 2003).

Thomas Jefferson Quote

Thomas Jefferson quite in the letter to W. C. Jarvis clearly depicts his disapproval for the power the courts had. In the quote, Jefferson opposes the assertion that it was only the federal courts that could interpret the Constitution with the Supreme Court having the final authority to do so (Seidman, 2001). For Jefferson, the checks and balances preservation and working in government depend on where the power was lodged interpreting the Constitution. What he really meant was that constitutionally the judges had no right to decide in the executive (Seidman, 2001). By believing the law was constitutional, the judges had right in passing a sentence of fine or imprisonment, since they constitutionally have the power. On the other hand, by believing the law was unconstitutional, the executive were bound to forward its execution, since they constitutionally have the power. That instrument implied that the co-ordinate branches should check on each other. However, Jefferson was concerned about the fact that by the judges

having the only right to determine the constitutionality of the law, the judiciary would be a tyrannical branch (Seidman, 2001; William J. Quirk, 1995).

Jefferson's position was that the United States, any of the government branches, or the state should not be the final arbiter of the Constitution (William J. Quirk, 1995). Jefferson's stand was that the final arbiter of the Constitution is the people of the U. S. He precisely discerned that anybody in government would eventually settle questions of the constitutional authority location in favor of the government it belonged, and finally its very own body. The tendency would concentrate all power in one body that would possess few or no restraints at all on its powers. With such concentration of power would in due course be arbitrary as well as capricious and hence tyrannical (Seidman, 2001).

Jefferson feared that it was very dangerous for one branch of government, particularly the Supreme Court to usurp all power. He construed that the federal courts played a vital role in the Constitution interpretation (William J. Quirk, 1995). In establishing the law to apply to specific cases, federal courts must, certainly, interpret and affect the Constitution. However, the interpretation of the Supreme Court would have no influence over the other branches in relation to the constitution meaning in matters concerning them (William J. Quirk, 1995; Prakash, 2003). In sum, Jefferson held that all government branches are independent with different powers that each exercise. His greatest was concern, certainly, the protection of individual liberty. He opposed oppression of any kind from any source. The great threat to liberty is not only government itself but also the unrestrained and

concentrated government that that were likely to ride roughshod over the individuals fights (William J. Quirk, 1995). Jefferson clearly and correctly saw the possibility of the courts undermining the Constitution as well as tilting the flow of power in their favor (Prakash, 2003). His claim was valid that the courts would be potentially irresponsible, as it was not easy, if not impracticable, for the Supreme Court to be held accountable for their vagrant opinions.

Reference

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