

Essay on marbury v. madison (1803)

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



Marbury v. Madison (1803)

Marbury v. Madison is a case that is used as a reference in most jurisprudence due to how it was able to arbitrate on constitutional issues. In the period preceding this case the president, John Adams, had nominated John Marshall for the position of Chief Justice. This was following the resignation of Oliver Ellsworth due to health reasons. The president had initially tried to bring back John Jay who had been Chief Justice before but he declined the appointment by the president citing his old age. Marshall was a staunch federalist and had been serving as the president's Secretary of State prior to the appointment. Thomas Jefferson and the Republican Party won the elections of 1800. This put Marshall at odds politically with the incoming government with the Republicans against him. Federalists viewed the law in a fixed and transcendent document while Republicans viewed the same as a representation of the people's will (Nelson 112). Judicial review was entrenched in the legal history of the U. S. only because Marshall and his bench believed that governments were run by constitutional principles that were independent of the political actors.

Various facts are evident in this case as explored in this paper. The first fact that can be observed is that Congress, which was largely dominated by the Federalist Party, passed a law in 1789 that had, as a part of it, a provision to set up 16 new federal judicature positions. Under that legislation the president was allowed to appoint judges to take up those positions as he deemed necessary.

Another fact from the case was that President Adams on March 1801 appointed forty two judges just before he vacated the presidency. 16 judges

were also nominated to fill the judgeship positions of the newly created federal circuit courts. Among these 16 nominated judges was William Marbury. On assumption of office president Jefferson immediately ordered the incoming Secretary of State to hold any commission that were yet to be delivered. The Marbury commission had already been cleared and approved by Marshall when he was the Secretary of State during John Adams last days in office. Having received the order from the president, the incoming Secretary of State James Madison, did not deliver the ratified commission to Marbury. This forced Marbury to file a suit against Madison requiring a judicial writ of mandamus compelling Madison to allow him to take the office he had been rightly nominated. The Supreme Court where Marbury filed the suit had been empowered by the law Judiciary Act passed in 1789 to issue similar legal order as Marbury was seeking. The case was to be resolved under Chief justice Marshall.

The Supreme Court had to address three issues. The first issue the court had to consider was whether Marbury was entitled to the commission he had requested for. Another issue for determination was whether there was a remedy under the law for a right deprivation such as the one Marbury had experienced. The last issue for consideration was whether the court had power to issue a legal order demanding the issue of the commission to the applicant as had been requested by Marbury.

In his judgment, Chief Justice Marshall affirmed that Marbury had a legal right to take up his office, and that the refusal by the state secretary to deliver the commission to him was a violation of that right. The court also ruled that Marbury should be offered a remedy since his legal right had been

violated by the government. The court stated that if a duty in a branch of the executive is established under the constitution, such a duty can be enforced by the judiciary. On the third issue the Court, led by Marshal, ruled that it would not issue a writ of mandamus since the act that provided for issue of such a legal order contravened U. S. A. constitution article that established the Supreme Court and assigned the court its roles. Goldstone posits that the ruling in favour of Marbury would be a de facto addition to the article establishing the court (98). Marshal stated that when a law is in contravention with the constitution, that law becomes invalid. Thus, the Court held that it had the power to rule in disregard of such a law. The decision made on the Marbury vs. Madison was a landmark ruling and set precedent in many ways. This is because the ruling was the first case that declared a law passed by Congress as illegal. This ruling established principles for judicial review of acts passed by Congress and by states in regard to the constitution. Marbury had filed a suit seeking a legal order that would force the Secretary of State to let him take over the office he had been appointed for. He filed this suit with the knowledge that the Judiciary act passed by the Congress in 1789 had a provision under Section 13 that allowed the Supreme Court to issue an order as he was requesting. Therefore the Court had to address the issue of whether the act as legislated by Congress was constitutional and whether if laws made by Congress could be declared invalid. The court ruled that the act as passed by Congress was unconstitutional and hence did not grant Marbury his request. This ruling brought forth the role of the Supreme Court in determining whether a law or an act passed by Congress conforms to the constitution. The U. S. A.

constitution was not precise about this role of the Supreme Court.

Another precedent that the ruling set was it established that the Supreme Court had an equal status with the Presidency. This is to mean that between the three branches of the government none was inferior to the other. (Sloan, Cliff and McKean 70) allude to this fact by stating that the ruling established that the Supreme Court had equal power to the other two branches of government. The act of 1789 allowed the president to appoint judges as he deemed necessary for newly created peace judgeship positions in the District of Alexandria and also in Columbia District. The president nominated judges and they were approved and their appointment cleared. Commissions were delivered to those appointed except for three with Marbury being among those who did not receive their commissions and hence he filed the suit. The Supreme Court was faced by an issue of whether the decision they made would seem to undermine the presidency. Initially the status of the Supreme Court versus the top political office in the country was vague and there was the assumption that the presidency had power over all the three branches of government. The case ruling played a vital role in enhancing the independence of the Supreme Court and demonstrating that the court was nonpartisan.

The ruling on Marbury vs. Madison case has been considered as among the most significant decision in U. S. A. legal history. This is because this ruling established principles that guide the federal courts in reviewing laws that are passed by Congress and if they do not conform with the constitution these courts can declare them illegal and invalid. This helps to maintain the constitution's integrity and ensures that the legislature does not pass laws

that are dictatorial or which are meant to oppress any minority. However this role of review is only limited to when a specific lawsuit is taken to the Court for determination of its conformity to constitution.

The ruling on the case also has significance in the shaping of the history of the legal circles of the U. S. A. in that it established a precedent that the Supreme Court is the final arbitrator on Constitutional matters. This has been especially useful in even in election petition cases where the Supreme Court has had to make decisions on whether a president is elected legally or not. This is clear in the case of Bush v. Gore where the Supreme Court ruled that a manual recount of votes in the state of Florida was unconstitutional and should therefore be stopped. Pollock states that the Supreme Court is the ultimate arbiter of judicial questions (12).

The ruling has changed the way courts interpret the constitution. In the ruling Chief Justice Marshall stated that the Supreme Court did not have power to compel public officials to award commissions to appointed officers since that duty was not awarded to the court when it was being established. The bench led by Marshal put forward that the Judiciary Act as had been passed contravened and exceeded the authority that had been handed to the Supreme Court as specified in the Constitution of the U. S. A. article III . This has been used in various ruling where courts have had to first consider their mandate and power before adjudicating on a matter especially if it is related to the constitution.

The ruling made during the Marbury v. Madison case has also been a guide for many courts by showing that the constitution is the superior law. This means that when ordinary or state laws conflict with the constitution the

judiciary have the power to declare such legislation void and allow the constitution to override other laws. This is called the judicial review principle. Breyer states that the constitution's form and language have enabled it to endure (57).

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