

Assignment: Marbury v. Madison Case Briefing

Read the Marbury v. Madison court case and complete the Case Fact Organizer.

Complete case citation including the date	5 U.S. 137 (1803)
Facts behind the case	<p>After losing the election of 1800 to his competitor, Thomas Jefferson, then-President John Adams did all in his power to frustrate the incoming administration before March 4, 1801. As part of this behavior, Adams created new courts and appointed 16 new circuit judges and 42 justices of the peace. The Senate approved these appointments, but those appointed could not take the job without being delivered their Commission by the Federal Government. The new Jefferson Administration and Secretary of State James Madison refused to deliver the commissions as per President Jefferson's requests, leading the plaintiffs to sue Madison in the Supreme Court. The plaintiffs argued that it was the Constitutional Duty of the Secretary of State to deliver the commissions, and this duty was going unfulfilled, and as such, it was potentially necessary for the Supreme Court to have to order delivery of these commissions.</p>
Question (s) for the court to consider	<ul style="list-style-type: none">- Is it the right of the plaintiffs to receive their commissions based on their appointment by the Senate?- Is it possible for the plaintiffs to sue for their commissions in court?- Is it within the power of the Supreme Court to mandate the delivery of the plaintiff's commissions through a writ of mandamus under Judiciary Act of 1789 Section 13?
Amendment or Constitutional clause in question	Judicial Review
Court vote count	The decision was Unanimous.

Court's decision	The decision was a Unanimous Decision in favor of Marbury. Madison's refusal to deliver the commissions was illegal, but Madison was not ordered to hand over the commission to Marbury via writ of mandamus. The Judiciary Act of 1789 was unconstitutional
Reason for Court's decision	Marbury was entitled to the commission, but the Judiciary Act of 1789 Section 13 was in conflict with Article III Section 2 of the Constitution, therefore making it null and void. As such, they could not force the commission to be given, but they did create the power of Judicial Review.
Dissenting opinion notes	<p>Unanimous Decision</p> <p>However:</p> <p>Chief Justice John Marshall delivered the Unanimous Opinion, which stated the following.</p> <ol style="list-style-type: none">1. The President holds the power to appoint and commission officers of the United States, but an appointment is not complete without the commission.2. Officers have certain acquired rights under law once appointed, and so they may seek remedy under law and through the courts.3. The Plaintiffs could not, however, receive their commissions because Article III Section 2 of the Constitution was in direct conflict with Judiciary Act of 1789 Section 13, making it impossible for the Supreme Court to issue a writ of mandamus while keeping with the Constitution. Marbury's claim was therefore cancelled.