*Marbury v. Madison*

5 U.S. 137 (1803)

**Facts**: President John Adams, following an electoral loss, appointed petitioner William Marbury, among others, to a federal judicial posted called the Justice of the Peace in the District of Columbia. The appointments were approved by the lame duck Senate, signed by the President, sealed, but failed to be delivered, which was the duty of then Secretary of State, John Marshall. After taking office and being sworn in, incoming Secretary of State James Madison, respondent, refused to deliver the appointments on the instruction of President Thomas Jefferson. Marbury, whom was denied his appointment, filed suit in the Supreme Court of the United States requesting a writ of mandamus, which would order Madison to deliver the appointments.

**Questions**: Is Marbury entitled to his appointment? If so, is there a legal remedy available? If so, is a writ of mandamus from the Supreme Court proper?

**Decision**: Case dismissed for lack of jurisdiction, though the Court made clear that Madison acted illegally.

**Votes**:

Majority Opinion: Marshall (author), Paterson, Chase, Washington.

Recused: Cushing, Moore.

**Reasoning of Majority Opinion**: The judicial office Marbury seeks was correctly appointed, approved, signed and sealed, fulfilling the requirements of the statute creating the judgeship and the relevant sections of Article II of the U.S. Constitution. The neglect of its delivery is simple a ministerial failure, and should not prevent Marbury from his appointment which was conducted as required by law. Furthermore, Marbury does have a legal means to secure his appointment by law; common law precedent deems that this is through a writ of mandamus. However, petitioner Marbury sought relief from the Supreme Court through the Court’s original jurisdiction on writs of mandamus, granted by the Judiciary Act of 1789. The Constitution spells out specifically in what types of case the Supreme Court has original jurisdiction, which does not include those writs in the 1789 Act. To augment this list, the Constitution would have to be amended. Therefore, Marshall develops a syllogism: 1) The Constitution is the supreme law of the land, 2) the Judiciary Act contradicts the Constitution, and 3) the relevant section of the Judiciary Act is unconstitutional. Therefore, the method by which Marbury attempted to use is ruled null and void. The important portion of this decision does not concern Marbury and his appointment, but instead that the Supreme Court asserted their power to engage in judicial review over the other branches of government.

**Reasoning of Other Opinions**: N/A