American Government

The Federal Judiciary
Marbury v. Madison

- Election of 1800: Adams (Federalist) vs. Jefferson (Democratic-Republican)
- The winner: Jefferson
- On the way out, Federalists passed the Judiciary Act of 1801
  - Created 59 new judgeships
  - Appointed John Marshall (former Sec. of State) to Supreme Court
Marbury v. Madison

- Marshall forgot to deliver 17 commissions

- James Madison (new Sec. of State) refused to deliver

- Marbury sued to get his appointment

- Supreme Court Justice Marshall (the old Sec. of State!) in a predicament
Marbury v. Madison

• What would have happened if…
  – Court ruled in favor of Marbury?
  – Court ruled against Marbury?

• The actual ruling:
  – Court lacked authority to compel delivery
  – Judiciary Act of 1789—which authorized Court to issue orders to government officials—was unconstitutional
  – What was required of other actors: NOTHING!
Getting to the Supreme Court

• Original Jurisdiction
  – Specified in the Constitution: Ambassadors, disputes between states
  – In 200 years, Court has heard only 160 cases under original jurisdiction

• Appellate Jurisdiction
  – Appealed through federal courts or state supreme court
  – U.S. Supreme Court hears just 1% of appeals
How the Supreme Court Operates

• Writ of certiorari
  – Rule of four
  – If not issued, decision stands
• Filing briefs
• Oral arguments (Oct-April)
• Judicial Conference
• Opinions (Majority, Concurring, Dissenting)
Discussion Questions

• Which judicial philosophy seems to be prevalent in this case?
• What language in the opinion leads you to this conclusion?
• As a result of this decision, what was required of other actors?
• What might have happened if the Court ruled the other way?
• Does this case signify a weak or powerful Supreme Court?