


“Marbury v. Madison”
 POLS 4790H Spring Semester
 Prof. Anthony Madonna
 3/30/2021

Course Updates (3/25/21)



UPDATED SCHEDULE:
 Process section is due on April 13th [Fear this section](#).

News 3/23/21



What do you guys have?

Immigration, Senate slowdown, nominations, Iowa House race, vaccinations, Mo Brooks, more reconciliation fun, Hice-Raffensperger, DC Statehood, news media slump, internships, Georgia voting restrictions, Wandavision, etc.

3/30/21 Outline

I. Introduction

- Updates
- News

II. Marbury v. Madison Background

- judicial review
- judiciary act of 1789
- election of 1800
- Marbury & Madison
- the facts

III. Ruling

- the political problem
- the question(s)
- the holding
- the "conventional wisdom"

IV. Clinton and game theory

- zero-sum
- game theory
- sequential game tree
- prisoner's dilemma
- Nash equilibrium

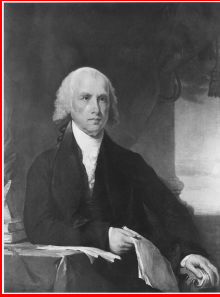
V. Clinton

- Marshall's four objectives
- Clinton's argument
- approach
- why do we care?


VI. Critiques

- thoughts?
- the assumptions
- evidence
- conventional wisdom

X. Conclusion




The Supreme Court in Politics



The Court's primary duty is to interpret the laws Congress enacts.

In doing so, the Court also has the ability to strike down Congressional statutes as unconstitutional. This is known as judicial review.

Marbury v. Madison (1803)



The Judiciary Act of 1789:

- Establishes federal court structure. 6 Supreme Court Justices. 13 District Courts. 3 Circuit Courts.
- Specified jurisdiction: Gives the Supreme Court "original jurisdiction in some areas."

Marbury v. Madison (1803)



Adams isn't sure to whom, but knows he lost.

In the final two weeks of his presidency, he approves 16 additional judgeships. Appoints John Marshall, his Secretary of State and an ardent Federalist Chief Justice of the Supreme Court. Democratic Republicans are incensed.

Marbury v. Madison (1803)



The Facts: Marbury is appointed a justice of the peace by Adams – one of the “midnight judges.” His commission was supposed to be delivered by Secretary of State John Marshall, but Marshall was unable to complete all the necessary deliveries. Madison – the new Secretary of State – refuses to deliver the commission. As proscribed by the Judiciary Act of 1789 – Marbury petitions the court to issue a writ of mandamus.



The Question(s): Who is in the right here? Is there a remedy to Marbury's problem? Can the Supreme Court issue a writ of mandamus?

Marbury v. Madison (1803)

The Holding: Marshall -> Marbury is in the right. The commission is complete when the seal has been affixed. Withholding the commission is illegal.

Further, this is a government of laws – and Marbury has a right to resort to those laws for a remedy.

Finally, the Secretary of State is a federal employee and thus should be someone the Court could issue a writ to under the judiciary act. However, according to the Constitution, the court has appellate jurisdiction. Mandamus writs are not specified as original. Hence, that portion of the judiciary act is “repugnant to the Constitution” and it is void. 4-0 decision.



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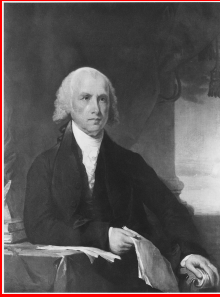
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- a. Marshall's four objectives
- b. Clinton's argument
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- d. why do we care?


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Conclusion



Have a great day.

For Thursday: Individual Meetings!
