

## **MARBURY AND MADISON TLDR**

Madison was the SOS along with Jefferson as President. Marshall was the Chief Justice and the SOS the term before Madison/Jefferson. Marshall wrote a bunch of supreme court acceptance letters the night before inauguration day and left them for the next SOS, however, Madison threw them out.

Marbury, being one of the people who were supposed to receive an acceptance letter, did not like that Madison threw them out. Marbury brought it directly to the Supreme Court in hopes of the use of writ mandamus, which is a court order usually issued to force people to do their jobs. The SC had this power as a result of Congress in all cases.

The SC CJ wanted to give Marbury the job, however, in order for the SC to have original jurisdiction ("Marbury brought it *directly* to the Supreme Court"), there had to be states or ambassadors involved, of which Marbury was neither. Therefore, the case was thrown out, and the writ mandamus was not applied, and furthermore, parts of the Judiciary Act (the parts that gave them such a power) were deemed unconstitutional.

This was one of the first times that a Congressional action was struck down by the SC and declared unconstitutional. This also established a precedent of judicial review.

## **KEY TERMS**

appellate: not the first court to hear a case and under an appeals context

original: first court to hear a case

jurisdiction: whether an entity has the right to be poking around in someone else's beeswax (whether it's in scope)

certiorari: to be certain, the concept which appeals are based upon

judicial review: the ability of a court to review prior actions by other governing authorities and remove, reverse, etc. them as necessary.

Distinct Court / Trial Courts: courts with original jurisdiction

Circuit Courts of Appeals: courts with appellate jurisdiction that the District Courts appeal to

Supreme Court: the big court on top that the Circuit Courts appeal to

precedent: a ruling that establishes a principle that all future and subordinate courts should follow in deciding future cases. this means that a SC ruling can apply to lower courts in perpetuity (or at least until overturned).

binding precedent: all future rulings must be based on a previous ruling. basically, "if we did this once before and we see it again we do have to do it again"

persuasive precedent: not binding, but still heavily used and agreed upon by future courts.

stare decisis: "let the decision stand" in Latin. the principle states that courts should use the same logic if another, similar case is presented. of course, previous rulings and precedents can and often are overturned.