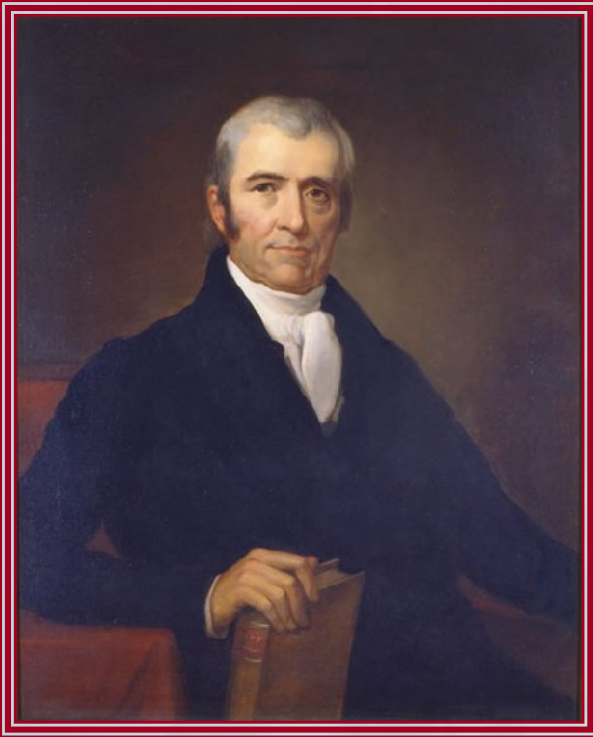
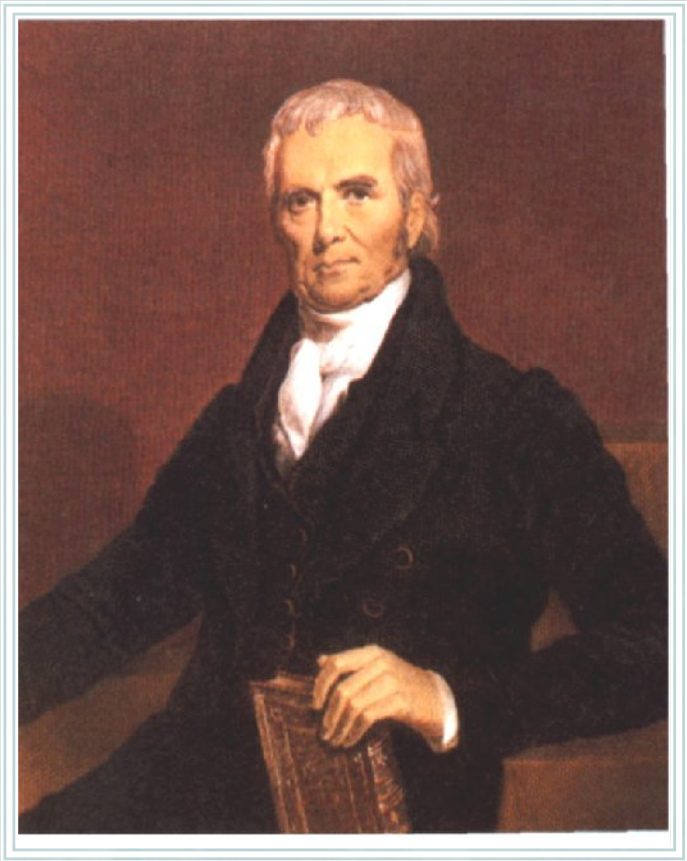


JOHN MARSHALL



- Born in Virginia, 1755
 - Served as an officer with General Washington during the Revolution
 - Attended College of William and Mary and became a practicing attorney.
 - 2nd cousin of Thomas Jefferson.
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- Marshall became a committed Federalist where his court decisions would reflect the need for a strong national government over the states.
 - *Dominated court for 34 years, long after Federalist party died out.*

JOHN MARSHALL



Evolves As A Federalist

1. US troops suffer at Valley Forge
 - Need a strong government to tax → A of C could not
2. Merchants refused to pay debts to British
 - Need strong to government to demand obedience → A of C could not

3. Shay's Rebellion “mobocracy”
 - Need a strong government to maintain order → A of C could not

Marshall Evolves As A Federalist

4. French Revolution

- Importance of US Government to maintain order

5. Controversial: Neutrality/Whiskey Rebellion

- Individuals should respect the office of the presidency even if one disagrees with decisions

6. XYZ Affair

- US Government needed to be powerful enough to command respect from other nations.

7. Kentucky/Virginia Resolutions

- States not the final authority over law but the Supreme Court

8. Appointed as Chief Justice

- Increase powers of Supreme Court and national government

9. Republicans took control of US Congress

- As chief justice, implements Federalist principles

MARSHALL'S DECISIONS

JUDICIAL AUTHORITY

Supreme Court has the power to declare a law unconstitutional with the principle of judicial review.

NATIONALISM

The National Government is over the states.

PROPERTY RIGHTS

Private property is sacred and contracts legal.

MARSHALL'S DECISIONS

- ***Marbury vs. Madison, 1803***
 - **Case**: William Marbury, a Federalist and a “midnight appointment” of President Adams, did not receive his commission from Sec. of State, James Madison. Marbury asked the SC to issue a “writ of mandamus” forcing Madison to deliver his commission.
 - **Decision/Reason**: Marshall dismissed suit, but in doing so struck down part of Judiciary Act of 1789 because SC had no authority to give Marbury his commission.
 - **Significance**: Established precedent of “judicial review” and the Supreme Court, not states had power to declare laws of Congress unconstitutional.

MARBURY VS MADISON

- Prior to this case, the Supreme Court had been the weakest of the three branches of government.
- Earlier, the belief was the states could nullify a law
- 1803, the Supreme Court established its role as the final arbiter (authority) of the meaning of the Constitution and its position of equality.
- By setting a precedent for judicial review or the Supreme Court can declare a law unconstitutional not the states or Congress.
- It also “sent the message” that the National Government is the last authority thus reinforcing Marshall’s belief in a strong central government over the states.

MARBURY VS MADISON

Chief Justice John Marshall stated,

- “The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it.
- If the former part of the alternative be true, then a legislative acting contrary to the constitution is now law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people to limit a power in its own nature illimitable.
- It is emphatically the province and duty of the judicial department to say what the law is*
- If, then, the courts are to regard the Constitution and the Constitution is superior to any ordinary act of the legislature, the Constitution and no such ordinary act, must govern the case to which they are both applicable”.

MARSHALL'S DECISIONS

- ***Fletcher v. Peck* (1810)**
 - **Case:** involved Georgia legislature → bribed, granted 35 million acres in the Yazoo River, Mississippi to private speculators. Next legislature cancelled transaction. Appealed to the Supreme Court.
 - **Decision/Reason:** SC concluded a state could not pass legislation invalidating a contract thus protecting property rights against popular pressures. State law cannot impair contracts → violates Constitution
 - **Significance:** Overturned a state decision because the legislative grant was a contract and national government is over the states.

MARSHALL'S DECISIONS

- ***Dartmouth College v. Woodward, 1819***
 - **Case**: Involved a law of New Hampshire that changed Dartmouth College from a privately chartered college into a public institution
 - **Decision/Reason**: SC struck down the state law as unconstitutional, arguing that a contract for a private corporation could not be altered by the state. Upheld the sanctity of contracts and private property.
 - **Significance**: Decision was important in assuring economic development and encouraging investment in corporations. In addition, it set a precedent for the Supreme Court's overturning acts of state legislatures and state courts.

MARSHALL'S DECISIONS

- ***McCulloch v. Maryland* (1819)**
 - **Case**: The state of Maryland tried to collect a tax from the Second Bank of the United States
 - **Decision/Reason**: Using a loose interpretation of the Constitution, Marshall ruled that the federal government had the **implied power** to create the bank (which was in question)
 - **Significance**: A state could not tax a federal institution because “the power to tax is the power to destroy” and that federal laws are supreme over state laws

MARSHALL'S DECISIONS

- ***Cohens v. Virginia (1821)***
 - **Case**: In VA, the Cohens were convicted of selling Washington, D.C. lottery tickets authorized by Congress
 - **Decision/Reason**: Marshall and the Court upheld the conviction. Case established the principle that the SC could review a state court's decision involving any of the powers of the federal government
 - **Significance**: Solidified the belief that the Supreme Court has the last and final say in law.

MARSHALL'S DECISIONS

- ***Gibbons v. Ogden* (1821)**
 - **Case**: NY state granted a monopoly to a steamboat company that conflicted with a charter authorized by Congress
 - **Decision/Reason**: Marshall ruled NY monopoly was unconstitutional, establishing the federal government's broad control of interstate commerce. Congress regulates commerce.
 - **Significance**: The decision secures the concept of a common market and prevents states from impeding (disrupting) commerce.

MARSHALL'S DECISIONS

JUDICIAL AUTHORITY

Marbury vs. Madison

NATIONALISM

McCulloch vs. Maryland

Gibbons vs. Ogden

Cohens vs. Virginia

PROPERTY RIGHTS

Dartmouth College vs. Woodward

Fletcher vs. Peck

Summary of Important Supreme Court Cases

- On website:

http://mrfarshtey.net/notes/court_cases.pdf