

## John Marshall's Court Decisions

John Marshall, a Federalist, served from 1801 through 1835 as Chief Justice of the United States Supreme Court. Born in a log cabin on the frontier, he was taught primarily by his father. He fought in many Revolutionary battles and served at Valley Forge, remarking that the Revolution made him "confirmed in the habit of considering America as my country and Congress as my government." Although he moved in aristocratic Federalist circles in Washington, Marshall was the most democratic of men. He liked to drink whiskey in taverns with ordinary country people, do his own marketing, and play quills and horseshoes with farmers. When not in his judicial robes, he wore dirty, shabby clothes, and even his casual cousin Jefferson considered his appearance unkempt. By establishing the precedent of judicial review, he increased the power of the Supreme Court and established the Judiciary as a more powerful branch of the federal government, able to check the constitutionality of executive and legislative decisions. Marshall's court also increased the power of the National Government at the expense of the states with decisions in many important cases.

### ***Marbury v. Madison, 1803***

#### Judicial Review

**Background:** During his last days in office, President John Adams, a Federalist, made 58 "**midnight appointments**" (through the **Judiciary Act of 1801**) of Federalist to fill government positions before Democrat-Republican, Thomas Jefferson became President. After Jefferson's Inauguration, the Judiciary Act of 1801 was immediately repealed by Republicans, causing Federalists to charge that their appointments were unconstitutionally deprived of their positions. To test the issue, William Marbury, one of the Federalist appointments, chosen to be justice of the peace for Washington D.C., and who never received his commission papers from James Madison (the new secretary of State and Democrat-Republican who refused to deliver them), sued Madison and applied to the Supreme Court for a writ of mandamus to force Madison to deliver the commission.

**Decision:** The Court found that Madison was wrong for withholding the papers but that Marbury would not receive his commission, as the Court did not have compelling power to force the delivery of the commission by the executive branch. Chief Justice John Marshall reasoned that Marbury's request for a writ of mandamus from the Supreme Court was invalid because the original **Judiciary Act of 1789** was unconstitutional in giving the Court the power to issue the writ to force the Executive Branch to act. As Madison was acting under the president's (the chief of the Executive Branch) orders, any attempt by the Court to issue a writ would violate the **Separation of Powers**. Marbury would have to seek redress through a lower court.

**Impact:** This case established the power of **judicial review**, the power of the Supreme Court to decide the constitutionality of all laws passed by congress. While recognizing the separation of powers,

### ***Fletcher v. Peck, 1810***

#### Contract Clause

**Background:** In 1796 the Georgia legislature attempted to repeal a huge grant of land corruptly made by the previous session of the legislature, the members of which had been bribed by land speculators.

**Decision:** The Court voided the rescission. It considered the land grant to be a contract and, although legislative acts might be repealed, rights vested under prior acts could not be impaired.

**Impact:** For the first time the Court declared a state law unconstitutional.

### ***Dartmouth College v. Woodward, 1819***

#### Contract Clause

**Background:** The State of New Hampshire passed a law changing Dartmouth College from a private institution to a public (state) institution without the consent of the Trustees.

**Decision:** The Supreme Court decided that, since Dartmouth's charter was a contract, and states may not pass laws "impairing obligations of contracts," New Hampshire's law was unconstitutional.

**Impact:** The Court expanded federal power by declaring a state law unconstitutional. It also aided business by recognizing that **business contracts were protected by the Contract Clause** of the Constitution.

### ***McCulloch v. Maryland, 1819***

#### Implied Powers

**Background:** The legislature of the state of Maryland placed a large tax on the **Second Bank of the United States**, located within the state, by requiring it to issue bank notes on costly, specially stamped paper, in hopes of crippling the bank. Many in the state believed that Congress had no constitutional right to create a national bank, relying on the 10th Amendment to support their views. James McCulloch, a bank official, refused to pay the tax to the state.

**Decision:** The Maryland tax on the Second Bank of the United States was unconstitutional. Marshall, speaking for the Court, stated that "the power to tax involves the power to destroy" and ruled, whenever a state law conflicts with a federal law, the federal law must be supreme.

**Impact:** Originally, Congress invoked the Elastic Clause to create the Bank of the United States; Therefore, the Court, by not allowing any state to tax the Bank of the United States, upheld the right of Congress to **interpret the Constitution loosely**, granting implied powers to the government, and reinforced the **Supremacy Clause** of the Constitution.

### ***Gibbons v. Ogden, 1824***

#### Scope of Commerce Power

**Background:** New York State granted Aaron Ogden a license to monopolize ferry service on all rivers and waterways in New York State. Thomas Gibbons had a federal license to operate steamboats between New Jersey and New York. Ogden sued Gibbons to regain the monopoly he had over all ferry service in New York State.

**Decision:** New York State's granting of a monopoly was invalid since the federal government's control over interstate commerce enables it to control transportation that is within a state if it also goes between states (along rivers, etc.).

**Impact:** The power over "**interstate commerce**" was loosely interpreted to include transportation through a state, increasing federal power. Future interstate transportation innovations would also fall under the government's regulating power.

**T/F and Short Answer:**

1. Marbury was given the federal position he had been denied by President Jefferson and the Democratic-Republicans.
2. What would forcing the issuance of the commission papers have violated?
3. *Marbury v. Madison* set the precedent that allowed the Supreme Court to declare federal laws unconstitutional.
4. What concept was established by *Marbury v. Madison*?

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5. In *Fletcher v. Peck*, the Supreme Court declared a state law unconstitutional.

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6. Dartmouth College was originally a private college.
7. Dartmouth's charter was not considered a contract by the Supreme Court.
8. *Dartmouth College v. Woodward* was an example of judicial review.
9. What was the impact of the case?

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10. McCulloch worked for the state of Maryland .
11. The tax was placed on the national bank to ruin the bank.
12. The Supreme Court affirmed the constitutionality of the tax, since taxing is a concurrent power granted to both the federal and state governments by the Constitution.
13. In its decision in *McCulloch v. Maryland*, what concept did the Supreme Court support?

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14. Ogden was given a monopoly by New York State to run a ferry service.
15. Gibbons won the decision handed down by the Supreme Court.
16. The Supreme Court claimed that interstate commerce, or trade, could also include transportation within states.
17. The decision in *Gibbons v. Ogden* allowed the government, in future years, to regulate what type of major transportation activity? (Provide an Example)

