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8.40 Analyze the role played by John Marshall in strengthening the central government, including the key decision of the Supreme Court - Marbury v. Madison, Gibbons v. Ogden and McCulloch v. Maryland

![John Marshall](image)

**A Federalist Stronghold: John Marshall’s Supreme Court**

(Pictured Above: United States Supreme Court Building)

From [www.laws.com](http://www.laws.com), read the summary of Marbury v. Madison

http://kids.laws.com/marbury-v-madison

**Story Time With Mr. Beat —— Marbury v. Madison**

*Marbury v. Madison* was one of the most important decisions in U.S. judicial history, because it legitimized the ability of the Supreme Court to judge the constitutionality of acts of the president or Congress.
The Democratic-Republican victory in the 1800 election began a long run of Republican political success. In spite of Federalists’ departure from most elective offices, they remained a powerful force in American life especially through their leading position among federal judges. In the final months of Adams’ administration he enlarged the federal judiciary and appointed many new judges.

In the view of Morris, a Federalist senator from New York, this created an independent judiciary necessary "to save the people from their most dangerous enemy, themselves."

In sharp contrast, Democratic-Republicans were appalled by the "MIDNIGHT APPOINTMENTS" that tried to continue Federalist influence despite their election loss. In Jefferson’s view, the Federalists "retired into the judiciary as a stronghold . . . and from that battery all the works of Republicanism are to be beaten down and destroyed." As in so many areas, the two political parties fundamentally disagreed.

The most influential of Adams’ final judicial appointments in 1801 was naming John Marshall as Chief Justice of the Supreme Court. He held that position until his death in 1835 and shaped the court’s decisions and dramatically raised its stature. He also defined the basic relationship of the judiciary to the rest of the federal government. His forceful actions as Chief Justice set the Supreme Court on a course it has continued to follow for the next two centuries. Marshall was guided by a strong commitment to judicial power and by a belief in the supremacy of national over state legislatures. His judicial vision was very much in keeping with the Federalist political program.

John Marshall’s earliest landmark decision as Chief Justice came in MARBURY V. MADISON (1803) and demonstrates his sophisticated leadership of the Court. The issue at stake was the validity of the Federalists’ last-minute EXPANSION OF THE JUDICIARY IN 1801, but Marshall used the case to make a much broader statement about the relationship between the distinct branches of the federal government.

When James Madison, Jefferson’s secretary of state, refused to deliver several commissions for new justices, they petitioned the Supreme Court to compel the executive to act. Marshall’s written decision on behalf of the unanimous Court found that the petitioners were entitled to their commissions, but refused to take the legal action that they wanted. Rather, the court declared that the JUDICIARY ACT OF 1789, which had given the court such power, was inconsistent with the Constitution and therefore invalid.

This 1808 engraving of John Marshall, one of the most powerful men in the history of the U.S. judicial system, was done 7 years into his nearly 35-year term as Chief Justice of the Supreme Court.

This was a complex decision. In the specific matter before the Court, the decision limited judicial power. However, the more fundamental issue that it decided was to insist on the court’s authority to declare an act of Congress void if found to be in conflict with the Constitution. As Marshall explained, "it is emphatically the province and duty of the judicial department to say what the law is." Since Marbury v. Madison the Supreme Court has been the final decision maker regarding the Constitutionality of Congressional legislation.
The MARSHALL COURT, and this decision in particular, established the principle of "judicial review" whereby Congressional laws and executive actions may be judged by the Supreme Court to be within the bounds of the Constitution. In keeping with John Marshall’s Federalist views, he generally favored strong government action and especially supported the supremacy of the federal government over state authorities.

**Marbury v. Madison, 1803**

John Adams was a Federalist and had lost the 1800 election; however, to keep his party’s influence in government, he appointed his supporters as judges and court officers. Here are the facts about the case:

- Adams appointed William Marbury as a federal judge on the last night of his presidency.
- Thomas Jefferson, the new president, ordered James Madison, Secretary of State, not to deliver the papers that would confirm the appointment to Marbury.
- William Marbury sued James Madison and the case made it to the Supreme Court.
- The Supreme Court ruled against Marbury. Chief Justice John Marshall ruled the Court did not have the power to make Madison give Marbury his papers.
- The Supreme Court argued that the part of the Judiciary Act of 1789 was an invalid law and the Supreme Court did not have the right to decide cases brought against federal officials.
- This overruling of a laws passed by Congress was called judicial review.
- Marshall’s decision strengthened the Constitution’s system of checks and balances by affirming an important power of the courts.

[Review of Marbury v. Madison from www.history.com](http://www.history.com/topics/marbury-v-madison)

**McCulloch v. Maryland, 1819**

At the time this court case took place, there were many states not in favor of the Bank of the U.S. Many believed it was unconstitutional. The bank of the U.S. was chartered by the federal government under the Necessary and Proper Clause of the Constitution. Here are the facts about the case:

- Maryland tried to impose a tax on the Second Bank of the United States in Baltimore.
- The bank cashier (James McCulloch) refused to pay the tax.
- Maryland sued McCulloch and the bank in order to receive payment of the taxes.
- The Supreme Court ruled in favor of McCulloch. Their reason was that the bank had been chartered by federal government and states had no right to interfere with federal institutions within their borders. If the tax was allowed then it would give Maryland power over the federal government.
- This decision was considered a broad interpretation of the Constitution.
McCulloch v. Maryland, 17 U.S. 316 (1819), was a landmark decision by the Supreme Court of the United States. The state of Maryland had attempted to impede operation of a branch of the Second Bank of the United States by imposing a tax on all notes of banks not chartered in Maryland. Though the law, by its language, was generally applicable to all banks not chartered in Maryland, the Second Bank of the United States was the only out-of-state bank then existing in Maryland, and the law was recognized in the court’s opinion as having specifically targeted the Bank of the United States. The Court invoked the Necessary and Proper Clause of the Constitution, which allowed the Federal government to pass laws not expressly provided for in the Constitution’s list of express powers, provided those laws are in useful furtherance of the express powers of Congress under the Constitution.

This case established two important principles in constitutional law. First, the Constitution grants to Congress implied powers for implementing the Constitution’s express powers, in order to create a functional national government. Second, state action may not impede valid constitutional exercises of power by the Federal government.

Gibbons v. Ogden, 1824

In this court case two steamboat operators, Aaron Ogden and Thomas Gibbons were fighting over shipping rights on the Hudson River in New York and New Jersey. Here are the facts about the case.

- The state of New York gave Aaron Ogden shipping rights to run his steamboat on the Hudson River between New York and New Jersey.
- Thomas Gibson began using the same route to run his steamboats.
- Ogden tried to get Gibson to use these routes.
- Gibbons sued Ogden.
- The U.S. Supreme Court ruled that the federal government could regulate trade between states (interstate commerce) and a state could regulate trade only within its own borders (intrastate commerce). The court also stated that New York allowing only Mr. Ogden to use the river was considered a monopoly.

Gibbons v. Ogden, (1824), was a landmark decision in which the Supreme Court of the United States held that the power to regulate interstate commerce, granted to Congress by the Commerce Clause of the United States Constitution, encompassed the power to regulate navigation. The case was argued by some of America’s most admired and capable attorneys at the time. Exiled Irish patriot Thomas Addis Emmet and Thomas J. Oakley argued for Ogden, while William Wirt and Daniel Webster argued for Gibbons.
The U.S. Supreme Court ruled in favor of Gibbons. The sole argued source of Congress’s power to promulgate the law at issue was the Commerce Clause. Accordingly, the Court had to answer whether the law regulated "commerce" that was "among the several states." With respect to "commerce," the Court held that commerce is more than mere traffic—that it is the trade of commodities—it is also intercourse. This broader definition includes navigation. The Court interpreted "among" as "intermingled with."

"If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several states is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

The part of the ruling which stated that any license granted under the federal Coasting act of 1793 takes precedence over any similar license granted by a state is also in the spirit of the Supremacy Clause, although the Court did not specifically cite this clause.

**FIGURE 1.6**

Gibbons vs. Ogden Explanation by Hip Hughes!!

https://www.youtube.com/watch?v=kKUpRFAi4vA