

ESSENTIAL MARSHALL COURT CASES:

Marbury v. Madison (1803)

Case—William Marbury, a Federalist, had received a "midnight appointment" as justice of the peace from John Adams as he left office. The new Republican president, Thomas Jefferson, instructed his secretary of state, James Madison, not to deliver the commission. When he did not receive his signed commission, Marbury asked the Supreme Court to issue a writ of mandamus directing Madison to deliver the commission.

Decision—The Supreme Court refused to issue a writ of mandamus, and, therefore, Marbury did not receive his commission.

Reason—The Constitution gives the Supreme Court both original and appellate jurisdiction. However, the Constitution lists the instances in which the Supreme Court has original, or first, jurisdiction. All other issues come before the Supreme Court on appeals from lower courts. Although the Judiciary Act of 1789 gave the Supreme Court the right to issue writs of mandamus, this constituted an unconstitutional grant of power since it gave the Supreme Court a new case of original jurisdiction. Therefore, the Supreme Court declared that portion of the Judiciary Act of 1789 unconstitutional and announced it had no authority to give Marbury a writ of mandamus.

Significance—Although the Supreme Court, which had a Federalist majority, denied Marbury, also a Federalist, his commission, the Court established a far more important principle. Prior to *Marbury v. Madison*, the Supreme Court had been the weakest of the three branches of government. By setting a precedent for judicial review, the Supreme Court established its role as final arbiter of the meaning of the Constitution and its position of equality with the other branches of government.

McCulloch v. Maryland (1819)

Case—Since the establishment of the Bank of the United States in 1791, Anti-Federalists, or Republicans, had argued that a national bank was unconstitutional since the Constitution did not specifically give Congress the authority to create such a bank. Federalist advocates of a strong national government had used the "elastic clause" to justify creation of the Bank. According to the preamble of the Bank charter, the Bank would aid the government in getting emergency loans, serve as a depository for tax funds, and produce advantages for trade and industry. The Bank of the United States had expired in 1811, but a second Bank of the United States was chartered in 1816. Several states that opposed the Bank put taxes or special restrictions on operations of the Bank within their states. When the cashier of the Bank of the United States in Maryland refused to pay a state tax on the Bank, Maryland brought suit against him. Maryland won a judgment against the Bank, but McCulloch, the cashier, appealed the decision to the Supreme Court.

Decision—John Marshall, in writing the majority decision of the Supreme Court, overturned the lower court's decision and declared the Maryland tax null and void.

Reason—The Court ruled that the Federal government has the authority to do what is necessary and proper to carry out the enumerated powers of Congress, and that included establishing the Bank of the United States. According to Marshall, "The power to tax is the power to destroy." A state cannot take any action that will destroy an agency properly established by the Federal government. Therefore, Maryland could not tax the Maryland branch of the Bank of the United States.

Significance—The decision sanctioned the Federal government's use of implied powers, established the supremacy of the national government over states, and paved the way for vast expansions of federal power in the future.

Dartmouth College v. Woodward (1819)

Case—Dartmouth College had been chartered in 1769 as a private school to train both missionaries and Native Americans in New Hampshire. The school had a self-perpetuating Board of Trustees. When the second president of the college alienated students, townspeople, and some of the trustees, Republican members of the Board, sought to have the state legislature convert the school to a state university and add a state-appointed board of overseers with control over instruction and the hiring of faculty members. Federalist members of the Board of Trustees argued that the school's charter was a contract and that the Federal Constitution forbade states from impairing the obligation of contracts. The Federalist trustees sued William H. Woodward, secretary-treasurer of the new state-created governing board, to recover college records, books, and the school's seal. When the Republican-dominated state court supported the contention that the state had the right to alter the school's charter, the Federalists asked Dartmouth graduate Daniel Webster to appeal their case before the Supreme Court.

Decision—The Supreme Court overturned the decision of the state court.

Reason—The charter granted to the trustees by the colonial government of New Hampshire was a valid contract that came within the meaning of Article 1, Section 10 of the United States Constitution. Therefore, the state had no right to impair the obligation of the contract without the consent of both the state and the college.

Significance—The decision upheld the sanctity of contracts and of private property. This decision was important in assuring economic development and encouraging investment in new corporations. In addition, it set a precedent for the Supreme Court's overturning acts of state legislatures and state courts.

Gibbons v. Ogden (1824)

Case—In order to encourage the development of the steamboat, New York had granted Robert Fulton a long-term monopoly of steam navigation on the waters of the state. Previously Congress had required all vessels navigating coastal and interstate waters of the United States to obtain federal coastal licenses. In this case Gibbons sued Ogden who, as a licensee of Fulton, had a monopoly of New York waterways granted by the state of New York.

Decision—The Supreme Court under John Marshall ruled that the monopoly granted Ogden by the state of New York was unconstitutional.

Reason—Article III of the Constitution grants regulation of interstate commerce to Congress. Congress had exercised those powers in the Federal Coasting Act, and the New York act creating a monopoly conflicted with the Federal act and the Constitution of the United States. Therefore, the monopoly was unconstitutional and, therefore, void.

Significance—The power to regulate interstate commerce rests with the Federal government. The decision secures the concept of a common market and prevents states from impeding commerce.

SIGNIFICANCE OF MARSHALL COURT :

John Marshall established the power of the Supreme Court as final arbiter of the meaning of the Constitution, set a precedent for the Court's use of judicial review and, in many cases, increased the power of the national government at the expense of state and local governments. His actions were especially significant in that they came during a period when Federalists controlled only one branch of the Federal government.

MARSHALL, JOHN

(1755–1835), chief justice of the U.S. Supreme Court. Marshall, who had almost no formal schooling and studied law for only six weeks, nevertheless remains the only judge in American history whose distinction as a statesman derived almost entirely from his judicial career. Combat experience during the Revolution helped him develop a continental viewpoint. After admission to the bar in 1780, he entered the Virginia assembly and rose rapidly in state politics. He had good looks, a charismatic personality, and a debater's gifts. A Federalist in politics, he championed the Constitution in his state's ratification convention. Following a diplomatic mission to France, he won election to Congress, where he supported President John Adams. Adams appointed him secretary of state and in 1801 chief justice, a position he held until death.

John Jay, the first chief justice, who had resigned, described the Court as lacking "weight" and "respect." After Marshall no one could make that complaint. In 1801 he and his colleagues had to meet in a tiny room in the basement of the Capitol because the planners of Washington, D.C., had forgotten to provide space for the Supreme Court. Marshall made the Court a prestigious, coordinate branch of the government. In 1824 Senator Martin Van Buren, a political enemy, conceded that the Court attracted "idolatry" and its chief was admired "as the ablest Judge now sitting upon any judicial bench in the world."

During Marshall's thirty-four years as chief justice, he gave content to the Constitution's omissions, clarified its ambiguities, and added breathtaking sweep to the powers it conferred. He set the Court on a course for "ages to come"

that would make the U.S. government supreme in the federal system and the Court the Constitution's expositor. He acted as if he were the enduring Framer whose constituency was the nation; he knew the true meaning of the Constitution and he meant it to prevail; he made his position a judicial pulpit to foster the Union of his dreams and to compete, if possible, with the political branches in shaping public opinion and national policy.

Marshall's judicial energies were as indefatigable as his vision was broad. Although he cast but a single vote and was eventually surrounded by colleagues appointed by a party he deplored, he dominated the Court as no one has since. He scrapped seriatim opinions in favor of a single "opinion of the Court" and during his long tenure wrote nearly half the Court's opinions in all fields of law and two-thirds of those involving constitutional questions. He exercised judicial review, firmly over state statutes and state courts, prudently over acts of Congress. *Marbury v. Madison* (1803) remains the fundamental case. Marshall read principles of vested rights into the contract clause and expanded the Court's jurisdiction. Notwithstanding judicial rhetoric conjuring up the bugles of Valley Forge, his judicial nationalism, which was real enough and helped emancipate American commerce in *Gibbons v. Ogden* (1824), sometimes constituted a guise to block regulatory state legislation that limited property rights. He linked the Constitution with national supremacy, capitalism, and judicial review.