Marbury v. Madison / Chief Justice John Marshall's Legacy

Throughout history many people have left a legacy, or something for which they will be remembered. For instance, Dr. Martin Luther King, Jr. is known for his leadership in the civil rights movement. John Marshall is remembered for the landmark decisions he made while chief justice of the United States—decisions that have shaped the country in important and historic ways. Many of those key decisions are summarized below.

Directions:

Referring to one or more of the cases below as evidence, create a poster or brief slide presentation using words or images to summarize one of the following:

- Chief Justice Marshall's key ideas about how power should be balanced between states and the national government.
- Chief Justice Marshall's ideas about how powerful the Supreme Court ought to be.
- Chief Justice Marshall's view of the power of the Constitution.

Then, evaluate Chief Justice Marshall's legacy. In what ways, if any, do you think Marshall's decisions have influenced history? Are they relevant today? Explain your opinions.

Your poster or presentation should be visually appealing, and the messages should be clear and organized.

Marbury v. Madison (1803)

At the end of his term, President John Adams appointed William Marbury as justice of the peace for the District of Columbia. The secretary of state, John Marshall (the same person who later became chief justice) failed to deliver the commission to Marbury and left that task to the new secretary of state, James Madison. Upon his inauguration, President Thomas Jefferson (a political enemy of President Adams), told Madison not to deliver the commissions because he did not want supporters of Adams working in his new government. Marbury filed suit and asked the Supreme Court to issue a writ of mandamus, or a court order that would require Madison to deliver the commission to Marbury.

Chief Justice Marshall wrote the opinion in the case. He said that while Marbury was entitled to the commission, the Supreme Court did not have the power to force Madison to deliver the commission. He reasoned that the Judiciary Act of 1789, the act written by Congress that authorized the Supreme Court the to issue such writs, conflicted with Constitution and was, therefore, unconstitutional. He said that when ordinary laws conflict with the constitution, they must be struck down or made "null and void." This is called judicial review. In effect, he wrote that the Constitution is the supreme law of the land and the courts—especially the Supreme Court of the United States—are the ultimate "deciders" of what is constitutional.

Through this decision, Marshall established the judicial branch as an equal partner with the executive and legislative branches of the government.

McCulloch v. Maryland (1819)

In the early years of the United States, there was disagreement about whether the national government had the power to create a national bank. The first president, who believed in a strong national government, created a national bank. The third president, who believed states should have more power, closed the bank. The fourth president opened a new national bank in 1816.

Many state banks did not like the competition and the conservative practices of the national bank. As a way to restrict the national bank's operations or force the branches to close, the state of Maryland imposed a huge tax on the national bank. After the bank refused to pay the tax, the case went to court. Maryland argued that the federal government did not have the authority to establish a bank, because that power was not specifically delegated to them in the Constitution.

The U.S. Supreme Court reached a unanimous decision that upheld the authority of Congress to establish a national bank. In the opinion, Chief Justice John Marshall conceded that the Constitution does not explicitly grant Congress the right to establish a national bank, but noted that the Necessary and Proper Clause of the Constitution gives Congress the authority to do that which is required to exercise its enumerated powers. Thus, the Court affirmed the existence of implied powers.

On the issue of the authority of Maryland to tax the national bank, the Court also ruled in the bank's favor. The Court found that "the power to tax involves the power to destroy…. If the states may tax one instrument [of the Federal Government] they may tax any and every other instrument … the mail … the mint … patent rights … judicial process? This was not intended by the American people." Furthermore, he said, "The Constitution and the laws made in pursuance thereof are supreme; they control the Constitution and laws of the respective states and cannot be controlled by them."

Cohens v. Virginia (1821)

The Cohen brothers sold Washington, DC, lottery tickets in Virginia, which was a violation of Virginia state law. They argued that it was legal because the U.S. Congress had enacted a statute that allowed the lottery to be established. When the brothers were convicted and fined in a Virginia court, they appealed the decision. In determining the outcome, the Supreme Court of

Virginia said that in disputes that involved the national and state government, the state had the final say. The Cohens appealed to the U.S. Supreme Court.

The U.S. Supreme Court upheld the conviction, saying that the lottery was a local matter and that the Virginia court was correct in allowing the Cohens to be fined.

However, the most important part of this decision is what Chief Justice Marshall and the Supreme Court had to say about which court has the final say in disputes between states and the national government. The Supreme Court said it had the right to review state criminal proceedings. In fact, the Court said that it was required to hear cases that involved constitutional questions, including those cases when a state or a state law is at the center of the case.

Gibbons v. Ogden (1824)

Aaron Ogden held a license to operate a steamboat on the well-traveled route between New York and New Jersey. The state of New York gave him the license as a part of a monopoly granted to Robert Livingston and Robert Fulton. The route was so successful financially that competitors wanted to be able to operate there, too. When competitors could not get a license from New York, they got licenses from the U.S. Congress.

Thomas Gibbons held such a license from Congress. At issue in this case is whether New York's monopoly over steamboat passage in the waters between New York and New Jersey conflicted with Congress' constitutional power to regulate interstate commerce.

Ogden argued that the New York monopoly was not in conflict with Congress' regulation of commerce because the boats only carried passengers between the states and were not really engaged in commerce. The Supreme Court disagreed. Chief Justice Marshall, who wrote the decision, ruled that the Constitution gives Congress power to regulate commerce among several states. He said that commerce was not just about exchanging products. In his opinion, commerce could include the movement of people, navigation, as well as the exchange of products, ideas, and communication. Since the (national) Congress could regulate all of these types of interstate commerce, the New York monopoly was illegal.

