

Module 3: Building a Government - The 1780s
Topic 4 Content: Marshall's Impact on the Supreme Court Notes

Introduction

Marshall's Impact on the Supreme Court

Marbury v. Madison

McCulloch v. Maryland

Gibbons v. Ogden

Make a selection from the menu on the left.

Chief Justice John Marshall's leadership on the Supreme Court helped establish it as a vital branch of the national government. In this interactivity, learn how the cases *Marbury v. Madison*, *McCulloch v. Maryland*, and *Gibbons v. Ogden* impacted American government. Make a selection from the menu on the left to begin.

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Marbury v. Madison

Marbury v. Madison

Chief Justice John Marshall ruled the Judiciary Act was unconstitutional. Marshall refused to grant Marbury's request and the practice of judicial review was established.

Marbury v. Madison

McCulloch v. Maryland

Gibbons v. Ogden

The infographic features a central portrait of Chief Justice John Marshall. To the left of the portrait are three dark grey boxes containing the names of Supreme Court cases: *Marbury v. Madison*, *McCulloch v. Maryland*, and *Gibbons v. Ogden*. The main title *Marbury v. Madison* is at the top, and a paragraph of text is to the right of the portrait.

As Chief Justice, Virginian John Marshall's most famous landmark decision was in the case of *Marbury v. Madison* in 1803. This was the case that established the practice of judicial review, or the Supreme Court's ability to declare acts of legislature as unconstitutional.

In 1801, Congress passed the Judiciary Act. This new legislation provided for 16 additional federal judgeships, and was staunchly supported by outgoing president, John Adams. On his last day of office, President Adams signed the necessary documents to appoint several Federalists to these newly created positions. It was the responsibility of James Madison, the Secretary of State for President-elect Thomas Jefferson, to deliver the papers to the appointees. William Marbury was slated to receive an appointment from President Adams; however his official appointment papers were never delivered to him by Madison. When newly elected President Jefferson failed to honor the appointment, Marbury petitioned the Supreme Court to compel Madison to deliver his appointment papers. Marbury argued that the Judiciary Act of 1789 gave the Supreme Court the right to force Madison to deliver the papers.

Chief Justice Marshall and his fellow justices ruled that the Judiciary Act was unconstitutional. They deduced that the Supreme Court only had those powers granted to it by the Constitution. The Judiciary Act attempted to extend the Supreme Court's powers, without properly amending the Constitution. Because the Judiciary Act was ruled unconstitutional, Marshall refused to grant Marbury's request. With this ruling, the practice of judicial review was firmly established.

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McCulloch v. Maryland

McCulloch v. Maryland

Chief Justice John Marshall ruled in favor of McCulloch. He agreed that the allowing Maryland to impose a tax on the bank interfered with Congress' power to regulate currency.

Marbury v. Madison

McCulloch v. Maryland

Gibbons v. Ogden

Supreme Court case *McCulloch v. Maryland* brought attention to the implied powers of United States Government. Implied powers are powers that belong to the national government, but are not explicitly stated in the Constitution. Under Article I Section 8 of the Constitution, Congress has the power "To make all Laws which shall be necessary and proper for carrying into Execution all Powers vested by this Constitution." What this means is that Congress must have the power to enforce laws not directly stated, in order to carry out those powers expressed in the Constitution. This is often referred to as The Necessary and Proper Clause; it establishes the implied powers of Congress. An example of an implied power is the power to set a minimum wage. The idea of a minimum wage is not directly stated anywhere within the Constitution; however the power to regulate commerce and currency is clearly stated.

In 1816, Congress chartered the Second Bank of the United States, to receive deposits of federal funds and manage the currency that had been previously issued by the states. James McCulloch was a cashier at the branch of the bank located in Maryland. In 1818, Maryland legislature imposed a heavy tax on all banks that had been chartered outside of the state. The Second Bank of the United States was the only bank not chartered in Maryland. McCulloch refused to pay the tax, citing that it was unconstitutional. The state of Maryland filed, and won, a lawsuit against McCulloch to collect the debt. McCulloch petitioned the Supreme Court to review the case.

Chief Justice Marshall led the Supreme Court in ruling in favor of McCulloch, agreeing that the tax was unconstitutional. Congress has an implied power to charter a national bank in order to regulate currency. Allowing Maryland to impose a tax on the bank would interfere with the powers of the national government. The ruling reaffirmed the implied powers of Congress.

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Gibbons v. Ogden

Gibbons v. Ogden

Chief Justice John Marshall ruled in favor of Gibbons. Congress is given power to regulate interstate commerce.

Marbury v. Madison

McCulloch v. Maryland

Gibbons v. Ogden

In 1808, New York legislature issued a charter to Robert Livingston and Robert Fulton giving them the exclusive right to run steamboats on rivers in the state. The charter created a monopoly for Livingston and Fulton, who then began earning significant profits by charging steamboat operators for permits to run along various portions of the rivers. Aaron Ogden purchased one of these permits to operate along a stretch of river between New York and New Jersey. He believed that he was operating exclusively in this region, until he noticed Thomas Gibbons running a steamboat in the same area. Gibbons refused to leave, stating that federal law protected his right to operate in the region. Ogden filed a lawsuit against Gibbons, hoping to legally force him to vacate this portion of the river.

When the case reached the Supreme Court in 1824, Chief Justice Marshall and his fellow justices ruled in favor of Gibbons. In Article I Section 8 of the Constitution, Congress is given the power to regulate interstate commerce. The State of New York did not have the authority to grant a charter involving commerce that crossed state lines. The ruling reinforced the federal government's exclusive power to regulate interstate trade.