

MARSHALL COURT

SCOTUS Chief
Justice John
Marshall - Federalist

Working in small
groups, you will
analyze Marshall
Court decisions.

Go to oyez.org

Prepare to share
findings with class

Case Name	Background Details	Constitutional Issue	Court's Decision	Significance of the Decision
Marbury v. Madison (1803)	Marbury – midnight judge – sued for his commission as a judge	Did the SC have the power to force the executive branch to carry out a law?	Article 13 of Judiciary Act of 1893 is not constitutional – SC can NOT force	SCOTUS used its power of judicial review for the first time
Fletcher v. Peck (1810)				
McCulloch v. Maryland (1819)				
Dartmouth College v. Woodard (1819)				
Cohens v. Virginia (1821)				
Gibbons v. Ogden (1824)				
Worcester v. Georgia (1832)				

MARSHALL COURT

- Federalist
- Expand power of Federal (national) government

Strengthen Supreme Court

Marbury v. Madison: Judicial Review

Cohens v Virginia: Judicial review over
states

MARSHALL COURT

- Federalist
- Expand power of Federal (national) government

Strengthen Congress

McCullough v. Maryland: National bank is constitutional via “implied powers.” “The power to Tax is the power to Destroy”

Gibbons v. Ogden: Interstate commerce is sole domain of federal government

MARSHALL COURT

- Federalist
- Weakening the States
 - Fletcher v. Peck: federal supremacy & contracts must be upheld (first state law struck down via judicial review)
 - Dartmouth v. Woodward – states can't impair contracts
 - Martin v. Mott – states don't control their own militia

MARSHALL COURT

- Native Americans
- **Johnson v. McIntosh (1823, Marshall)**. Established that Indian tribes had rights to tribal lands that preceded all other American law; only the federal government could take land from the tribes.
- **Cherokee Nation v. Georgia (1831, Marshall)**. "The conditions of the Indians in relation to the United States is perhaps unlike that of any two people in existence," Chief Justice John Marshall wrote, "their relation to the United States resembles that of a ward to his guardian. . . (they were a) domestic dependent nation." Established a "trust relationship" with the tribes directly under federal authority.
- **Worcester v. Georgia (1832, Marshall)**. Established tribal autonomy within their boundaries, i.e. the tribes were "distinct political communities, having territorial boundaries within which their authority is exclusive."

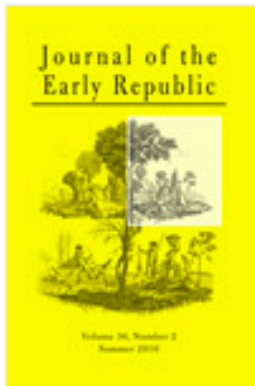
IMPEACHING SCOTUS

- You CAN impeach SCOTUS justices
- It's happened!
- Jeffersonian precedent in lower courts

Judge Pickering's impeachment revealed the lengths to which the Jeffersonians were willing to go in order to secure their objectives. "This business of *amending* the constitution is found to be a tedious process—the good work of *reform* cannot be delayed," William Plumer remarked sarcastically. "The president & his Cabinet agree that impeachment conviction & removal from office is necessary—A triumphant majority in each House are devoted to their views & will carry them into effect." Plumer's belief that "the destruction of the independence of the judicial department, has been an object on which Mr. Jefferson has been long resolved" was shared by most, if not all, New England Federalists. Now it seemed as if "conviction & punishment will follow the accusation as certainly as it did in Revolutionary France." Timothy Pickering had certainly seen enough in these few months to convince him that this would indeed be the case. "Let this party progress in the course they have rapidly traveled for two years past," he declared, "and . . . I shall not be surprized; if I live so long to see bloody victims of their ambition, inexorable malice and revenge."³⁷

IMPEACHING SCOTUS

- Remember Marbury v. Madison
- Jefferson leads impeachment of Samuel Chase
- Failure!
- Impact?
- The SCOTUS is & has always been political
 - See also: Dred Scott, Lochner, Bush v. Gore



JOURNAL ARTICLE

Escaping "Mr. Jefferson's Plan of Destruction": New England Federalists and the Idea of a Northern Confederacy, 1803-1804

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Journal of the Early Republic

Vol. 21, No. 3 (Autumn, 2001), pp. 413-443