Born in Virginia, 1755
Served as an officer with General Washington during the Revolution
Attended College of William and Mary and became a practicing attorney.
2nd cousin of Thomas Jefferson.

Marshall became a committed Federalist where his court decisions would reflect the need for a strong national government over the states.
Chief Justice 1801-1835 (Keeps Federalists ideals alive long after party is dead.)
JOHN MARSHALL

Evolves As A Federalist

1. US troops suffer at Valley Forge
   • Need a strong govt. to tax which AOC could not

2. Merchants refused to pay debts to British
   • Need strong to govt. to demand obedience AOC could not

3. Shay’s Rebellion “mobocracy”
   • Need a strong govt. to maintain order AOC could not
Marshall Evolves As A Federalist

4. French Revolution
   • Importance of US Govt to maintain order

5. Controversial: Neutrality/Whiskey Rebellion
   • Individuals should respect the office of the presidency even if one disagrees with decisions

6. XYZ Affair
   • US Govt needed to be powerful enough to command respect from other nations.

7. Kentucky/Virginia Resolutions
   • States not the final authority over law but SC

8. Appointed as Chief Justice
   • Increase powers of SC and national govt.

9. Republicans took control of US Congress.
   • As chief justice, implements Federalist principles.
JUDICIAL AUTHORITY
Supreme Court has the power to declare a law unconstitutional with the principle of judicial review.

NATIONAL SUPREMACY
The National Government is over the states.

PROPERTY RIGHTS
Private property is sacred and contracts legal.
Marbury vs. Madison, 1803

- **Case:** William Marbury, a Federalist and a “midnight appointment” of President Adams, did not receive his commission from Sec. of State, James Madison. Marbury asked the SC to issue a “writ of mandamus” forcing Madison to deliver his commission.

- **Decision/Reason:** Marshall dismissed suit, but in doing so struck down part of Judiciary Act of 1789 because SC had no authority to give Marbury his commission.

- **Significance:** Established precedent of “judicial review” and the Supreme Court, not states had power to declare laws of Congress unconstitutional.
Prior to this case, the Supreme Court had been the weakest of the three branches of government.

Earlier, the belief was the states could nullify a law.

1803, the Supreme Court established its role as the final arbitrator (authority) of the meaning of the Constitution and its position of equality.

By setting a precedent for judicial review or the Supreme Court can declare a law unconstitutional not the states or Congress.

It also “sent the message” that the National Government is the last authority thus reinforcing Marshall’s belief in a strong central government over the states.
Fletcher v. Peck (1810)

- **Case**: involved Georgia legislature, bribed, granted 35 million acres in the Yazoo River, Mississippi to private speculators. Next legislature cancelled transaction. Appealed to the Supreme Court.

- **Decision/Reason**: SC concluded a state could not pass legislation invalidating a contract thus protecting property rights against popular pressures. State law cannot impair contracts violates Constitution.

- **Significance**: Overturned a state decision because the legislative grant was a contract and national govt. is over the states.
Case: The state of MD tried to collect a tax from the Second Bank of the United States

Decision/Reason: Using a loose interpretation of the Constitution, Marshall ruled that the federal government had the implied power to create the bank (which was in question)

Significance: A state could not tax a federal institution because “the power to tax is the power to destroy” and that federal laws are supreme over state laws
Dartmouth College v. Woodward, 1819

- **Case**: Involved a law of NH that changed Dartmouth College from a privately chartered college into a public institution.

- **Decision/Reason**: SC struck down the state law as unconstitutional, arguing that a contract for a private corporation could not be altered by the state. Upheld the sanctity of contracts and private property.

- **Significance**: Decision was important in assuring economic development and encouraging investment in corporations. In addition, it set a precedent for the Supreme Court’s overturning acts of state legislatures and state courts.
MARSHALL'S DECISIONS

• **Cohens v. Virginia (1821)**

  - **Case:** In VA, the Cohens were convicted of selling Washington, D.C. lottery tickets authorized by Congress.

  - **Decision/Reason:** Marshall and the Court upheld the conviction. Case established the principle that the SC could review a state court’s decision involving any of the powers of the federal government.

  - **Significance:** Solidified the belief that the Supreme Court has the last and final say in law.
Gibbons v. Ogden (1821)

- **Case**: NY state granted a monopoly to a steamboat company that conflicted with a charter authorized by Congress.

- **Decision/Reason**: Marshall ruled NY monopoly was unconstitutional, establishing the federal govt’s broad control of interstate commerce. Congress regulates commerce.

- **Significance**: The decision secures the concept of a common market and prevents states from impeding (disrupting) commerce.
MARSHALL’S DECISIONS

JUDICIAL AUTHORITY
Marbury vs. Madison

NATIONAL SUPREMACY
McCulloch vs. Maryland
Gibbons vs. Ogden
Cohens vs. Virginia

PROPERTY RIGHTS
Dartmouth College vs. Woodward
Fletcher vs. Peck
III. The War of 1812 and the Transformation of Politics

C. The Federalist Legacy
   1. The Diplomacy of John Quincy Adams

   - Son of John Adams
   - World Traveler and European background
   - Helps negotiate Treaty of Ghent
   - Serves two terms as Secretary of State under Monroe
III. The War of 1812 and the Transformation of Politics

C. The Federalist Legacy

1. The Diplomacy of John Quincy Adams

- Rush-Bagot Treaty (ships on GL)
- Canadian Border along 49th P
- Adams-Onis Treaty = Gets America Florida
III. The War of 1812 and the Transformation of Politics

C. The Federalist Legacy

2. Monroe Doctrine

- Adams is the architect (not getting caught in middle)

   A) Americas not open for Colonization
      B) No more intervention by European Nations

   3) We promised to not interfere with Europe
      - We couldn’t really enforce this but oh well………. 