



The Marshall Court 1801-1835

Major Goals

- Increase the powers of the National Government
- Diminish the powers of the states
- Perpetuate the Federalist principle of centralization
- Property rights of the individual need to be protected from government interference

Cases Expanding the authority of the Supreme Court

- Marbury vs. Madison – Judicial Review
- Martin vs. Hunter's Lease – Court's right to overrule a state court
- Cohens s. Virginia – State courts must submit to federal jurisdiction
- Cherokee vs. Georgia & Worchester vs. Georgia – should have worked, but Jackson refuses to act on their decision

Cases expanding the powers of Congress

- McCullough vs. Maryland – Charter a bank, states cannot tax federal government. Necessary & Proper set up Elastic Clause
- Gibbons vs. Ogden – control interstate commerce

Cases weakening the authority of States

- Fletcher vs. Peck – state laws invalid when they conflict with Constitution
- Dartmouth vs. Woodward – protected private charter from state takeover
- Martin vs. Mott – denied states the right to withhold militia from service

Legacy of the Marshall Court

- Established the primacy of the federal government over states in exercising control of the economy
- Opened the way for an increased federal role in promoting economic growth
- Affirmed protection for corporations and other private institutions from local interference. Allows for the growth of the new industrial capitalist economy

Task

- Read your case
- Identify the following
 - Date of case
 - Issue (Story behind the case)
 - Constitutional Issue
 - Outcome
- Share with Class (quickly & to the point!)
- If your case is after Marshall left the bench, does the outcome seem to differ from earlier decisions?
- Who was appointed to replace Marshall AND who appointed him? HINT – Marshall retired in 1835