

## **John Marshall – Key Supreme Court Cases and Decisions**

**8 teams will compete in a Round-Robyn competition to present their assigned Supreme Court case and prove why their case is the most important case from this era.**

**In your case presentations you need to include:**

- 1. The facts of the case: Who, What, When, Where, Why**
- 2. What is the question to be decided?**
- 3. What was the decision?**
- 4. What was the impact and implications of the decision?**

## **MARBURY V. MADISON**

In *Marbury v. Madison* (1803) the Supreme Court announced for the first time the principle that a court may declare an act of Congress void if it is inconsistent with the Constitution. William Marbury had been appointed a justice of the peace for the District of Columbia in the final hours of the Adams administration. When James Madison, Thomas Jefferson's secretary of state, refused to deliver Marbury's commission, Marbury, joined by three other similarly situated appointees, petitioned for a writ of mandamus compelling delivery of the commissions.

Chief Justice John Marshall, writing for a unanimous Court, denied the petition and refused to issue the writ. Although he found that the petitioners were entitled to their commissions, he held that the Constitution did not give the Supreme Court the power to issue writs of mandamus. Section 13 of the Judiciary Act of 1789 provided that such writs might be issued, but that section of the act was inconsistent with the Constitution and therefore invalid.

Although the immediate effect of the decision was to deny power to the Court, its long-run effect has been to increase the Court's power by establishing the rule that 'it is emphatically the province and duty of the judicial department to say what the law is.' Since *Marbury v. Madison* the Supreme Court has been the final arbiter of the constitutionality of congressional legislation.

## **Fletcher v Peck**

1795, the Georgia state legislature passed a land grant awarding territory to four companies. The following year, however, the legislature voided the law and declared all rights and claims under it to be invalid. In 1800, John Peck acquired land that was part of the original legislative grant. He then sold the land to Robert Fletcher three years later, claiming that past sales of the land had been legitimate. Fletcher argued that since the original sale of the land had been declared invalid, Peck had no legal right to sell the land and thus committed a breach of contract.

In a unanimous opinion, the Court held that since the estate had been legally "passed into the hands of a purchaser for a valuable consideration," the Georgia legislature could not take away the land or invalidate the contract. Noting that the Constitution did not permit bills of attainder or ex post facto laws, the Court held that laws annulling contracts or grants made by previous legislative acts were constitutionally impermissible.

## **Dartmouth College v Woodward**

### **The Issue**

Under the Constitution, can a state legislature change the charter of a college?

### **What's at Stake?**

Whether Dartmouth College would remain private or become a state school. More broadly, what is protected by the Constitution's "contract" clause?

### **Facts and Background**

In 1769 the King of England granted a charter to Dartmouth College. This document spelled out the purpose of the school, set up the structure to govern it, and gave land to the college. In 1816, the state legislature of New Hampshire passed laws that revised the charter. These laws changed the school from private to public. They changed the duties of the trustees. They changed how the trustees were selected.

The existing trustees filed suit. They claimed that the legislature violated the Constitution. They said that Article 1, Section 10, of the Constitution prevented a state from "impairing" (that is, weakening or canceling) a contract.

### **The Decision**

By a 5-1 margin, the Court agreed with Dartmouth. The Court struck down the law, so Dartmouth continued as a private college. Chief Justice Marshall wrote the majority opinion. He said that the charter was, in essence, a contract between the King and the trustees. Even though we were no longer a royal colony, the contract is still valid because the Constitution says that a state cannot pass laws to impair a contract.

### **The Impact of the Decision**

Historians believe that the decision greatly encouraged business investment and growth. Corporations are also chartered by states. If states can't pass laws to impair those charters, then businesses are more secure. They are also more apt to attract investors, employ workers, and to add to the national prosperity.

## **McCulloch v Maryland**

### **Facts of the case**

In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax.



## Question

1. Did Congress have the authority to establish the bank?
2. Did the Maryland law unconstitutionally interfere with congressional powers?

In a unanimous decision, the Court held that Congress had the power to incorporate the bank and that Maryland could not tax instruments of the national government employed in the execution of constitutional powers. Writing for the Court, Chief Justice Marshall noted that Congress possessed unremunerated powers not explicitly outlined in the Constitution. Marshall also held that while the states retained the power of taxation, "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."

## Cohen's v Virginia

### Facts of the case

An act of Congress authorized the operation of a lottery in the District of Columbia. The Cohen brothers proceeded to sell D.C. lottery tickets in the state of Virginia, violating state law. State authorities tried and convicted the Cohens, and then declared themselves to be the final arbiters of disputes between the states and the national government.

### Question

Did the Supreme Court have the power under the Constitution to review the Virginia Supreme Court's ruling?

In a unanimous decision, the Court held that the Supreme Court had jurisdiction to review state criminal proceedings. Chief Justice Marshall wrote that the Court was bound to hear all cases that involved constitutional questions, and that this jurisdiction was not dependent on the identity of the parties in the cases. Marshall argued that state laws and constitutions, when repugnant to the Constitution and federal laws, were "absolutely void." After establishing the Court's jurisdiction, Marshall declared the lottery ordinance a local matter and concluded that the Virginia court was correct to fine the Cohens brothers for violating Virginia law.

## **Gibbons v Ogden**

The Gibbons v. Ogden trial of 1824 was an important decision where the Supreme Court ruled that the Commerce Clause of the Constitution granted the Congress the power to regulate interstate commerce, including navigation of interstate seaways. The trial started when Thomas Gibbons, a steamboat owner, opposed the extensive fees required to navigate his steamboats in the waters of New Jersey and New York.

Despite having a federal coastal license, Gibbons had to pay substantial fees to operate his business. Gibbons tried challenging the law, but the New York courts continually ruled out of his favor, granting a monopoly license to Aaron Ogden.

When the case reached the Supreme Court, it unanimously ruled that New York's licensing requirements opposed the regulation of coastal trade. In the majority opinion, then-Chief Justice John Marshall developed the first clear definition of the term "commerce," asserting that it included interstate waterways, where Gibbons operated his business.

While Marshall asserted that the Commerce Clause was a right afforded specifically to Congress, Justice William Johnson, who wrote a concurring opinion, had a stronger interpretation. Johnson stated that Congress had the sole power of interstate commerce, thereby negating state laws that conflicted with the decisions of Congress over interstate commerce.

The Gibbons v. Ogden case set important legal precedents, concerning the powers afforded to the government by the Commerce Clause of the Constitution. However, the case would soon be undermined by later decisions, such as the United States v. E. C. Knight, which would limit federal authority over the Interstate Commerce Clause. In the 1930s, the Court changed its opinion again and granted even more power to the federal government than was outlined in Gibbons v. Ogden, stating that the government could control a state's commerce, if deemed necessary.

## **Cherokee Nation v Georgia and Worcester v Georgia**

In the cases Cherokee Nation v. Georgia (1831) and Worcester v. Georgia (1832), the U.S. Supreme Court considered its powers to enforce the rights of Native American "nations" against the states. In Cherokee Nation, the Court ruled that it lacked jurisdiction (the power to hear a case) to review claims of an Indian nation within the United States. In Worcester, the Court ruled that only the United States, and not the individual states, had power to regulate or deal with the Indian nations.

In 1828, the state of Georgia passed a series of laws stripping local Cherokee Indians of their rights. The laws also authorized Cherokee removal from lands sought after by the state. In defense, the Cherokee cited treaties that they had negotiated, as an independent "nation," with the United States, guaranteeing the Cherokee nation both the land and independence. After failed negotiations with President Andrew Jackson and Congress, the Cherokee, under the leadership of John Ross, sought an injunction ("order to stop") at the Supreme Court against Georgia to prevent its carrying out these laws.



The Court, in **Cherokee Nation v. Georgia**, ruled that it lacked jurisdiction to hear the case and could not resolve it. The Court began by sympathizing with the Cherokees' plight, acknowledging that they had been persecuted and marginalized by America's European settlers, then asserted that Indian nations were both "foreign nations" and people within U.S. boundaries. In other words, the Cherokee, though sometimes viewed as an independent nation, were also dependent people on the nation that envelopes them. Thus, the Court asserted that "foreign nations," as used in the Constitution, could not include "Indian nations." Because the Constitution only authorizes the Supreme Court to hear cases brought by "foreign nations," not "Indian nations," the Court was not authorized to entertain this case and dismissed it. Meanwhile, in 1830, Georgia passed another law requiring its citizens to obtain a state license before dwelling inside the Cherokee Nation. A group of missionaries residing there, including Samuel Austin Worcester, refused to obtain such a license. The missionaries were known supporters of Cherokee resistance to Georgia's removal efforts. Worcester and a fellow missionary were indicted by a Georgia court, brought to trial, and convicted. Worcester appealed to the U.S. Supreme Court, claiming that the Georgia court lacked authority to convict them.

On review of the case, the Supreme Court in **Worcester v. Georgia** ruled that because the Cherokee Nation was a separate political entity that could not be regulated by the state, Georgia's license law was unconstitutional and Worcester's conviction should be overturned. The Court first pointed to evidence proving that the Native American communities were conceived of as "separate nations" dating back to the time of early colonial America. The Court then argued that today's "treaties and laws of the United States [also] contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the union." Therefore, only the United States can negotiate the terms of Indian lands and the use thereof. States lack constitutional power to deal with such "nations" at all. Thus, Georgia could not pass the license law and convict Worcester for violation of that law.

The Supreme Court's ruling, however, was neither followed by Georgia nor enforced by the U.S. government. President Andrew Jackson, sensitive to Georgia's claims of independence at a time when the states wielded considerable power, had no interest in enforcing the Court's decree. The missionaries remained imprisoned until 1833, when a new Georgia governor negotiated for their release. The Georgia Cherokees themselves were forcibly relocated in 1838, pursuant to a U.S. treaty, to present-day Oklahoma ("the Trail of Tears"). Today, the substantive ruling in Worcester is no longer binding: the Supreme Court holds that, to a certain extent, a state may regulate the Indian territories within its boundaries.