

Thursday, November 8

Objective: TSW determine how John Marshall established the power of the Supreme Court as the final arbiter of the meaning of the Constitution and applied Federalist principles in the new government

Warm-up: In your groups, complete the "Marshall Court" assignment. When you are comfortable with your categories, put them on newsprint.

While someone is writing on the newsprint, the rest of the group should try to determine Marshall's goals

John Marshall

- For a national **Market** system to flourish, a climate favorable to investment had to exist.
- Under Marshall, Supreme Court became the branch of the federal govt most aggressive in protecting the new forms of business central to the growing market econ
- He continually convinced his colleagues to uphold the sanctity of private property and the power of the fed govt to promote econ growth

John Marshall

- Nominated by John Adams in 1801
- Marshall agreed, and upheld Hamilton's doctrine of "implied powers"
- By doing so, Marshall enlarged federal power to an extraordinary degree

Strengthening the National Govt

Cases Expanding the Authority of the Supreme Court

1. Marbury v. Madison
2. U.S. v. Peters
3. Martin v. Hunter's Lessee
4. Cohens v. Virginia

Strengthening the National Govt

Expanding the Powers of Congress

1. **McCullough v. Maryland** (make sure to note it upholds "necessary and proper" in reference to national bank)
2. **Gibbons v. Ogden** (encouraged freewheeling commerce – gave Marshall the opportunity to define the greatest power of the fed govt in peacetime – the right to regulate interstate commerce – struck down a steamboat monopoly. Gave the term "commerce" the broadest possible definition, declaring that it covered all commercial dealings, and that Congress' power over interstate commerce could be "exercised to its utmost extent". The result was increased business competition throughout society)

Strengthening the National Govt

Weakening the States

1. **Fletcher v. Peck** (*At the heart of most commercial agreements were private contracts, made between individuals or companies. Marshall took an active role in defining contract law, which was then in its infancy*)
2. **Dartmouth College v. Woodward** (*Marshall's most celebrated contract decision – Marshall intended to protect corporations, which conducted business under charters granted by individual states*)
3. **Martin v. Mott**

Marshall's Major Goals

What were they?



Marshall's Major Goals

- A. Increase the powers of the national govt at the expense of the state legislatures
- B. Diminish the powers of the states - Perpetuate the Federalist principle of centralization
- C. Strengthen the Court at the expense of Congress/Presidency
- D. Property rights of individuals need to be protected from government interference
- E. Advance the interests of the propertied class/commerce class – (Protect free enterprise from state control – promote industrialization and economic growth)

Legacy of Marshall Court

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

How will their decisions impact YOU?

