

## **Key U.S. Supreme Court Rulings During John Marshall's Tenure as Chief Justice**

***Marbury v. Madison (1803)***. This case established the Court's practice of judicial review. In this case, President John Adams, during his lame-duck presidency, created numerous federal judgeships. The judgeships were approved by the Senate but, when President Thomas Jefferson took office, four of the judicial appointees had not received their commissions. The secretary of state, James Madison, refused to deliver the commissions, as he and the new president disapproved of the newly created judgeships. The four judicial appointees asked the U.S. Supreme Court to force Madison to deliver the commissions, relying on a writ of mandamus, a federal provision that allows a court to compel a public official to perform a duty. The U.S. Supreme Court refused to intervene, finding that the federal provision gave the Court a power that the U.S. Constitution did not give it; that is, unless the U.S. Constitution states that the Court can or must enforce a writ of mandamus, any law that says otherwise is unconstitutional. Thus, the U.S. Supreme Court struck down the federal provision as unconstitutional and established the practice of judicial review—the ability to declare laws unconstitutional.

***McCulloch v. Maryland (1819)***. This case dealt with the powers of the federal government over those of the states. In 1791, Secretary of the Treasury Alexander Hamilton wanted Congress to charter a national bank called the Bank of the United States. Thomas Jefferson, who was secretary of state at the time, opposed the national bank, claiming that the U.S. Constitution did not give Congress the power to charter one. Hamilton disagreed, claiming that the “necessary and proper” clause in Article I gave Congress the authority to enact policies for the good of the nation. The bank was created

and given a 20-year charter. When the charter expired in 1811, it was not renewed. After the War of 1812, it was evident that a national bank was needed to handle the business of the nation. As a result, the second Bank of the United States was chartered in 1816. State and local banks did not agree with the creation of the national bank, so state legislatures looked to restrict the bank's business. In Maryland, a tax was imposed on bank operations. James McCulloch, a cashier at the Baltimore branch of the Bank of the United States, refused to pay the tax and the case went to court. Ultimately, the U.S. Supreme Court ruled that the national bank was constitutional and that the federal government has broad powers to enact laws for the good of the nation. In effect, this case allows the federal government to trump state governments on issues in which the governments conflict.

***Barron v. Baltimore (1833)***. This case involved the power of the U.S. Supreme Court to become involved in cases in which state governments violate the rights of their citizens. In Baltimore, Barron owned a profitable wharf. The city of Baltimore wished to repave the streets near the wharf, and when the streets were excavated, the debris slid into Barron's wharf, rendering it useless. Barron objected, claiming that, since the city of Baltimore had ruined his business, he should be compensated. He claimed that the just-compensation clause of the Fifth Amendment required the government to pay for any damages. Initially, Barron won his case in lower court, but the U.S. Supreme Court ruled against Barron, deciding that the just-compensation clause of the Fifth Amendment applied only to the federal government. In effect, the U.S. Supreme Court refused to apply the just-compensation clause to Barron's case, finding that, if state or local governments violate one's rights, one must look to the state or local courts for a remedy,

not the federal courts. This ruling set the stage for a century of cases in which the U.S. Supreme Court refused to apply the protections of the Bill of Rights to state actions. Ultimately, the U.S. Supreme Court applied, or incorporated, these rights to the states and, now, states must offer the protections found in the federal Bill of Rights.