The Marshall and Taney Courts

John Marshall (1755-1835)
⇒ Born in Virginia (family had ties to both Washington and Jefferson)
⇒ Served in Continental Army (Valley Forge under Washington)
⇒ Diplomat to France (XYZ Affair)
⇒ Elected to Congress (1799) then Secretary of State under Adams
⇒ Appointed Chief Justice of Supreme Court (1801)
⇒ Staunch Federalist – legacy can not be denied
⇒ Strengthened Judicial Branch and Federal gov’t
⇒ Opinions established the foundation of constitutional law
⇒ Served until death in 1835

Major Cases:
Marbury v. Madison (1803)
⇒ Established concept of “judicial review”
⇒ Supreme Court has last word on issues of constitutionality
Fletcher v. Peck (1810)
⇒ Laws annulling contracts or grants made by previous legislative acts were constitutionally impermissible
McCulloch v. Maryland (1819)
⇒ Maryland attempted to impose taxes on the Second Bank of the US
⇒ Maryland could not tax instruments of the national gov’t employed in the execution of constitutional powers
⇒ Plays to “elastic clause” – Congress has powers not explicitly outlined in Constitution
⇒ “The power to tax is the power to destroy.”
Dartmouth College v. Woodward (1819)
⇒ New Hampshire attempted to change Dartmouth College’s charter (changing it from a privately funded institution into a state university)
⇒ Decision stated that the college’s corporate charter qualified as a contract between private parties and the state legislature could not interfere
⇒ Protected the inviolability of contracts
Gibbons v. Ogden (1824)
⇒ Steamboat case in New York/New Jersey – who regulates interstate commerce?
⇒ Decision supported the federal gov’t supremacy in regulation of commerce that crosses state lines

Roger Brooke Taney (1777-1864)
⇒ Born in Maryland
⇒ Served in Maryland legislature
⇒ Initially a Federalist but split with party over War of 1812 (he supported it)
⇒ 1824, became a supporter of Jacksonian Democracy
⇒ 1831, appointed as US Attorney General then receives appointment as Secretary of Treasury (the only one who would carry out Jackson’s “pet bank” scheme)
⇒ Congress punishes him for this, refused to ratify his appointment as an Associate Justice of Supreme Court (1835)
⇒ In 1836, won confirmation as Chief Justice of Supreme Court after Marshall’s death
⇒ Served until death in 1864

Major Cases:
Charles River Bridge Company v. Warren Bridge (1837)
⇒ Could the Warren Bridge Company build a toll bridge across the Charles River 300 yards from the Charles River Bridge that was already there?
⇒ CRB said their initial charter granted them a monopoly
→ Decision held that the original charter had not specifically granted a monopoly and that the “general welfare” would be enhanced by opening a second bridge
→ Encouraged economic development in transportation and other public facilities, free competition and an end to monopolies in public facilities
→ Acted in accord with the spirit of Jacksonian democracy by putting the public good ahead of property rights

*Dred Scott v. Sanford* (1857)

→ Held that blacks, whether free or slave had no standing in the court system because they were not and could not be citizens
→ Slaves were property of owners and temporary residence above Missouri Compromise line did not bestow freedom
→ Congress could not deprive citizens of their property (under 5th Amendment) – voided slavery provisions of Missouri Compromise

*Ex parte Merryman* (1861)

→ During Civil War, Lincoln suspended the writ of habeas corpus
→ Taney argued that only Congress could suspend habeas corpus
→ Lincoln ignored Taney’s order