



Marshall Court

Graphic Organizer

Objective

How did the Marshall Court decisions expand the power of the Federal government?

Directions: Use the list on the back of this graphic organizer to fill in the constitutional question and SCOTUS ruling for each of the three cases listed below. You may use your class notes, textbook, or any other aid to help you appropriately match the details to the case. When you are done, answer the three analysis questions that follow to demonstrate your understanding of these three SCOTUS cases.

	Background of the Case	Constitutional Question	SCOTUS Ruling
Marbury v. Madison (1803)	William Marbury, a Federalist, had received a midnight appointment to be a judge from President John Adams. When President Thomas Jefferson (an Anti-Federalist or Democratic-Republican) took office the next day, he ordered his Secretary of State to not deliver the commission to Marbury, preventing him from assuming his position on the court. Marbury asked the Supreme Court to force Madison to deliver the commission		
McCulloch v. Maryland (1819)	In 1816, Congress chartered the Second Bank of the United States. The bank wasn't popular among Americans who felt that it was an example of the federal government abusing its power. In 1818, the state of Maryland passed a law to tax the bank. James W. McCulloch, a cashier in the Baltimore bank, refused to pay the tax.		
Gibbons v. Ogden (1824)	In 1798 the New York state gave Robert Ogden a monopoly for a steamboat ferry connecting New Jersey & New York. A competitor, Thomas Gibbons, also secured a license from the federal government to operate a ferry between the two states. Claiming that his monopoly rights were violated, Ogden asked a New York state court to forbid Gibbons's boat from docking in New York. Gibbons sued.		

Constitutional Questions

1. Did the Supreme Court have the right to award judges commissions?
2. Does the US Congress have the power to create, open, and operate a bank?
3. Could New York state grant a monopoly that operates across multiple states?
4. Did the federal government or state governments have the right to regulate interstate commerce?
5. Can state governments interfere with the operations of a national agency? Can they tax federal agencies?
6. Did Marbury have the right to the commission?
7. Did Congress have an exclusive right to regulate interstate commerce or was this a “concurrent” power to be shared with the states?
8. What powers not listed in the US constitution does the federal government have?

Supreme Court Rulings

- A. New York State wrote a law that violated the US Constitution.
- B. The Supreme Court had been given the power to grant commissions to judges by the Judiciary Act of 1789 - however this law (Judiciary Act) was unconstitutional according to John Marshall.
- C. The power to regulate interstate commerce rests with only the federal government.
- D. Maryland can't tax the federal government institution
- E. This case established the concept of “judicial review” - the idea that the Supreme Court had the right to declare laws constitutional or unconstitutional.
- F. Even though the US Constitution doesn't explicitly state that Congress can establish a bank, the bank is legal because the necessary and proper clause (article II section VIII) gives Congress the power to do that which is necessary for the nation to function.
- G. This decision establishes the supremacy of the federal government over the states.
- H. Article III grants Congress the power to regulate interstate commerce.

Analysis Questions:

- 1) Imagine you operated a shipping and packaging service within New York City. You slowly expanded to include shipments and deliveries between New York, New Jersey, and Connecticut. After the expansion, could you be subject to regulation by either or all of the states and the federal government? Which court case outlines this? Explain your answer.

- 2) During the Great Depression, the federal government established many new government agencies - most of which the federal government was not explicitly granted power for in the US Constitution. Which of the three Marshall Court cases would have served as an example for why the federal government had the power to create these agencies to stimulate growth in the economy during a difficult period?

- 3) In what way did the Marbury decision enhance the system of checks and balances outlined in the Constitution?

- 4) In the table below, explain how each of the three decisions made by the Marshall Court expanded the power of the federal government.

Court Case	Expansion of Federal Power
Marbury v. Madison (1803)	
McCulloch v. Maryland (1819)	
Gibbons v. Ogden (1824)	

