

Marbury vs. Madison, 1803

The case: As John Adams was in his final days as president, he signed off on several judges to work in federal courts. These judges, called the 'midnight judges' because they were signed in the final hours of Adams' presidency, were all federalists and shared similar ideas with John Adams.

Thomas Jefferson, a Democratic-Republican, did not want these judges to be appointed, so his secretary of state, James Madison, did not send off the signed paperwork to Congress for approval.

One of the approved judges was Federalist William Marbury. Adams had approved Marbury to be a federal judge in D.C. However, since Madison refused to send the paperwork, Marbury did not get his position. Marbury took his case directly to the Supreme Court.

Who was right in this case—Marbury or Madison, and why?

Marbury's argument:

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Madison's argument:

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Chief Justice John Marshall looks at this case and has to see how it applies to the Constitution...

First, he decides, the president does have the power to appoint Federal Judges.

1. What article of the Constitution would say this?

2. If the Constitution states that the President had the power to appoint federal judges, did James Madison have the right to refuse to send the paperwork?

Second, John Marshall has to look at the background of the case. First, he considers the Judiciary Act of 1789. This act states that all cases must go through the lower court system, as well as the Court of Appeals before they reach the Supreme Court. However, Marbury brought this case directly to the Supreme Court to be heard. Cases can only go directly to the Supreme Court when states are directly involved.

Now, consider these questions:

3. Which branch of government would have created the Judiciary Act (it's an act, or law):

4. Was it legal for Marbury to bring his case directly to the Supreme Court?
Why or why not?

Based on what Marbury looked at in this case, (#3 and #4), what do you think the result was?

Actual Result:

McCullough vs. Maryland, 1819

In 1816, Congress set up the First National Bank in Philadelphia. By having a national bank, the federal government could easily raise a significant amount of money to help run the country. While the national bank was good for the federal government, it could have run a lot of state-run banks out of business, thereby cutting into the money that states have to spend on their own governments.

By 1817, the Second National Bank was set up in Baltimore, Maryland. The Maryland State government, in an effort to run the national bank out, passed a bill stating that all non-Maryland chartered banks would have to pay extremely high taxes. This would help compensate for some of the lost money.

The leader of the national bank, David McCullough, refused to pay the tax, and fought against the state of Maryland. The case went to the Supreme Court.

Who is right in this case? McCullough & the national bank, or Maryland & the state banks?

Why McCullough should win...

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Why Maryland should win...

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Chief Justice John Marshall goes to work again...

1. He looks at the case...the national bank was set up by Congress, which was allowed. This is allowed because of which article in the Constitution?
2. Secondly, if the bank was constitutionally created, are states allowed to tax it? Use the Constitution to support your argument.

What do you think the result should have been, and why?

Actual Result:

Gibbons vs. Ogden, 1824

Two steamboat ferry operators were operating in New York City. One of them, belonging to Aaron Ogden, had been granted an exclusive license to navigate that territory by the state of New York (where he was navigating). The second, owned by Thomas Gibbons, soon started to navigate between New Jersey AND the same area in New York city, claiming that trade between two states (interstate commerce) is something that only the federal government (Congress) has the power to dictate, not state governments. Aaron Ogden and Thomas Gibbons began to argue over who should be allowed to navigate in the waters of New York City.

The two men, once business partners, now enemies go through the courts and the case reaches the Supreme Court in 1824.

Who is right in this case? Aaron Ogden, who has an exclusive license from New York, or Thomas Gibbons, who argues that only federal law can dictate interstate commerce?

Why Ogden should win...

Why Gibbons should win...

Chief Justice John Marshall is at work once more...

1. What is the first thing he should look for in this case?
2. Where parts of the Constitution do you think will help him?
3. What group has the power to dictate interstate commerce?

Who do you think will win this case and why?

Actual Result:

The Constitution

Article 1 – Legislative Branch (Congress)

Article 2 – Executive Branch (President)

Article 3 – Judicial Branch (Court system)

Article 4 – Creating new States (process)

Article 5 – Amendment Process

Article 6 – “Supreme Law of the Land” – nothing can go against what the Constitution allows.

Article 7 – How to ratify the Constitution

POWERS OF THE PRESIDENT



THE PRESIDENT



Proposes laws and programs to Congress



Conducts the foreign relations of the United States



Is Commander-in-Chief of the armed forces



Approves or vetoes all bills passed by Congress



Appoints Cabinet members, ambassadors, and federal judges



May call special sessions of Congress



Prepares the budget of the federal government



Keeps Congress informed about the state of the nation and of the economy



Receives foreign ambassadors



May pardon persons found guilty of federal crimes

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Congressional Powers Expressed in Article 1, Section 8

PEACETIME POWERS		WAR POWERS	
Clause	Provision	Clause	Provision
1	To establish and collect taxes, duties, and excises	11	To declare war; to make laws regarding captures on land and water
2	To borrow money	12	To raise and support armies
3	To regulate foreign and interstate commerce	13	To provide and maintain a navy
4	To create naturalization laws; to create bankruptcy laws	14	To make laws governing land and naval forces
5	To coin money and regulate its value; to regulate weights and measures	15	To provide for summoning the militia to execute federal laws, suppress uprisings, and repel invasions
6	To punish counterfeiters of federal money and securities	16	To provide for organizing, arming, and disciplining the militia and governing it when in the service of the Union
7	To establish post offices		
8	To grant patents and copyrights		
9	To create courts inferior to the Supreme Court		
10	To define and punish crimes at sea and violations of international law		
17	To exercise exclusive jurisdiction over the District of Columbia and other federal properties		
18	To make all laws necessary and proper to the execution of any of the other expressed powers		

Powers of Congress (from Article 1) and the President