Fitzgerald

Establishing the New Nation Started by the Constitution – Four Topics

* Development of Political Parties
* ***Establishing the Power of the Judicial Branch and Maintaining the Federalist Policy of Powerful National Government***
* Establishing National Government’s Power against Domestic Challenges to its Authority
* Establishing the Power of the United States in the World – Troubles with Foreign Nations

Establishing the Power of the Judicial Branch and Maintaining the Federalist Policy of Powerful National Government

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| Take Notes on | Topics to Know |
| p. 300   * States’ Rights – Paragraphs 1 and 2   p.236   * Notes words in Article III.1 that suggest this power | * Power of Judicial Branch to declare laws unconstitutional not in the Constitution |
| p.236  Note words in Article III.1 that   * Allow the Federalists to create new courts * Say how long a judge will serve * suggest the power to declare laws unconstitutional   Reading on back of this sheet   * A Federalist Stronghold: John Marshall’s Supreme Court | * Packing the Courts / Midnight Judges   + Federalists Grab the Judicial Branch to hang onto Power |
| p.312   * The Supreme Court and Judicial Review | * Establishing the Power of Judicial Review –   + *Marbury v. Madison (1803)* |
| p. 343-4   * Three Important Supreme Court Rulings | * Marshall establishes the power of the federal government using Judicial Review – Three Famous Cases   + *McCulloch v. Maryland* (1819)   + *Dartmouth v. Woodward* (1819)   + *Gibbons v. Ogden* (1824) |

**A Federalist Stronghold: John Marshall's Supreme Court**

  
*Marbury v. Madison* was one of the most important decisions in U.S. judicial history, because it legitimized the ability of the Supreme Court to judge the constitutionality of acts of the president or Congress.

The Democratic-Republican victory in the 1800 election began a long run of Republican political success. In spite of Federalists' departure from most elective offices, they remained a powerful force in American life especially through their leading position among federal judges. In the final months of Adams' administration he enlarged the federal judiciary and appointed many new judges.

In the view of **GOUVERNEUR MORRIS**, a Federalist senator from New York, this created an independent judiciary necessary "to save the people from their most dangerous enemy, themselves."

In sharp contrast, Democratic-Republicans were appalled by the "**MIDNIGHT APPOINTMENTS**" that tried to continue Federalist influence despite their election loss. In Jefferson's view, the Federalists "retired into the judiciary as a stronghold . . . and from that battery all the works of Republicanism are to be beaten down and destroyed." As in so many areas, the two political parties fundamentally disagreed.

The most influential of Adams' final judicial appointments in 1801 was naming John Marshall as Chief Justice of the Supreme Court. He held that position until his death in 1835 and shaped the court's decisions and dramatically raised its stature. He also defined the basic relationship of the judiciary to the rest of the federal government. His forceful actions as Chief Justice set the Supreme Court on a course it has continued to follow for the next two centuries. Marshall was guided by a strong commitment to judicial power and by a belief in the supremacy of national over state legislatures. His judicial vision was very much in keeping with the Federalist political program.

<http://www.ushistory.org/us/20e.asp>

Marshall’s readings of the Constitution brought him into conflict with the Republican-Democrat opponents of the Federalists. Chief among them was **President Thomas Jefferson**. Although the two men were cousins, Marshall and Jefferson were continually in conflict. Marshall believed that a strong federal government was necessary to ensure that the government would meet the needs of all the people. Jefferson, on the other hand, believed that the power of government should remain largely in the hands of the states.

<http://www.johnmarshallfoundation.org/john-marshall/life-legacy/>



This famous statue of John Marshall sits on the steps of the Supreme Court in Washington, D.C.