

Profile: "The Great Chief Justice"



Chief Justice John Marshall helped establish the principle of judicial review with his decision in *Marbury v. Madison*.

"The government of the Union is . . . a government of the people. Its powers are granted by them, and are to be exercised directly on them, and for their benefit."

—Excerpt from *McCulloch v. Maryland*, 1819

The year was 1803. Both the Constitution and the federal government it created faced many questions. Should the judicial branch be as strong as the other branches? If not, could the federal system survive? In *Marbury v. Madison*, John Marshall, Chief Justice of the Supreme Court, gave his answers.

These were the facts of the case. Outgoing President John Adams had appointed William Marbury a judge. When James Madison, the new Secretary of State, refused to honor Marbury's appointment, Marbury sued in the Supreme Court. The Judiciary Act, he said, gave the Court authority in such matters.

The Court disagreed. The Constitution, the supreme law of the land, Marshall ruled, did *not* give the Court authority here. In addition, that part of the Judiciary Act that said the Court had this power was unconstitutional and void. This case established the principle of judicial review.

During his thirty-four years as Chief Justice, Marshall presided over forty-four constitutional questions. In each case, judicial review preserved and strengthened the central government. In *McCulloch v. Maryland* (1819), for example, Marshall supported the doctrine of **implied powers**. This means that the Constitution implies the federal government has certain powers, even though they are not spelled out. Thus, the power to coin money implied that Congress could set up national banks. States could not tax these banks.

The doctrine of implied powers also played a role in *Gibbons v. Ogden* (1824), which boosted Congress's power to regulate interstate commerce. In both *Fletcher v. Peck* (1810) and *Dartmouth College v. Woodward* (1819), the Court confirmed that states could not interfere with private contracts. These decisions helped create a unified economy.

Marshall was often controversial. When he died in 1836, though, he had earned the recognition that remains his today. Then, as now, he was called the "Great Chief Justice."

REVIEW

1. Why was *Marbury v. Madison* important?
2. Why was Marshall's desire to strengthen the federal government so important during the early years of the nation?
3. Explain why you think Marshall is described as the "Great Chief Justice."