Who Holds Power?

Three Marshall Court decisions and their effects

8.H.13 "Explain the main issues, consequences, and landmark decisions of the Marshall Court, including how it affected the power of the judicial branch."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Circle each case name, underline the conflict the Court had to settle, and put a star beside a sentence that shows how a ruling changed government power.

The Court Decides

1. In 1801, outgoing President John Adams appointed William Marbury to a government job, but Marbury never received his official papers. He asked the Supreme Court to order the new administration to deliver them. In Marbury v. Madison (1803), Chief Justice John Marshall said Marbury had a right to the papers, yet the Court could not issue the order he requested. The law that appeared to give the Court that power conflicted with the Constitution. By refusing to use that law, the Court claimed judicial review, the power to set aside unconstitutional laws.

2. Years later, Maryland taxed the Baltimore branch of the national bank. James McCulloch, a bank employee, refused to pay. In McCulloch v. Maryland (1819), the Court faced two questions: Could Congress create a bank, and could a state tax it? Marshall ruled that Congress could use powers not listed word for word in the Constitution when needed to carry out its listed powers. He also ruled that Maryland could not tax the bank, since states could not interfere with a lawful federal action. The ruling strengthened national power over state power.

3. Steamboats brought another clash over who made the rules. New York gave certain operators exclusive rights to run boats in its waters, while Thomas Gibbons had a federal license to operate between New York and New Jersey. In Gibbons v. Ogden (1824), the Court ruled that interstate trade included navigation and that federal law took priority over New York's conflicting grant. Together, these decisions made the Supreme Court a stronger interpreter of the Constitution and gave the national government more room to act. Yet its judgments depended on others for enforcement.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why did the Court refuse Marbury's request, and how did that decision increase the Court's power?

2. What two issues did McCulloch v. Maryland settle, and what was the effect on national power?

3. Why did the federal license matter in Gibbons v. Ogden, and what did the ruling mean for New York's grant?

4. How did these decisions strengthen the judicial branch, and what limit on its power does the passage name?

3 YOUR TURN

Your own words

Suppose a state forbids federally hired mail carriers from using its bridges, even though Congress has authorized the mail service. Write four sentences to a newspaper editor explaining how McCulloch and Marbury could guide a court, and why the court's response would matter for judicial power.

ANSWER KEY

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GRADE 8 · 8.H.13

PART 1 · READ AND MARK

Circle each case name, underline the conflict the Court had to settle, and put a star beside a sentence that shows how a ruling changed government power. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why did the Court refuse Marbury's request, and how did that decision increase the Court's power?	**The law that appeared to let the Court issue the order conflicted with the Constitution. Refusing to use it established the Court's power of judicial review.**
2	What two issues did McCulloch v. Maryland settle, and what was the effect on national power?	**Congress could create a bank to carry out its listed powers, and Maryland could not tax it. The ruling strengthened national power over state power.**
3	Why did the federal license matter in Gibbons v. Ogden, and what did the ruling mean for New York's grant?	**The boats traveled between states, and the Court ruled that interstate trade included navigation. Federal law took priority over New York's conflicting grant.**
4	How did these decisions strengthen the judicial branch, and what limit on its power does the passage name?	**The decisions made the Court a stronger interpreter of the Constitution. The Court still depended on others to enforce its judgments.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The state bridge ban could keep the federal mail service from doing its work. McCulloch suggests that a state cannot block a lawful federal action, so a court might reject this ban. Marbury shows how the Court can measure a law against the Constitution instead of simply accepting it. If the court set aside the ban, it would show how judicial review can protect federal authority, though officials would still have to follow the ruling.

Accept answers that explain the conflict and consequence of each ruling in the student's own words. For the open task, look for a reasonable application of both cases, not a claim that either case decided the bridge question.