

The American History Series

The Supreme Court under Marshall and Taney

R. Kent Newmyer



The Supreme Court Under Marshall And Taney

Marco Cascella



The Supreme Court Under Marshall And Taney:

The Supreme Court Under Marshall and Taney R. Kent Newmyer, 1968 **The Supreme Court Under Marshall and Taney [by] R. Kent Newmyer** R. Kent Newmyer, 1968 Judicial Federalism Under Marshall and Taney Michael G. Collins, 2018

The Supreme Court during the Chief Justiceship of John Marshall is associated with endorsement of broad regulatory powers in Congress and broad federal question jurisdiction in the federal courts under Article III. By contrast, the successor Court under Chief Justice Roger Taney remains tied to its determination in *Dred Scott* that Congress lacked powers to enact the Missouri Compromise prohibiting slavery in certain of the territories and to Taney's opinion that descendants of African slaves could never be citizens who could invoke the federal courts' diversity of citizenship jurisdiction. This article addresses the ways in which the Taney Court nevertheless outdid the Marshall Court in terms of a nationalist approach to judicial federalism. The Marshall Court faced a political environment hostile to the Federalist-dominated federal courts and in reaction repeatedly expressed respect for congressional power over its jurisdiction and tied its expansions of federal judicial power closely to expansive views of congressional power. The Taney Court, by contrast, did not face similar political branch threats. Its jurisdictional opinions were less deferential to Congress than Marshall Court opinions. And while the Marshall Court tied its expansions of judicial power to broad views of congressional power, the Taney Court's expansions of judicial power operated to limit any concomitant expansion of congressional power. The Taney Court accomplished this by expanding diversity of citizenship jurisdiction beyond what the Marshall Court had done and by explicitly adopting the use of a uniform judge-made general common law in diversity cases. It also expanded admiralty jurisdiction by an interpretation of Article III's admiralty provision that was contrary to Marshall Court precedent and rejected a proffered Commerce Clause justification that would have entailed broader congressional powers. And when it channeled certain matters away from the state courts to the federal courts based on exclusive federal powers, the Taney Court relied on implied federal powers whose enforcement could be limited by notions of necessity as distinguished from the Marshall Court's looser version of necessary and proper.

History of the Supreme Court of the United States Gustavus Myers, 1912 **The Routledge History of Nineteenth-Century America** Jonathan Daniel Wells, 2017-09-14

The Routledge History of Nineteenth Century America provides an important overview of the main themes within the study of the long nineteenth century. The book explores major currents of research over the past few decades to give an up-to-date synthesis of nineteenth century history. It shows how the century defined much of our modern world, focusing on themes including immigration, slavery, and racism, women's rights, literature, and culture, and urbanization. This collection reflects the state of the field and will be essential reading for all those interested in the development of the modern United States.

Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2022-03-28

Political factors influence judicial decisions. Arguments and input from lawyers and interest groups, the ebb and flow of public opinion, and especially the ideological and behavioral inclinations

of the justices all combine to influence the development of constitutional doctrine The Eleventh Edition of Constitutional Law for a Changing America Institutional Powers and Constraints draws on political science as well as legal studies to analyze and excerpt landmark cases including key opinions handed down through 2021 This book is ideal for Constitutional Law courses in the two semester sequence that covers powers and constraints For courses that cover both rights and liberties and the separation of powers in one semester see **The Great Chief Justice** Charles F. Hobson,1996 John Marshall remains one of the towering figures in the landscape of American law From the Revolution to the age of Jackson he played a critical role in defining the province of the judiciary and the constitutional limits of legislative action In this masterly study Charles Hobson clarifies the coherence and thrust of Marshall s jurisprudence while keeping in sight the man as well as the jurist Hobson argues that contrary to his critics Marshall was no ideologue intent upon appropriating the lawmaking powers of Congress Rather he was deeply committed to a principled jurisprudence that was based on a steadfast devotion to a science of law richly steeped in the common law tradition As Hobson shows such jurisprudence governed every aspect of Marshall s legal philosophy and court opinions including his understanding of judicial review The chief justice Hobson contends did not invent judicial review as many have claimed but consolidated its practice by adapting common law methods to the needs of a new nation In practice his use of judicial review was restrained employed almost exclusively against acts of the state legislatures Ultimately he wielded judicial review to prevent the states from undermining the power of a national government still struggling to establish sovereignty at home and respect abroad BOOK JACKET Title Summary field provided by Blackwell North America Inc All Rights Reserved **“The” Supreme Court of the United States** Hampton-L Carson,1891

JACKSON'S JUDGES John Gregory Jacobsen,2024-10-16 During his two terms as Chief Executive Andrew Jackson made six appointments to the United States Supreme Court more than any nineteenth century president Ranging from the famous to the virtually unknown this group together reflected what may be described as their appointer s nationalist states rights dual constitutional personality They consisted of three late Marshall Court appointees John McLean of Ohio in 1829 Henry Baldwin of Pennsylvania in 1830 and James Wayne of Georgia in 1835 and three appointments at the onset of the Taney era Roger Taney of Maryland and Philip Barbour of Virginia in 1836 and John Catron of Tennessee in 1837 Together these six justices transformed the Supreme Court Although two earlier appointed justices sat on the bench into the 1840s and despite twelve additional appointments made under seven subsequent presidents Jackson s judges at least until the four wartime appointments of Abraham Lincoln formed the core of the Taney Court Such dominance did not equal unity however as Justices McLean and Wayne proved strong nationalists Nor were Jackson s picks the Court s most extreme members of the antebellum era for Martin Van Buren s two later appointments became the most agrarian states rights voices of the Taney era Jackson s judges like the Court itself elude simple categorization As a study Jackson s Judges examines the lives and jurisprudence of his six Supreme Court appointments Its uniqueness lies in the framework the subject is not the Marshall or

Taney Court but Jackson's judges. Joining judicial biography with case analysis, the study examines each justice in separate chapters forming six largely self-contained legal-focused biographies. Analysis includes personal information, political connections, and jurisprudential background and credentials. The heart of each chapter is an in-depth analysis of the subject's most profound or trademark opinion. Each justice is then considered for his contribution to constitutional history. Following a survey of the Marshall and Taney Courts is an analysis of the life and presidency of Andrew Jackson with special emphasis on his background and relationship with judiciaries. This fascinating study shows how through six appointments to the United States Supreme Court, Andrew Jackson reflected his own dual constitutional personality while doing more than any nineteenth-century president to shape the American nation.

Marbury v. Madison and Judicial Review Robert Lowry Clinton, 1989. Few Supreme Court decisions are as well known or loom as large in our nation's history as *Marbury v. Madison*. The 1803 decision is widely viewed as having established the doctrine of judicial review, which permits the Court to overturn acts of Congress that violate the Constitution; moreover, such judicial decisions are final, not subject to further appeal. Robert Clinton contends that few decisions have been more misunderstood or misused in the debates over judicial review. He argues that the accepted view of *Marbury* is ahistorical and emerges from nearly a century of misinterpretation, both by historians and by legal scholars.

American Political Leaders, Third Edition Richard Wilson, 2021-10-01. Praise for previous editions accessible: this book is an excellent addition to collections serving general readers, high schools, and undergraduates. American Reference Books Annual: This readable volume is recommended for high school, public, and undergraduate libraries. Booklist: an outstanding reference tool. Biographical dictionaries abound in political science as in other fields, but Wilson's work is more accessible, benefitting from his straightforward approach and simpler organization. Highly recommended. Choice: Recommended Library. Media Connection: an authoritative and readable guide serves as a helpful resource for high school, college, and public libraries. Christian Library Journal: American Political Leaders, Third Edition contains 286 biographical profiles of men and women in the United States who have demonstrated their political leadership primarily by being elected, nominated, or appointed to significant political offices in the United States or by having attained some special prominence associated with political leadership. This reference work provides students and general readers with a concise, readable guide to present and past leaders in U.S. politics. Included in this book are presidents, vice presidents, major party candidates for president, significant third-party candidates, important Supreme Court justices, Speakers of the U.S. House of Representatives, senators, representatives, cabinet officers, significant agency heads, and diplomats. Since much of U.S. political leadership involves the representation of successive waves of new groups within the U.S. political system, special care has been taken to include the contributions of women, Native Americans, African Americans, Hispanic Americans, Asian Americans, and Americans who represented earlier waves of immigrants to the United States. Profiles include John Adams, president; vice president; diplomat; Revolutionary leader; author; Amy Coney Barrett, justice of the Supreme Court; Pete Buttigieg, secretary of

transportation candidate for president Andrew Cuomo governor of New York Jefferson Davis secretary of war senator representative president of the Confederate States of America Kamala Harris senator vice president John Lewis civil rights activist representative Gavin Newsom governor of California Barack Obama senator president Sonia Sotomayor associate justice of the Supreme Court Elizabeth Warren senator candidate for president **The Presidencies of William Henry Harrison & John Tyler** Norma Lois Peterson,1989 On balance Peterson concludes Tyler demonstrated exemplary executive skills and his presidency deserves more credit than it received for what was accomplished and preserved under difficult circumstances **The Works of Theodore Roosevelt** Theodore Roosevelt,1924 **West Virginia Law Quarterly and the Bar** ,1924 The Supreme Court in United States History Charles Warren,1926 Titles of books frequently cited v 1 p xv xvi duplicated in v 2 p ix x **The Supreme Court and Its Work** Elder Witt,1981 **The Americana** ,1923 **The Catholic University of America Law Review** ,1974 **The Encyclopedia Americana** ,1905 *The Americana* Frederick Converse Beach,George Edwin Rines,1912

Unveiling the Power of Verbal Artistry: An Psychological Sojourn through **The Supreme Court Under Marshall And Taney**

In some sort of inundated with monitors and the cacophony of instant conversation, the profound energy and emotional resonance of verbal beauty frequently diminish into obscurity, eclipsed by the continuous onslaught of noise and distractions. However, situated within the lyrical pages of **The Supreme Court Under Marshall And Taney**, a charming work of literary beauty that pulses with fresh emotions, lies an memorable journey waiting to be embarked upon. Composed with a virtuoso wordsmith, that enchanting opus guides readers on a mental odyssey, lightly revealing the latent possible and profound impact stuck within the delicate web of language. Within the heart-wrenching expanse of the evocative analysis, we can embark upon an introspective exploration of the book is key subjects, dissect their captivating writing type, and immerse ourselves in the indelible impact it leaves upon the depths of readers souls.

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