



THE

JOHN MARSHALL

GREAT

AND THE

CHIEF

RULE OF LAW

JUSTICE

CHARLES F. HOBSON

# The Great Chief Justice John Marshall And The Rule Of Law

**Gary L. McDowell**



## **The Great Chief Justice John Marshall And The Rule Of Law:**

**The Great Chief Justice** Charles F. Hobson, 1996-09-06 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. No chief justice and only one associate justice, William Douglas, served longer on the Supreme Court. But as Hobson clearly shows, Marshall's deserved place in the pantheon of great American jurists rests far more upon principles than longevity. This book, better than any other, tells us why that's true and worthy of our attention.

*John Marshall: Writings (LOA #198)* John Marshall, 2010-01-21 It is emphatically the province and duty of the judicial department, John Marshall wrote in *Marbury v. Madison*, to say what the law is. As its Chief Justice from 1801 to 1835, Marshall made the Supreme Court a full and equal branch of the federal government. In so doing, he joined Washington, his mentor, and Jefferson, his ideological rival, in the first rank of American founders. His legacy extends far beyond *Marbury*, which held for the first time that the Supreme Court has the power to declare acts of Congress unconstitutional. Under his leadership, the Court upheld the constitutionality of a national bank, established the supremacy of the federal judiciary over state courts, and legislatures in matters of constitutional interpretation and profoundly influenced the economic development of the nation through vigorous interpretation of the contract and interstate commerce clauses. His major judicial opinions are eloquent public papers written with the conviction that clearness and precision are most essential qualities and designed to inform and persuade the citizens of the new republic about the meaning and purpose of their Constitution. This volume collects 200 documents written between 1779 and 1835, including Marshall's most important judicial opinions, his influential rulings during the Aaron Burr treason trial, speeches, newspaper essays, and revealing letters to friends, fellow judges, and his beloved wife Polly. It follows Marshall's varied career before becoming Chief Justice: as an officer in the Revolution, a supporter of the ratification of the Constitution, an envoy to France during the notorious XYZ Affair, a congressman, and secretary of state in the Adams administration. The personal correspondence gathered here reveals the conviviality, good

humor and unpretentiousness that helped him unite the Court behind many of his landmark decisions while selections from his biography of George Washington offer vivid descriptions of battles he fought in as a young man Charles F Hobson editor is the author of The Great Chief Justice John Marshall and the Rule of Law He is the editor of The Law Papers of St George Tucker at the Omohundro Institute of Early American History and Culture and was the editor of The Papers of John Marshall A marvelous and much needed single volume collection of the writings of America s greatest Chief Justice selected by the scholar who knows him best Gordon Wood author of Empire of Liberty LIBRARY OF AMERICA is an independent nonprofit cultural organization founded in 1979 to preserve our nation s literary heritage by publishing and keeping permanently in print America s best and most significant writing The Library of America series includes more than 300 volumes to date authoritative editions that average 1 000 pages in length feature cloth covers sewn bindings and ribbon markers and are printed on premium acid free paper that will last for centuries

### **John Marshall and the Heroic Age of the Supreme**

**Court** R. Kent Newmyer,2007-04-01 John Marshall 1755 1835 was arguably the most important judicial figure in American history As the fourth chief justice of the United States Supreme Court serving from 1801 to1835 he helped move the Court from the fringes of power to the epicenter of constitutional government His great opinions in cases like Marbury v Madison and McCulloch v Maryland are still part of the working discourse of constitutional law in America Drawing on a new and definitive edition of Marshall s papers R Kent Newmyer combines engaging narrative with new historiographical insights in a fresh interpretation of John Marshall s life in the law More than the summation of Marshall s legal and institutional accomplishments Newmyer s impressive study captures the nuanced texture of the justice s reasoning the complexity of his mature jurisprudence and the affinities and tensions between his system of law and the transformative age in which he lived It substantiates Oliver Wendell Holmes Jr s view of Marshall as the most representative figure in American law

**The Language of Law and the Foundations of American Constitutionalism** Gary L. McDowell,2010-06-28 Argues that the Founders intended the Constitution to be interpreted according to the text s meaning and its framers original intentions

**A Chief Justice's Progress** David Robarge,2000-02-28 Widely regarded as America s most important Chief Justice John Marshall influenced our constitutional political and economic development as much as any American He handed down landmark decisions on judicial review federal state relations contracts corporations and commercial regulation during a thirty four year tenure that encompassed five presidencies a second war of independence the demise of the first American party system and the advent of Jacksonianism and market capitalism This is the first interpretive study of Marshall s early life that emphasizes the formative influences on him before he joined the Court By that time his character and attitudes were fully formed through his childhood in the Virginia gentry his service in the state militia and Continental Army and his work as a prominent lawyer a Federalist and a diplomat Drawing heavily on Marshall s own writings this study views his pre Supreme Court life as a cumulative experience that formed the identity and value system that he brought to bear on his experiences as

Chief Justice Robarge examines Marshall's social and political education in the unique milieu of late 18th century Virginia for its own intrinsic interest as well as for its relationship to his profound contribution to the Court. The events and situations that shaped Marshall's personality and attitudes directly influenced his leadership style. They also had a deep impact upon his efforts to establish an independent judiciary to unify the nation through territorial expansion and a legal common market and to revive the moribund Federalist party as a balance to the dominant Republicans led by the cousin he detested Thomas Jefferson.

**Understanding Cybersecurity Law and Digital Privacy** Melissa Lukings, Arash Habibi Lashkari, 2021-12-01

Cybersecurity data privacy law and the related legal implications overlap into a relevant and developing area in the legal field. However, many legal practitioners lack the foundational understanding of computer processes which are fundamental for applying existing and developing legal structures to the issue of cybersecurity and data privacy. At the same time, those who work and research in cybersecurity are often unprepared and unaware of the nuances of legal application. This book translates the fundamental building blocks of data privacy and cyber security law into basic knowledge that is equally accessible and educational for those working and researching in either field, those who are involved with businesses and organizations, and the general public.

*America and the Law of Nations 1776-1939* Mark W. Janis, 2010. This book narrates

the important role that international law has played in America and the crucial if complex story of America's place in promoting and frustrating international law. Based on the stories of key figures in American history and written in an accessible style, it is a must read for anyone interested in America's place in the world.

Supreme Court Justices: Illustrated Biographies Clare Cushman, 2013. Book Description: The Supreme Court Justices Illustrated Biographies 1789-2012 Third Edition provides a single volume reference profiling every Supreme Court justice from John Jay through Elena Kagan. An original essay on each justice paints a vivid picture of his or her individuality as shaped by family, education, pre-Court career, and the times in which he or she lived. Each biographical essay also presents the major issues on which the justice presided. Essays are arranged in the order of the justices' appointments. Lively anecdotes along with portraits, photographs, and political cartoons enrich the text and deepen readers' understanding of the justices and of the Court. The volume includes an extensive bibliography and is indexed for easy research access. New in this edition are a foreword by Chief Justice John G. Roberts, a revised essay on Chief Justice William H. Rehnquist, updated essays on sitting or recently retired members of the court, new biographies for Chief Justice John G. Roberts and Associate Justices Samuel A. Alito, Elena Kagan, and Sonia M. Sotomayor, an updated listing of members of the Supreme Court with appointment and confirmation dates, and an updated bibliography with key sources on the Supreme Court and the justices. For insightful background and lively commentary on the individuals who have served on the Supreme Court of the United States, there is no better reference than this updated new volume. This is a vital reference work for researchers, students, and others interested in the Supreme Court's past, present, and future.

The Yale Biographical Dictionary of American Law Roger K. Newman, 2009-01-01. This book is the first to gather in a single

volume concise biographies of the most eminent men and women in the history of American law Encompassing a wide range of individuals who have devised replenished expounded and explained law The Yale Biographical Dictionary of American Law presents succinct and lively entries devoted to more than 700 subjects selected for their significant and lasting influence on American law Casting a wide net editor Roger K Newman includes individuals from around the country from colonial times to the present encompassing the spectrum of ideologies from left wing to right and including a diversity of racial ethnic and religious groups Entries are devoted to the living and dead the famous and infamous many who upheld the law and some who broke it Supreme Court justices private practice lawyers presidents professors journalists philosophers novelists prosecutors and others the individuals in the volume are as diverse as the nation itself Entries written by close to 600 expert contributors outline basic biographical facts on their subjects offer well chosen anecdotes and incidents to reveal accomplishments and include brief bibliographies Readers will turn to this dictionary as an authoritative and useful resource but they will also discover a volume that delights and entertains Listed in The Yale Biographical Dictionary of American Law John Ashcroft Robert H Bork Bill Clinton Ruth Bader Ginsburg Patrick Henry J Edgar Hoover James Madison Thurgood Marshall Sandra Day O Connor Janet Reno Franklin D Roosevelt Julius and Ethel Rosenberg John T Scopes O J Simpson Alexis de Tocqueville Scott Turow And more than 700 others

**The Ultimate Rule of Law** David M. Beatty, 2004 This book examines judgments of leading courts around the world on issues such as religious freedom sex discrimination and social and economic rights Beatty develops a radical alternative to the conventional view that in deciding these cases judges engage in an essentially interpretative and thus subjective act relying ultimately on their personal beliefs and political opinions Beatty's analysis shows that it is possible to apply an impartial and objective method of judicial review based on the principle of proportionality which acts as an ultimate rule of law and is fully compatible with the ideals of democracy and popular sovereignty

*American Political Leaders* Richard L. Wilson, 2014-05-14 Presents profiles of major figures in American politics from Bella Abzug through Woodrow Wilson arranged alphabetically by area of activity and by year of birth

**A History of American Law** Lawrence Meir Friedman, 2019 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years

**Encyclopedia of American Civil Liberties** Paul Finkelman, 2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from

numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book s multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students

**The Role of Circuit Courts in the Formation of United States Law in the Early Republic** David Lynch,2018-02-08 While scholars have rightly focused on the importance of the landmark opinions of the United States Supreme Court and its Chief Justice John Marshall in the rise in influence of the Court in the Early Republic the crucial role of the circuit courts in the development of a uniform system of federal law across the nation has largely been ignored This book highlights the contribution of four Associate Justices Washington Livingston Story and Thompson as presiding judges of their respective circuit courts during the Marshall era in order to establish that in those early years federal law grew from the inferior courts upwards rather than down from the Supreme Court It does so after a reading of over 1800 mainly circuit opinions and over 2000 original letters which reveal the sources of law upon which the justices drew and their efforts through correspondence to achieve consistency across the circuits The documents examined present insights into momentous social political and economic issues facing the Union and demonstrate how these justices dealt with them on circuit Particular attention is paid to the different ways in which each justice contributed to the shaping of United States law on circuit and on the Court and in the case of Justices Livingston and Thompson also during their time on the New York State Supreme Court

The ^AOxford Guide to the United States Government John J. Patrick,Richard M. Pious,Donald A. Ritchie,2001-07-04 The Oxford Guide to the United States Government is the ultimate resource for authoritative information on the U S Presidency Congress and Supreme Court Compiled by three top scholars its pages brim with the key figures events and structures that have animated U S government for more than 200 years In addition to coverage of the 2000 Presidential race and election this Guide features biographies of all the Presidents Vice Presidents and Supreme Court Justices as well as notable members of Congress including current leadership historical commentary on past elections major Presidential decisions international and domestic programs and the key advisors and agencies of the executive branch in depth analysis of Congressional leadership and committees agencies and staff and historic legislation and detailed discussions of 100 landmark Supreme Court cases and the major issues facing the Court today In addition to entries that define legal terms and phrases and others that elaborate on the wide array of government traditions this invaluable book includes extensive back matter including tables of Presidential election results lists of Presidents Vice Presidents Congresses and Supreme Court Justices with dates of service lists of Presidential museums libraries and historic sites relevant websites and information on visiting the White House the Capitol and Supreme Court buildings A one stop comprehensive guide that will assist students educators and anyone curious about the inner workings of government The Oxford Guide to the United States Government will be a valued addition to any home library

*American Statesmanship* Joseph R. Fornieri,Kenneth L. Deutsch,Sean D. Sutton,2021-11-01 This book much needed in our public

discourse examines some of the most significant political leaders in American history With an eye on the elusive qualities of political greatness this anthology considers the principles and practices of diverse political leaders who influenced the founding and development of the American experiment in self government Providing both breadth and depth this work is a virtual who's who from the founding to modern times From George Washington to Frederick Douglass and Elizabeth Cady Stanton to FDR and Ronald Reagan the book's twenty six chapters are thematically organized to include a brief biography of each subject his or her historical context and the core principles and policies that led to political success or failure A final chapter considers the rhetorical legacy of Bill Clinton George W Bush Barack Obama and Donald Trump Nearly all readers agree that statesmanship makes a crucial difference in the life of a nation and its example is sorely needed in America today These concise portraits will appeal to experts as well as history buffs The volume is ideal for leadership and political science classroom use in conjunction with primary sources Contributors Kenneth L Deutsch Gary L Gregg II David Tucker Sean D Sutton Bruce P Frohnen Stephanie P Newbold Phillip G Henderson Michael P Federici Troy L Kickler Johnathan O Neill H Lee Cheek Jr Carey Roberts Hans Schmeisser Joseph R Fornieri Peter C Myers Emily Krichbaum Natalie Taylor Jean M Yarbrough Christopher Burkett Will Morrissey Elizabeth Edwards Spalding Patrick J Garrity Giorgi Areshidze William J Atto David B Frisk Mark Blitz Jeffrey Crouch and Mark J Rozell *The Early Republic and Antebellum America* Christopher G. Bates, 2015-04-08 First Published in 2015 Routledge is an imprint of Taylor Francis an Informa company *Justices, Presidents, and Senators* Henry Julian Abraham, 1999 This new edition of this classic history of the Supreme Court discusses the selection nomination and appointment of each of the Justices who have sat on the U S Supreme Court since 1789 Abraham provides a fascinating account of the presidential motivations behind each nomination examining how each appointee's performance on the bench fulfilled or disappointed presidential expectations *The Partisan Republic* Gerald Leonard, Saul Cornell, 2019-01-31 Provides a compelling account of early American constitutionalism in the Founding era

The Oxford Companion to American Law Kermit L. Hall, David S. Clark, James W. Ely, Joel B. Grossman, N. E. H. Hull, 2002-05-02 A landmark in legal publishing The Oxford Companion to the Supreme Court is a now classic text many of whose entries are regularly cited by scholars as the definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford Companion to American Law a one volume A Z encyclopedia that covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and Plessy vs Ferguson The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving law's role in structuring decisions about governance the significance of state and local law and legal institutions and the place of



American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law

## **The Great Chief Justice John Marshall And The Rule Of Law** Book Review: Unveiling the Power of Words

In a world driven by information and connectivity, the ability of words has are more evident than ever. They have the capability to inspire, provoke, and ignite change. Such may be the essence of the book **The Great Chief Justice John Marshall And The Rule Of Law**, a literary masterpiece that delves deep to the significance of words and their effect on our lives. Written by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall affect readers.

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