

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 **John Marshall: Writings (LOA #198)** John Marshall, 2010-01-21 It is emphatically the province and duty our attention 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 to 1835 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 Ir s view of Marshall as the most representative figure in American law 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 The Language of Law and the Foundations of American Constitutionalism Gary L. America s place in the world McDowell, 2010-06-28 Argues that the Founders intended the Constitution to be interpreted according to the text's meaning **Great American Judges** John R. Vile, 2003-06-23 Inspiring and instructive and its framers original intentions biographies of the 100 most influential judges from state and federal courts in one easy to access volume Great American Judges profiles 100 outstanding judges and justices in a full sweep of U S history Chosen by lawyers historians and political scientists these men and women laid the foundation of U S law A complement to Great American Lawyers together these two volumes create a complete picture of our nation s top legal minds from colonial times to today Following an introduction on the role of judges in American history are A Z biographical entries portraying this diverse group from extraordinarily

different backgrounds Students and history enthusiasts will appreciate the accomplishments of these role models and the connections between their inspiring lives and their far reaching legal decisions William Rehnquist Oliver Wendell Holmes Jr and 12 other Supreme Court justices are found alongside federal judges like Skelly Wright who ordered school desegregation in 1960 Influential state judges such as Rose Elizabeth Bird California s first woman Supreme Court Chief Justice are also featured 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 Morrisey Elizabeth Edwards Spalding Patrick J Garrity Giorgi Areshidze William J Atto David B Frisk Mark Blitz Jeffrey Crouch and Mark J Rozell 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 The 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

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# Table of Contents The Great Chief Justice John Marshall And The Rule Of Law

- 1. Understanding the eBook The Great Chief Justice John Marshall And The Rule Of Law
  - o The Rise of Digital Reading The Great Chief Justice John Marshall And The Rule Of Law
  - Advantages of eBooks Over Traditional Books
- 2. Identifying The Great Chief Justice John Marshall And The Rule Of Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an The Great Chief Justice John Marshall And The Rule Of Law
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from The Great Chief Justice John Marshall And The Rule Of Law
  - Personalized Recommendations
  - The Great Chief Justice John Marshall And The Rule Of Law User Reviews and Ratings
  - The Great Chief Justice John Marshall And The Rule Of Law and Bestseller Lists
- 5. Accessing The Great Chief Justice John Marshall And The Rule Of Law Free and Paid eBooks
  - The Great Chief Justice John Marshall And The Rule Of Law Public Domain eBooks
  - The Great Chief Justice John Marshall And The Rule Of Law eBook Subscription Services
  - The Great Chief Justice John Marshall And The Rule Of Law Budget-Friendly Options

- 6. Navigating The Great Chief Justice John Marshall And The Rule Of Law eBook Formats
  - o ePub, PDF, MOBI, and More
  - The Great Chief Justice John Marshall And The Rule Of Law Compatibility with Devices
  - The Great Chief Justice John Marshall And The Rule Of Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - o Adjustable Fonts and Text Sizes of The Great Chief Justice John Marshall And The Rule Of Law
  - Highlighting and Note-Taking The Great Chief Justice John Marshall And The Rule Of Law
  - Interactive Elements The Great Chief Justice John Marshall And The Rule Of Law
- 8. Staying Engaged with The Great Chief Justice John Marshall And The Rule Of Law
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - $\circ$  Following Authors and Publishers The Great Chief Justice John Marshall And The Rule Of Law
- 9. Balancing eBooks and Physical Books The Great Chief Justice John Marshall And The Rule Of Law
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection The Great Chief Justice John Marshall And The Rule Of Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine The Great Chief Justice John Marshall And The Rule Of Law
  - Setting Reading Goals The Great Chief Justice John Marshall And The Rule Of Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Great Chief Justice John Marshall And The Rule Of Law
  - Fact-Checking eBook Content of The Great Chief Justice John Marshall And The Rule Of Law
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements

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