

The American History Series

# The Supreme Court under Marshall and Taney

R. Kent Newmyer



# Supreme Court Under Marshall And Taney

**Jonathan Daniel Wells**



## **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      **The Supreme Court, Race, and Civil Rights** Abraham L. Davis, Barbara Luck Graham, 1995-07-25

Providing a well rounded presentation of the constitution and evolution of civil rights in the United States this book will be useful for students and academics with an interest in civil rights race and the law Abraham L Davis and Barbara Luck Graham's purpose is to give an overview of the Supreme Court and its rulings with regard to issues of equality and civil rights to bring law political science and history into the discussion of civil rights and the Supreme Court to incorporate the politically disadvantaged and the human component into the discussion to stimulate discussion among students and to provide a text that cultivates competence in reading actual Supreme Court cases      **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

**The Supreme Court** Paul Finkelman,2014-01-15 An insightful chronological by chief justice examination of the Supreme Court that enables students and readers to understand and appreciate the constitutional role the Court plays in American government and society American citizens need to understand the importance of the Supreme Court in determining how our government and society operates regardless of whether or not they agree with the Court s opinions Unfortunately the role and powers of the third branch of government are not well understood by the American public After an introduction and overview to the history of the Supreme Court from 1789 to 2013 this book examines the Court s decisions chronologically by Chief Justice allowing readers to grasp how the role and powers of the Court have developed and shifted over time The chapters depict the Court as the essential agent of review and an integrated part of the government regardless of the majority minority balance on the Court and of which political party is in the White House or controlling the House or Senate

**Constitutional Law for a Changing America** Lee Epstein,Thomas G. Walker,2019-01-09 A host of political factors both internal and external influence the Court s decisions and shape the development of constitutional law Among the more significant forces at work are the ways lawyers and interest groups frame legal disputes the ideological and behavioral propensities of the justices the politics of judicial selection public opinion and the positions that elected officials take to name just a few Combining lessons of the legal model with the influences of the political process Constitutional Law for a Changing America shows how these dynamics shape the development of constitutional doctrine The Tenth Edition offers rigorous comprehensive content in a student friendly manner With meticulous revising and updating throughout best selling authors Lee Epstein and Thomas G Walker streamline material while accounting for new scholarship and recent landmark cases including key opinions handed down through the 2018 judicial session Well loved features keep students engaged by offering a clear delineation between commentary and opinion excerpts a Facts and Arguments section before every case a superb photo program Aftermath and Global Perspective boxes and a wealth of tables figures and maps Students will walk away with an understanding that Supreme Court cases involve real people engaged in real disputes and are not merely legal names and citations

**The Supreme Court** Robert Langran,2004 This essential historical overview begins by noting that the Supreme Court is arguably the least known and understood of the three branches of government Robert W Langran s innovative approach will do much to provide students with a good understanding of the changing role and accomplishments of the Court from its inception to its latest decisions This book discusses the most important decisions of the Court in chronological rather than topical order illustrating how the cases fit into an historical timeframe as well as what roles the most influential justices played In an easy conversational style

Robert W Langran discusses how the Court was formed how justices are selected how the Court selects its cases and the broad shifts of the Court with regard to doctrine and attention to the popular and governmental interests of each period Students gain important insights into why each Court voted the way it did and how those decisions influenced the votes of future Courts The Supreme Court an excellent supplementary text for undergraduate classes in American government and American history as well as introductory classes in political science contains useful appendixes listing all justices and all cases discussed

**The Judicial Power of the United States** John V. Orth, 1987-01-22 Although less than fifty words long the meaning of the seemingly simple Eleventh Amendment has troubled the Supreme Court at crucial points in American history and continues to spur sharp debate in present day courts The first amendment adopted after the Bill of Rights the Eleventh Amendment limits the exercise of U S judicial power when American states are sued Its modern meaning was largely shaped around cases concerning the liability of Southern states to pay their debts during and after Reconstruction by shielding states from liability the Supreme Court's interpretation of the Eleventh Amendment eased the establishment of post Reconstruction Southern society and left a maddeningly complicated law of federal jurisdiction Here Orth reconstructs the fascinating but obscure history of the Eleventh Amendment the labyrinth of legal doctrine the economic motives and consequences the political context and the legacy of the past over the last two centuries Using quotes from Wordsworth Shaw Mark Twain Margaret Mitchell and other writers to clarify and invigorate his narrative Orth finally makes accessible an important but complex slice of constitutional history

*The ^ASupreme Court of the United States* John J. Patrick, 2006-08-03 This completely revised and updated third edition to the Young Oxford Companion to the Supreme Court of the United States 1994 and *The Supreme Court of the United States* second edition 2001 contains a complete A to Z encyclopedia of the Supreme Court its history and current operations

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      *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      *Reconstruction: A Very Short Introduction*

Allen C. Guelzo, 2019-12-11 The era known as Reconstruction is one of the unhappiest times in American history. It succeeded in reuniting the nation politically after the Civil War but in little else. Among its chief failures was the inability to chart a progressive course for race relations after the abolition of slavery and rise of Jim Crow. Reconstruction also struggled to successfully manage the Southern resistance towards a Northern free labor pattern. But the failures cannot obscure a number of notable accomplishments with decisive long term consequences for American life: the 14th and 15th Amendments to the Constitution, the election of the first African American representatives to the US Congress and the avoidance of any renewed outbreak of civil war. Reconstruction suffered from poor leadership and uncertainty of direction but it also laid the groundwork for renewed struggles for racial equality during the Civil Rights Movement. This Very Short Introduction delves into the constitutional, political and social issues behind Reconstruction to provide a lucid and original account of a historical moment that left an indelible mark on American social fabric. Award winning historian Allen C. Guelzo depicts Reconstruction as a bourgeois revolution as the attempted extension of the free labor ideology embodied by Lincoln and the Republican Party to what was perceived as a Southern region gone astray from the Founders' intention in the pursuit of Romantic aristocracy. ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas and enthusiasm to make interesting and challenging topics highly readable.

**The Early Republic and Antebellum America: An Encyclopedia of Social, Political, Cultural, and Economic History** Christopher G. Bates, 2015-04-08 First Published in 2015. This text holds four volumes of essays and entries on the early Republic and Antebellum era in America, spanning the end of the American Revolution in 1781 to the outbreak of Civil War in 1861. The Americans forged a new government in theory and then in practice with the beginnings of industrialisation and the effects of urbanisation, widespread poverty, labour strife, debates around slavery and sectional discord. By the end of the nineteenth century, America had a powerhouse economy, new technologies and the emergence of major social reform movements, creation of uniquely American art and literature and the conquest of the West. This encyclopaedia offers a historic reference.

[Encyclopedia of African American History, 1619-1895](#) Paul Finkelman, 2006-04-06 It is impossible to understand America without understanding the history of African Americans. In nearly seven hundred entries, the Encyclopedia of African American History, 1619-1895 documents the full range of the African American experience during that period, from the arrival of the first slave ship to the death of Frederick Douglass, and shows how all aspects of American culture, history and national identity have been profoundly influenced by the experience of African Americans. The Encyclopedia covers an extraordinary range of subjects. Major topics such as Abolitionism, Black Nationalism, the Civil War, the Dred Scott case, Reconstruction, Slave Rebellions and Insurrections, the Underground Railroad and Voting Rights are given the in depth treatment one would expect. But the encyclopedia also contains hundreds of

fascinating entries on less obvious subjects such as the African Grove Theatre Black Seafarers Buffalo Soldiers the Catholic Church and African Americans Cemeteries and Burials Gender Midwifery New York African Free Schools Oratory and Verbal Arts Religion and Slavery the Secret Six and much more In addition the Encyclopedia offers brief biographies of important African Americans as well as white Americans who have played a significant role in African American history from Crispus Attucks John Brown and Henry Ward Beecher to Olaudah Equiano Frederick Douglass Sarah Grimke Sojourner Truth Nat Turner Phillis Wheatley and many others All of the Encyclopedia's alphabetically arranged entries are accessibly written and free of jargon and technical terms To facilitate ease of use many composite entries gather similar topics under one headword The entry for Slave Narratives for example includes three subentries The Slave Narrative in America from the Colonial Period to the Civil War Interpreting Slave Narratives and African and British Slave Narratives A headnote detailing the various subentries introduces each composite entry Selective bibliographies and cross references appear at the end of each article to direct readers to related articles within the Encyclopedia and to primary sources and scholarly works beyond it A topical outline chronology of major events nearly 300 black and white illustrations and comprehensive index further enhance the work's usefulness

**The Works of Theodore Roosevelt** Theodore Roosevelt, 1924 **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 Blessings of Liberty* Michael Les Benedict, 2022-07-11 This concise accessible text provides students with a history of American constitutional development in the context of political economic and social change Constitutional historian Michael Benedict stresses the role that the American people have played over time in defining the powers of government and the rights of individuals and minorities He covers important trends and events in U S constitutional history encompassing key Supreme Court and lower court cases The volume begins by discussing the English and colonial origins of American constitutionalism Following an analysis of the American Revolution's meaning to constitutional history the text traces the Constitution's evolution from the Early Republic to the present day This fourth edition is updated to include the 2016 election the Trump administration the 2020 election and the first activities of the Biden administration **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

**Reader's Guide to American History** Peter J. Parish, 2013-06-17 There are so many books on so many aspects of the history of the United States offering such a wide variety of interpretations that students teachers scholars and librarians often need help and advice on how to find what they want The Reader s Guide to American History is designed to meet that need by adopting a new and constructive approach to the appreciation of this rich historiography Each of the 600 entries on topics in political social and economic history describes and evaluates some 6 to 12 books on the topic providing guidance to the reader on everything from broad surveys and interpretive works to specialized monographs The entries are devoted to events and individuals as well as broader themes and are written by a team of well over 200 contributors all scholars of American history

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In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Supreme Court Under Marshall And Taney** a literary masterpiece penned by a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those who partake in its reading experience.

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