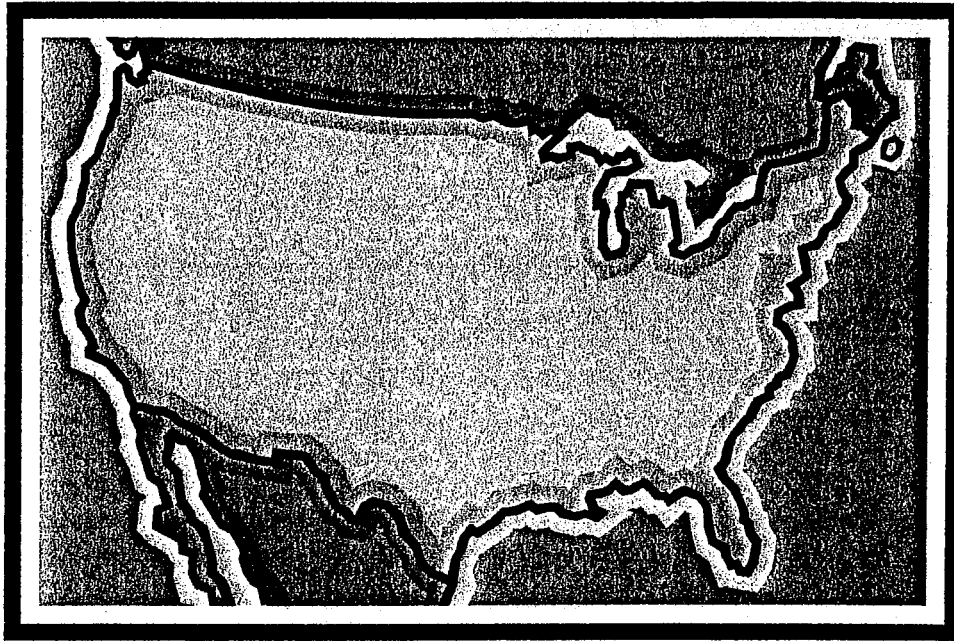


US History



Chapter 6: Launching a New Nation

Section 1: Washington Heads the New Government

Section 2: Foreign Affairs Trouble the Nation

Section 3: Jefferson Alters the Nation's Course

Section 4: The War of 1812



Strict vs Loose Interpretation

Judiciary Act 1789

First Political Parties

Hamilton's National Bank



Washington Shapes Executive Branch

Hamilton + Jeffersons Debate

Hamilton's Plan

The First Cabinet

Chapter 6: Launching a New Nation, 1789-1816

Section 1: Washington Heads the New Government

Judiciary Act of 1789: _____

Alexander Hamilton: _____

Cabinet: _____

Bank of the United States: _____

Democratic-Republicans: _____

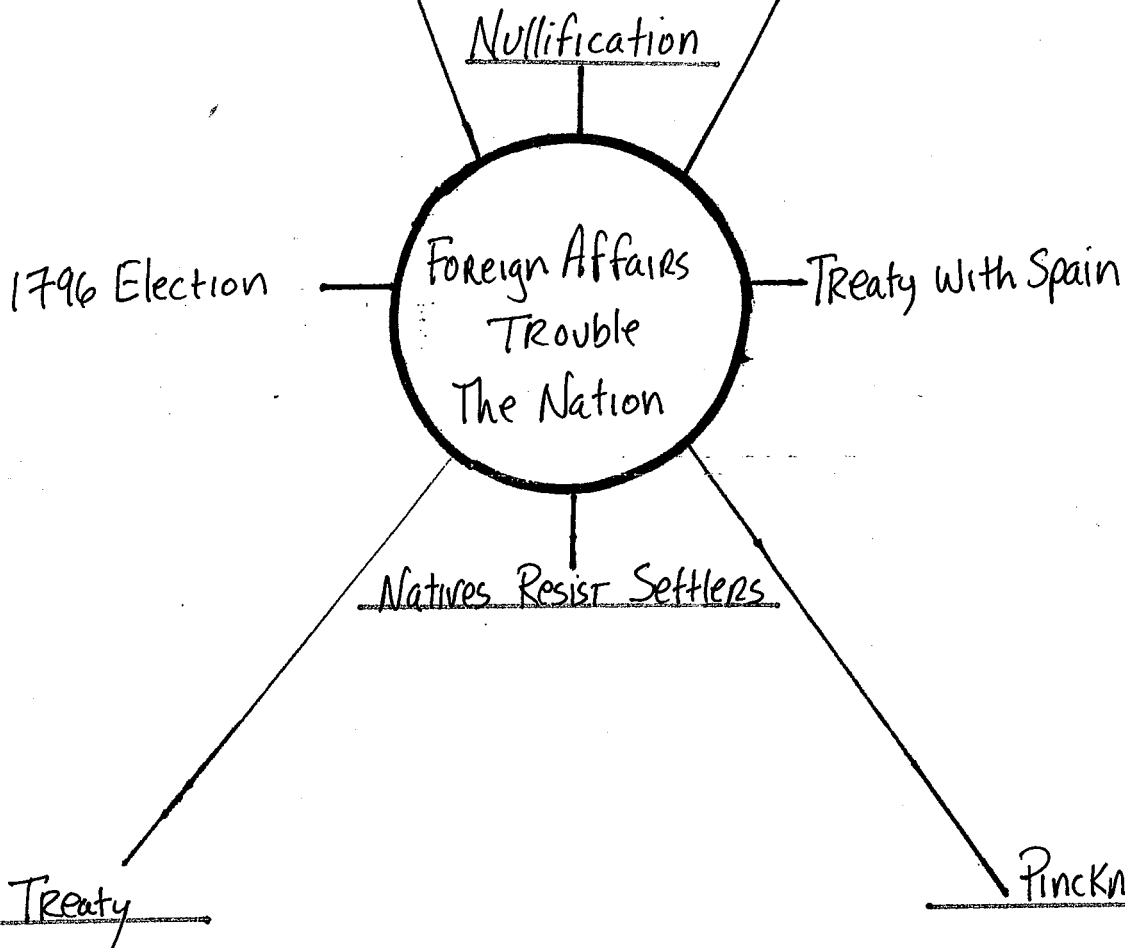
two-party system: _____

protective tariff: _____

excise tax: _____

XYZ Affair

US Response to European Events



Section 2: Foreign Affairs Trouble the Nation

neutrality: _____

Edmond Genet: _____

Thomas Pinckney: _____

Little Turtle: _____

John Jay: _____

sectionalism: _____

XYZ Affair: _____

Alien and Sedition Acts: _____

nullification: _____

US Expands West

Jefferson Wins 1800 Election

Lewis + Clarke

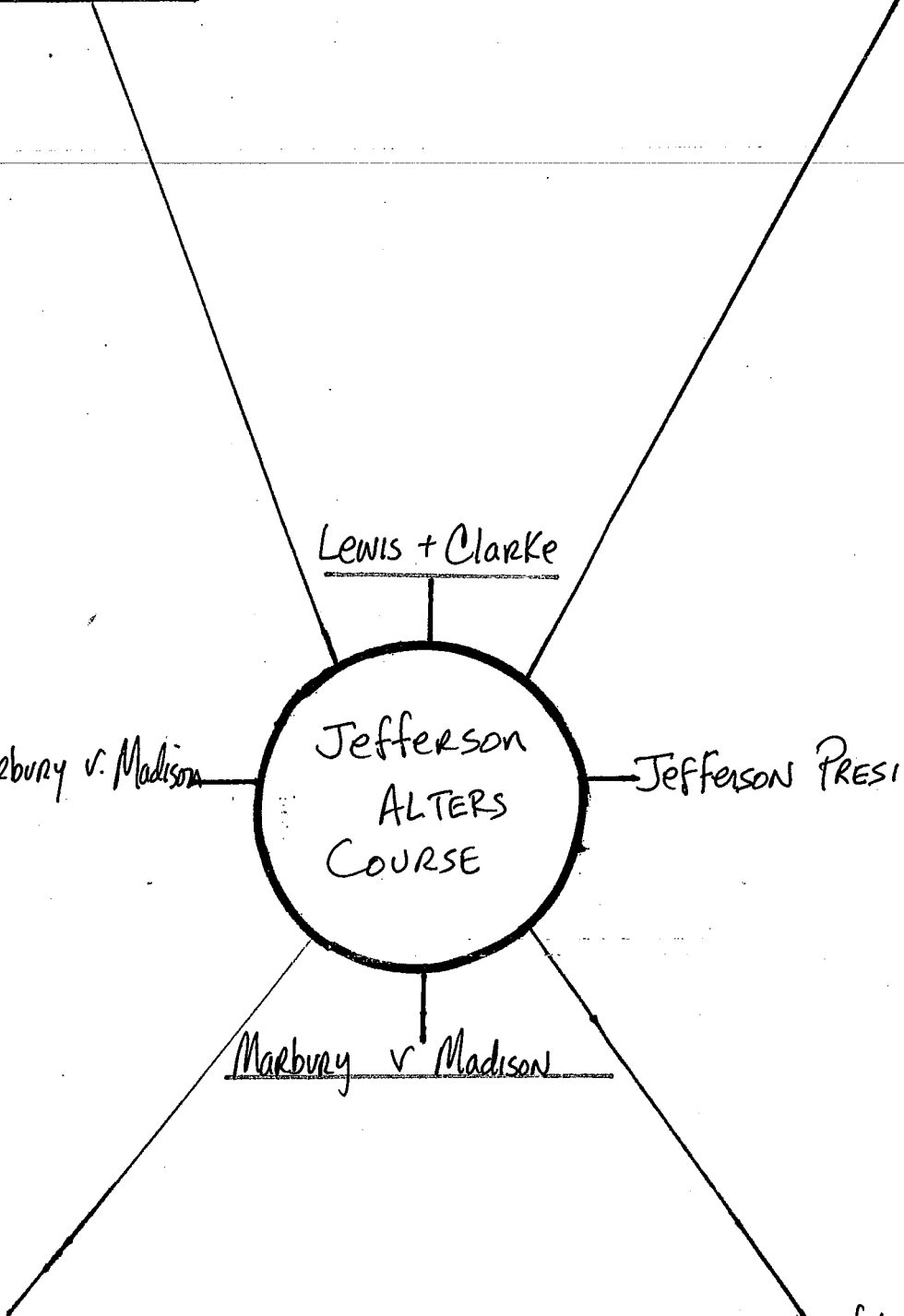
Importance of Marbury v. Madison

Jefferson
ALTERS
COURSE

Jefferson PRESIDENCY

Marbury v Madison

National Expansion



Section 3: Jefferson Alters the Nation's Course

Aaron Burr: _____

John Marshall: _____

Judiciary Act of 1801: _____

midnight judges: _____

Marbury v. Madison: _____

judicial review: _____

Louisiana Purchase: _____

Lewis and Clark: _____

Sacajawea: _____

Marbury v. Madison (1803)

Vocabulary

lame duck Referring to officeholders who have not been re-elected and so serve the remainder of their term in office with little backing or authority.

commission Official document authorizing certain duties and powers.

petition In law, a formal, written request to a court asking for a specific action.

writ of mandamus A court order requiring a government official to carry out his or her official duty.

dilemma Difficult choice between two relatively equal options.

original jurisdiction The authority of a court to be the first to hear and decide a case.

appellate jurisdiction The right of a court to hear a case "on appeal" after the original court has acted.

Reviewing the Case

With the election of 1800, for the first time political parties played an active role in American government. The Federalists supported President John Adams while the Republicans supported Vice President Thomas Jefferson. Each party had its own agenda, based on different governing philosophies and different viewpoints about the Constitution.

In the election, the Federalists lost the presidency and control of both houses of Congress. The only branch of government in which they could exercise any power was the judiciary. Understanding this, the Federalists worked out a strategy to strengthen their hold on the federal courts.

Presidential inaugurations were then in March, giving the "lame duck" Federalists several months. Before the inauguration and the start of the new Republican-dominated Congress, the Federalist Congress passed the Judiciary Act of 1801, which created 62 new judgeships. John Adams, the outgoing President, quickly filled the new jobs with avid Federalists, and the Senate approved his ap-

pointments. Late into the night of March 3, 1801, Adams was still signing the **commissions** of these last-minute nominations. They were sealed with the Seal of the United States by the outgoing Secretary of State and were then to be delivered to the new officials by a State Department clerk. Because of the last-minute rush, not all the commissions could be delivered before Jefferson took office as President on March 4, 1801.

When he learned about the commissions of the "midnight judges," as they were called, Jefferson angrily ordered the commissions withheld. One of the late commissions was for William Marbury, who had been named as a justice of the peace in the District of Columbia. Marbury refused to be denied his job. He convinced three others to accompany him to the State Department, but he was still refused his commission. Marbury then turned to the United States Supreme Court and **petitioned** it for a **writ of mandamus**, which would order the new Secretary of State, James Madison, to deliver the commission or show just cause for not doing so.

Marbury's petition resulted in one of the most significant decisions in the history of the Supreme Court. The issue before the Court: Should the Court issue a writ of mandamus ordering the Secretary of State to deliver commissions to Marbury and the others who had been denied?

The Supreme Court, by unanimous vote, turned down Marbury's request for the court order. Although the justices agreed that Marbury was legally entitled to the commission, the Court would not order the Secretary of State to give it to him. Why not?

Writing for the Court, Chief Justice John Marshall explained the position:

Mr. Marbury, then, since his commission was signed by the President, and sealed by the Secretary of State, was appointed. . . . To withhold his commission, therefore, is an act deemed by the court not warranted by law, but violative of a vested legal right.

The question was not Marbury's right to have the job, but the Court's own constitutional authority. The case had created a **dilemma** for the Court.

On the one hand, if the Court ruled in favor of Marbury and issued the writ, the new administration under Jefferson most likely would ignore it. That would make the Supreme Court look weak, emphasizing the fact that the Court had no way to enforce its decisions. For that, it had to rely on the executive branch—the people to whom the order applied.

On the other hand, deciding *not* to issue the writ also would make the Court look weak. It would appear as if the Court were avoiding its duty by giving in to the executive branch.

How could the Court disentangle itself from such a treacherous decision? Marshall turned to the Constitution itself to point out that it did not give the Court **original jurisdiction** in a case like this:

The Constitution vests the whole judicial power of the United States in one Supreme Court, and such inferior courts as Congress shall from time to time, ordain and establish. . . . In the distribution of this power it is declared that "the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, the Supreme Court shall have **appellate jurisdiction**." . . . To enable the Court, then, to issue a mandamus, it must be shown to be an exercise of appellate jurisdiction.

Since Marbury's case had not come from a lower court, the Supreme Court could not act, Marshall said. In addition, its power to issue such writs to public officers came from an Act of Congress, not the Constitution. In structuring the federal courts, Congress had passed the Judiciary Act of 1789, which gave the Supreme Court expanded original powers beyond the Constitution. In following this line of reasoning, Marshall then was faced

with the question of what to do about an act of Congress that violated the Constitution.

His explanation established an important principle:

. . . there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part . . . be true, then a legislative act contrary to the Constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of people, to limit a power in its nature ilimitable. . . .

It is emphatically the province and duty of the judicial department to say what the law is. . . . So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case . . . the court must determine which of these conflicting rules governs the case. This is the very essence of judicial duty. . . .

Thus the particular phraseology [wording] of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void. . . .

The long-term significance of this case was Marshall's use of the Constitution to give the Supreme Court the power of judicial review, even though that was not the original issue. While the justices agreed that Marbury was entitled to his court order, the act of Congress that would allow them to issue it went beyond the Constitution. It was the first time the Court openly declared an act of Congress unconstitutional and claimed the right to be the final authority on the meaning of the U.S. Constitution. Judicial review was not used again by the Court in regard to Congress for another 54 years, but in the twentieth century it became a powerful tool for influencing public policy.

Name _____ Date _____

Marbury v. Madison (1803)

Elements of the Case

Directions: Fill in the appropriate information for each of the following elements of this case.

1. State the issue before the Supreme Court in this case.

2. What facts of the case were presented to the Court?

3. What was the decision of the Court? What was the rationale behind it?

4. What was the effect of the decision?

Name _____

Evaluation of the Case

Directions: Use your own judgment to evaluate the justices' decision and state your opinion of that decision.

1. Do you think the framers of the Constitution intended the Supreme Court to have the power of judicial review as part of the system of "checks and balances"? Explain.

2. What would be the effect on the United States if this decision had not validated the idea that the Supreme Court has the power to judge whether acts of Congress are unconstitutional?

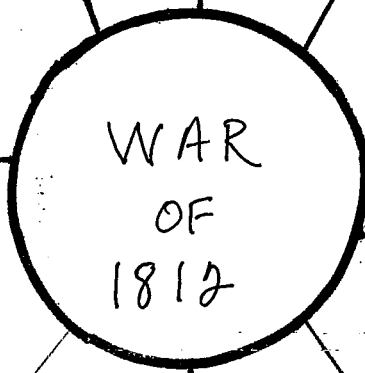
3. According to Justice Marshall, what actions were necessary to make the commissions legal? Was it the delivery of the commissions or was it the process of Senate approval, the President's signature, and the official seal by the Secretary of State? Why was this an important point?

Battle of New Orleans

IMPRESSMENT

Treaty of Ghent

British Burn White House



WAR
OF
1812

Tecumseh's Confederacy

Mixed Results of WAR

WAR AT Sea

WAR HAWKS

Section 4: The War of 1812

blockade: _____

impressment: _____

embargo: _____

William Henry Harrison: _____

Tecumseh: _____

war hawk: _____

Andrew Jackson: _____

Treaty of Ghent: _____

armistice: _____

Glossary

CHAPTER 6 Launching the New Nation

appeal To bring a legal case from a lower court to a higher court to be heard again	import Something brought in from an outside place	notable Remarkable, significant
bribe Payment of money to persuade or influence	inauguration The official beginning of an office	persuade To cause someone to do something by means of argument or reasoning
diplomacy Settling disagreements between nations by discussion and negotiation	interpreter Person who explains the meaning of something	resistance Not giving in to
harassment The act of disturbing or bothering	investor One who commits money to something in order to gain a profit	resolve To find a solution
		valid Acceptable according to law or rules

AFTER YOU READ

Terms and Names

A. If the statement is true, write "true" on the line. If it is false, change the underlined word or words to make it true.

1. _____
2. _____
3. _____
4. _____
5. _____

George Washington appointed Alexander Hamilton secretary of the treasury. During Washington's term, Congress passed an excise tax on goods produced in Europe.

President Washington issued a declaration of nullification during the conflict between France and Great Britain.

The court ruling in *Marbury v. Madison* established the power of judicial review.

Many Americans in the early 1800s were angry with the British for their policy of impressment.

B. Write the name or term that best completes each sentence.

- Andrew Jackson
- John Marshall
- sectionalism
- Judiciary Act of 1789
- Marbury vs. Madison
- Louisiana Purchase
- nullification

1. The _____ provided for a federal court system.
2. The election of 1796 highlighted the rise of _____, or placing the interests of one region over those of the nation.
3. In 1801, President Adams appointed _____ as Chief Justice of the Supreme Court.
4. In the _____, Thomas Jefferson bought land from France.
5. General _____ led the American troops to victory in the Battle of New Orleans.

AFTER YOU READ (continued) **CHAPTER 6** Launching the New Nation

Main Ideas

1. What political parties helped establish the two-party system in the United States?

2. What happened as a result of the Battle of Fallen Timbers?

3. Why was President Jefferson's inauguration important?

4. Why was the Lewis and Clark expedition important?

5. What did the Treaty of Ghent do?

Think Critically

Answer the following questions on a separate sheet of paper.

1. Would you have been a supporter of the Federalist or the Democratic-Republican party? Explain your choice.

What do you think was President Jefferson's greatest accomplishment? Why do you think so?

US History Chp. 6 Essay Test

Choose One. Type the whole question first.

1. Were the Alien and Sedition Acts true to American ideals? Explain with examples. Include:
 - a. purpose of these acts
 - b. how they were put to use
 - c. First Amendment to Constitution

2. Describe the origins of the two- party system and whether or not the political parties were good for the nation at the time? Include:
 - a. conflicting views of Jefferson and Hamilton
 - b. regional support for these differing views
 - c. Washington's desire to unify his cabinet
 - d. Results of 1796 election