Federalism in the Courts

**Directions:** Read Chapter 3 Section 2 and complete the following.

1. Define **dual federalism.**
2. Complete the chart below indicating how the Supreme Court has decided cases impacting federalism.

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| --- | --- | --- | --- | --- |
| **Case** | **Court**  **(who was Chief Justice?)** | **Issue** | **Decision** | **Impact on Federalism** |
| Marbury v. Madison | Marshall | * Pres. Adams made last minute judicial appt of William Marbury * Sec of State under Adams didn’t confirm * Marbury sued to SC and said violation of Judiciary Act of 1789 which est. procedures of courts and said *courts could order officials to take action* | * Marshall court realized if sided w/ Marbury new pres. Jefferson could just ignore and court would be “giving away power” b/c no power to enforce * Eventually said won’t force Marbury to be confirmed b/c **Judiciary Act itself was unconstitutional** b/c **Constitution** lays out what SC can do and can’t do and in Constitution said only can review laws and act as **appellate court** | - Firmly est. layers of gov’t  - Est. **judicial review** (SC can only decide on constitutionality or unconstitutionality of laws already passed |
| McCulloch v. MD |  |  |  |  |
| Cohens v. VA |  |  |  |  |
| Gibbons.v. Ogden |  |  |  |  |
| Hammer v. Dagenhart |  |  |  |  |
| Lochner v. NY |  |  |  |  |

1. In general, how did the Marshall court interpret federalism?
2. In general, how did the Supreme Court during the early 1900s interpret federalism?
3. What is your opinion about federalism? Do you think our current government is exerting too much power? Explain.