



## **John Marshall: The Supreme Court's Chief Justice Who Transformed the Young Republic**

*Harlow Giles Unger*

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A soul-stirring biography of **John Marshall**, the young republic's great chief justice, who led the Supreme Court to power and brought law and order to the nation

## **John Marshall: The Supreme Court's Chief Justice Who Transformed the Young Republic Details**

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## **From Reader Review John Marshall: The Supreme Court's Chief Justice Who Transformed the Young Republic for online ebook**

### **Gerald Greene says**

This is the only book I've read that presented a balanced view of the early years of U.S. government.

In this book, Jefferson is mentioned as a coward 3 times for his behavior during the Revolutionary war and for his failure to do anything to help when Virginia's governor.

This is a MUST read for anyone interested in our history.

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### **Allison says**

#### **Eh...just missed**

I was recommended this book by the Vice Dean of my law school. It was not a bad read. It told a story and I was touched at the end when Marshall died (I love and hate biographies because I hate to say goodbye to a protagonist). There's a huge but: I just missed the message. I felt like "Saved the Nation" wasn't really stated much in the book. It left me feeling like Marshall played Monkey in the Middle and would occasionally catch the ball, way a finger then let everyone play their games again.

The book is very unkind and slightly sided when it comes to Thomas Jefferson. It felt like it was too much tearing apart Jefferson instead of playing up Marshall's ability to mitigate fairly.

I have never said this about any history book ever but... I kind of wish I had the time it took me to read this back.

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### **Yvonne Desa says**

Wow what a book. Got better as it went along & quite frankly learned a great deal more than I thought I knew. Mr Jefferson truly was a man with a lot of vitral directed towards Mr. Marshall who thank goodness carried himself in the highest standard and did not fall into the trap Jefferson had planned each and every time. Recommend the book to all who love history & how we came to be the great country we are.

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### **Sonaar says**

A Founding Father for our times.

History is the only thing getting me through the awful news cycles we are living through. This story is especially inspiring and relevant right now because it helps complete a picture of how the best parts of our government have only come into existence in response crises that threaten to destroy it. Our best corruption

laws were enacted after Watergate, our financial regulations after the great depression, and our federal court system itself only after the constitution was at risk of vanishing into obscurity after Washington left office. If you've never heard of the XYZ affair, there are more than a few parallels between it and where the US stands today: a foreign government meddling in a US election to promote a candidate sympathetic to its cause and willing to help it fight its regional rivals, treason, espionage, and eventually a president seeking to undermine the legitimacy of the Supreme Court by dismissing judges unsympathetic to its political aims.

It's astounding how John Marshall navigated these crises and - over the course of countless cases and rulings - established a legal system that could stand on equal footing with the executive and judicial branch.

So, this is a fantastic story. You can't fully appreciate how dangerous a man Thomas Jefferson was until you understand his assault on the judiciary and how it (thankfully) backfired.

At the same time, this specific book doesn't feel like a definitive account, and part of me wishes I'd read something a bit longer and more detailed like "John Marshall: Definer of a Nation." It will have to wait for another day.

Most of what's here is gripping, but there are a lot of details to his life that remain confusing - like his relationship to his wife, who seemed always on the verge of mental collapse, always pregnant, and always lonely. It's hard to reconcile who the man really was when his wife is remains so one-dimensional, and so tragic.

Anyways, hard to say this is :the: book to read, but I can't recommend reading up on John Marshall more highly.

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### **Luis says**

Harlow Giles Unger is a hater. He trashes Thomas Jefferson so he can prop up John Marshall. I have no respect for that kind of lazy approach. Besides, he concentrates in so many other people who are not Marshall in this book. I learned very little of John Marshall and that is the fault of Harlow Giles Unger's lack of focus and rigor as a writer.

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### **Courtney Umlauf says**

This book has been taunting me from my currently reading shelf since April. Today I powered through.

John Marshall isn't someone I had any knowledge of until I read biographies of Washington and Adams. He's so important to the founding of the country, playing a large role in developing the judiciary branch and in defining the role of the federal and state governments, I'm surprised he's not someone you learn about in high school US history class. I thought this was a good introduction.

My only issue I have with this book is how biased Unger is against Jefferson, which isn't anything new. That's been a recurring theme in other books I've read by the author. From his descriptions, I would agree that Jefferson seems horrible. But there have to be other viewpoints regarding this issue. I would be more convinced if Unger addressed and refuted some competing interpretations of Jefferson's role as a founding

father as opposed to simply injecting his strong dislike of him everywhere possible. In a book this size, he could have done this to some degree.

\*\*There's one other thing that kept bothering me as I read. Maybe the reason it caught my attention so much is because I read such a large chunk in one day, but I couldn't help but notice a weird lack of commas everywhere in the text. I'm all for disregarding a rule of grammar if following it will make the text somehow less clear to the reader. After all, clarity is the goal. But in this case, I found that the meaning was often muddled by leaving out commas. He almost never inserts one after a prepositional phrase at the start of a sentence, even a long phrase. I thought "maybe he's decided to never include a comma there, for whatever reason". Then I come across two paragraphs back to back, each beginning with a sentence using a prepositional phrase at the start. One used a comma, one didn't, and they were both about the same number of words. Appositive phrases in the middle of a sentence don't even always get commas. There seems to be no consistent pattern. It's bizarre. I'm not a stickler for grammar, I just couldn't help but be annoyed and wonder how no one else seems to have noticed.

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## **jordan says**

Biography is an art with no shortage of pitfalls. A writer can be overly critical of their topic or, just as bad, worshipful. Warping details to suit a particular narrative goal is bad; lazily getting facts wrong is worse. Such a list of problems comes to mind while reading Harlow Giles Unger's "John Marshall: The Supreme Court's Chief Justice Who Transformed the Young Republic." In this volume the author makes each and every one of these mistakes.

From the very first, Unger's praise for Marshall dashes past merely admiring to rank idolatry. No saint was ever so saintly. As a soldier, Marshall is endlessly valiant. In friendship, he is perfectly loyal. In matters of law, he is flawlessly just. Did Marshall suffer from a single deficiency in character or judgment? Unger's biography answers with a resounding no. Indeed, in the generation of visionary giants who birthed the Republic, for Unger "Marshall was at heart an ordinary man, but a straight thinking one, governed solely by logic and a love of justice – undeterred by flattery or verbal ornamentation unrelated to the matter at hand." Given that Marshall was among the ablest and most persuasive politicians of his time -- famously as Chief Justice able to charm to his side every new justice appointed specifically to break his hold on the near unanimous court -- such descriptions hardly do him justice.

Worse still, in his effort to beatify John Marshall, Unger feels the need to turn his political opponents into mustache-twisting villains, characters better suited to a comic strip. One may not like Thomas Jefferson. Indeed, there is much to dislike about the third president. Still, it would be understatement to describe him merely as complex. Unger's Jefferson, however, is instead simple. For Unger, Thomas Jefferson is a Jacobin bent on bringing down America's constitutional system. Indeed, Unger's biography accepts as wholly accurate many of the most inflated claims of early American newspapers. Action after action by Jefferson is, in Unger's description, a "coup," "quasi-coup," or a "coup-detox" (for Unger, every step away from strict construction, whether Washington ordering Hamilton to borrow money without Congressional authorization, the passage of the Alien and Sedition acts, and even the Constitutional Convention deciding to scrap the Articles of Confederation earns the label "coup"). Good historians take over heated rhetoric and refines them through the light of analysis. Unger, in contrast, just generates more heat. Nor is Jefferson alone as a target of obvious animus. Perhaps owing to Unger's loyalty to a John Adams, the subject of a previous biography, Alexander Hamilton comes off as similarly villainous.

Curiously, a character who earns a great deal of elegiac praise here is none other than Aaron Burr. No doubt, Burr's for his role in America's founding deserves more consideration than he generally receives. Burr possessed a complex personality and a keen mind. Yet whatever complexity Burr possessed is lost here. For Unger, Burr serves mainly as a foil to Marshall's "arch-nemesis," Jefferson. To that end, Unger even goes so far as to portray the Burr Conspiracy as entirely a creation of Jeffersonian sycophants without a whiff of truth. Unger claims that there never was any scheme by Burr to detach part of the West into a new nation. And he is certainly entitled to that opinion, though it sets him firmly among the minority of historians. However, Unger does not so much as make a case, as pretend his peculiar opinion is self-evident and uncontradictable. Moreover, Unger's frequent factual errors and out of date interpretations leave the reader considerable reasons to doubt his analysis.

Unger's factual errors are too many to easily count. Some stem from either sloppiness. Others come from efforts to further a particular narrative end. Take for example his statement that the Supreme Court created by the US Constitution was "curious" because it denied "...respondents a right [to a jury trial] guaranteed in the English speaking world since 1215 when King John signed the Magna Carta..." This however ignores that the Supreme Court is an appellate court. Appellate court lacking juries were already common under English common law. Unger also repeats a classic mistake with regard to the infamous "3/5 compromise" stating "...with both branches dominated by southern Republicans, a handful of powerful plantation owners would rule the nation by casting the votes of the 1.7 million slaves they owned," and in case one imagines this an oversight, he adds in a note "...the 1.7 million slaves... [were] the equivalent of about 1 million white voters."

Of course this claim pairs two misunderstandings, common to middle school history students but unforgivable in a historian. First, no one cast the "votes" of slaves. In a system (north and south alike) which almost exclusively limited the franchise to propertied white men (the exceptions, being few but interesting), the question was one of representation. Fewer than 20% of residents of the new United States could cast a vote. . The question was one of representation, both in the House of Representatives and in the count of Presidential electors. Under the infamous compromise, "free" non-voters (men with insufficient property, women, children) each counted as one person for apportionment. By contrast, each slave counted as only 3/5ths of a person. An owner of 100 slaves still cast only a single vote, equal to a sufficiently propertied voter who owned not a single slave.

Unger commits other errors that are more insidious. Time and again, he points to the Marshall Court decisions claiming that "...twenty-five years after his death those decisions plunged the nation into civil war." It is of course true that Marshall's insistence on Federal supremacy did indeed provoke violence and even at times outright defiance from the states as well as other branches of government. Yet despite more than a century of revisionist history, the fact remains that it was slavery (and in particular the effort to limit the expansion of that "peculiar institution" in the west and fear of eventual abolition) that drove succession. Benign and amorphous terms such as "state's right" are mere euphemisms for the institution of chattel slavery. Pennsylvania did not abandon the union because the Court struck down the state's effort to void a federal rule on awards to privateers (*United States v. Peters*), nor Maryland because of their inability to tax the National Bank (*McCulloch v. Maryland*), nor New York when the court limited their right to establish monopolies (*Gibbons v. Ogden*). Such doughy-headed revisionism has no place in serious history. Despite his frequent errors and his desire to turn complex history into a thin morality play, Unger does offer the occasional surprising factoid. I was unaware that prior to Marshall's rise to the bench, Federal judges dressed not in plain black robes but in the over-resplendent garb of the British judiciary. Likewise, it says something about John Marshall that he earned his great wealth by using his formidable legal skills to win a court case in which he cleared his title to a vast tract of land over which ownership was in dispute. None of this, however, makes up for this book's many deficiencies. John Marshall stands tall among the giants who

established our Republic. His keen mind and political skill took the bones of the Constitution and built a strong supple body politic that has stood the test of time. He well-deserves to be honored and memorialized. Jean Edward Smith's biography, "John Marshall: Definer of a Nation" is an excellent choice for interested readers. Smith thoughtfully covers the material, giving Marshall a full fair treatment, without swerving into sycophancy. The same can not be said of Unger's work. A biography of this poor quality demeans Marshall's legacy and denies him his humanity.

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### **David Williams says**

John Marshall is one of the most important figures in American History, yet so few people know anything about him. Born in a log cabin in what was then the western frontier of the colony of Virginia he would rise until he became the Chief Justice of the Supreme Court. Marshall was far more than a mere Chief Justice. During his tenure on the court from 1801 – 1835 he would reinvent the Court and make it the powerful institution that it is today. In *Marbury v. Madison*, Marshall would assert the power of the Court to determine the constitutionality of a law passed by Congress. This particular duty of the Supreme Court is so taken for granted today that we forget how controversial it was at the time. President Thomas Jefferson, who did not want an independent judiciary, did his best to undermine and destroy the power of the Court. The Speaker of the House was a staunch Jefferson supporter and led the charge to impeach Samuel Chase, one of the Justices. The hope was to impeach and remove the judges who disagreed with Jefferson one by one until the Court was packed with Jefferson supporters who would then undermine the power of the Court. The trial of Justice Chase came back with a "not guilty" verdict and Jefferson was handed a strong defeat. After this Marshall and the Court would go on to carve out and define the power of the Court and establish precedents that exist to this day.

Florence King once referred to Harlow Giles Unger as "America's most readable historian." John Marshall proves once again that Mr. Unger has not lost any of those skills. This volume is not a reference heavy tome meant for the professional historian. It is an excellent introduction to both John Marshall and his world. You do not need any outside knowledge to understand this book and what is going on throughout this time period. Unger does not delve deeply into the side characters so if you want to know more about men like James Monroe, James Madison, and others then you will need to read about them. Fortunately, there are many excellent books on those sources. Unger is dedicated to his own subject and he does not fall prey to that Siren song that so often entraps the historian: the rabbit trail. This book is recommended for anyone who would like to know more about the history of the United States and the foundation period when so much that we take for granted today came about. Marshall is a fascinating subject and Unger brings him to life. We see the man willing to disappoint President Washington and turn down important government posts because of family duties. We see a man willing to stand up to Thomas Jefferson and fight for the right to an independent judiciary. Captain, Congressman, Secretary of State, Chief Justice of the Supreme Court are all official titles that he held from the period of the Revolution until his death in 1835. Those who knew him knew him as a son, husband, father, friend, patriot, a tireless worker for the new Union. Harlow Giles Unger shows us all of these aspects and gives us John Marshall.

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### **Chad says**

Unger chooses to focus more on the times of Supreme Court chief justice John Marshall than the man or the

landmark cases he presided over. Only the last fifth or so of the book is dedicated to his judicial career, and indeed even those cases are covered in a rather hurried manner with not enough context to convey their impact. His prose is clear and eloquent, but I was still left wanting a more full picture of who Marshall was rather than the era he lived in.

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### **Michael says**

A solid biography of the great Chief Justice, and I appreciated that Unger was honest about what Marshall's most momentous opinions actually did: altered the Constitution without the requisite amendment process. Whether that's a good thing or a bad this is debatable. I'm sure Unger would come out on the good side, but I appreciate how he leaves the door open for the reader to reach a different conclusion.

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### **Celia says**

I liked the book because I knew very little about John Marshall. John Marshall was the longest serving ever Chief Justice of the Supreme Court and he was the one that made the Supreme Court what it is today-the third branch of the US Government separate and equal to the Legislative and Executive. It is an easy biography to read. Some early reviews complained that the book had a simplistic and one sided view of John Marshall. While as can be seen later in this review there may be some truth to this complaint I still found the book very informative since I did not know much about John Marshall.

John Marshall was a friend of George Washington and fought in the Revolution. He was a delegate to the Constitutional Convention, a Congressman and Secretary of State under John Adams. He was a lawyer by training and often was a practicing lawyer. Politically, he was a committed Federalist (believer in a strong Federal Government as opposed to state rights).

The early years of John Marshall aren't that interesting. He seems to have been a respectable sort of person and not much happens. When the book starts getting into the XYZ affair when Marshall was Secretary of State, the book gets livelier. Marshall and some other Americans go to negotiate a treaty in France and the French diplomats demand a bribe from the American representatives which the Americans refuse to give. Marshall becomes a hero to some Americans because he refused to bribe the French.

In 1800, Jefferson who was a Republican defeated John Adams a Federalist for the office of President. The Republicans also gained control of Congress. John Adams was afraid that Jefferson would become dictator since Congress was controlled by Jefferson's party. So before Adams left the presidency, he packed the Federal courts with Federalist Judges. John Marshall was put on the Supreme Court as part of Adams packing the court with Federalists Judges.

Jefferson was furious about the packing of the Supreme Court and tried to have some of the judges removed. All the current arguments against an activist Supreme Court were made by Thomas Jefferson.

However, John Marshall and the Supreme Court survived Thomas Jefferson's attempts to weaken it. In fact John Marshall's Supreme Court made a ruling against Thomas Jefferson in stating that he had to provide certain letters to a legal hearing. Andrew Jackson was the first president to use the military to enforce Supreme Court decisions.

The book reviews many of the early Supreme Court cases which I found interesting. On the positive side, both John Marshall and the Supreme Court defended the rights of citizens from what might be seen as government overreach. It also upheld citizens' rights for due process. More debatable the Supreme Court tended to uphold Federal Laws over state laws.

In dealing with the bad boy of the American Revolution, Aaron Burr, I think the book justifies some of the criticism of being one sided. The book denies that Aaron Burr ever wanted to make himself King of the Midwest but many historians would disagree with that historical interpretation of Burr.

However, if one wants a lighter look at the history of the Supreme Court, of John Marshall: The Supreme Court's Chief Justice Who Transformed the Young Republic is an informative and readable book.

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### **Jeff says**

I really enjoyed this book. I would give it a 4.5 stars if possible.

John Marshall forms the backdrop of a very interesting era in America's history. At least half of the book concerns Marshall; the other half, woven throughout the book, concerns the times that Marshall lived--focussed in the 1790's and early 1800's.

Biographers often get criticized for falling in love with their subjects; and a case can be made here regarding this book. Yet, it makes no sense to senselessly disparage such a great man as Marshall ("great" is not an over estimation of my understanding of Marshall). So, I take the author's approach to Marshall at his word.

Most interesting is the author's expositions of Aaron Burr and Thomas Jefferson. Essentially, the author rehabilitates Burr and throws Jefferson under the bus.

The author's discussion of Jefferson is of special note. Jefferson, the author opines, exhibited traitorous conduct, cowardice, was power-hungry, and essentially a terrible President . That comes as a shock to me, although I am hard pressed to disagree with the author's carefully constructed arguments and historical references. Still, I think the author went slightly overboard with Jefferson; he had a very good first term and a terrible second term (largely his own doing). Nevertheless, the books' treatment of Jefferson is very interesting and contrary to some of the recent biographies that I have read regarding TJ.

I highly recommend the book. Buy it and read it. It is an easy read.

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### **Jill says**

Unger takes the interesting approach of illuminating the contributions of John Marshall to the protection and preservation of the Constitution by describing the many ways in which Thomas Jefferson sought to subvert it. This book will educate readers about the actual operations of the early republic, rather than the usual "patriotic" myths fed to students of history. Although revered as a "Founding Father," Jefferson was in truth often interested more in advancing his own ideas and ambition than in honoring the Constitution.

Marshall's legacy as the 4th Chief Justice of the Supreme Court was the assurance of "the integrity and eminence of the Constitution and the federal government." Marshall, who was the longest serving Chief Justice in American history, signed over 1,180 decisions, writing 549 of them. As Unger shows:

"In the course of his Supreme Court leadership Marshall stood at the center of the most riveting - and most important - courtroom dramas in the nation's formative years. Case by case he defined, asserted, and when necessary, invented the authority he and the Court needed to render justice, stabilize the federal government, and preserve the Union and its Constitution."

Because of Marshall's efforts, the judiciary became an equal branch of the federal government. But it was not a predetermined outcome. When Jefferson didn't get his way, he used every means at his disposal to try to vitiate the judiciary. To his chagrin, however, even when he appointed his own men to the bench, they became so impressed with Marshall's erudition, devotion to the law, and integrity, that one by one, they became Marshall men instead of Jefferson men.

To this day, the decisions written or influenced by Marshall continue to shape the American polity. From his opinion in *Marbury v. Madison*, in which he established the independence of the federal judiciary, to his insistence in *U.S. v. Burr* that no one, not even the president, is above the law, Marshall made a lasting and positive imprint on the character of the country. And while Jefferson continued to insist, even when retired, that the federal and state governments represented two independent and equal sovereigns, Marshall, in *McCulloch v. Maryland*, set forth the precedent that state action may not impede valid constitutional exercises of power by the Federal government. The United States would be a radically different place had it not been for "the great, the good, the wise" John Marshall, as he was described by another famous and well-respected Supreme Court Justice, Joseph Story.

**Discussion:** One reason I like Unger very much as a historian is that he has always been able to avoid portraying the Founding Fathers in sepia tones with golden halos. He is not loathe to point out, for example, that Jefferson was a vicious man who operated *sub rosa* through lackeys to destroy the careers and lives of anyone and everyone who disagreed with him. He is not reluctant to provide evidence for how much of the Declaration of Independence was lifted by Jefferson from other writings, such as those of John Locke, or how pusillanimously Jefferson behaved when the fighting broke out in the American Revolution. He also takes Jefferson to task for his treasonous acts against President John Adams when Jefferson himself was serving as Vice President. (This includes the concealment of evidence by Jefferson that would exonerate Adams from charges of impeachment, a movement for which Jefferson was leading the chorus.) And he doesn't hesitate to speak of Jefferson's bribes to members of the press to calumniate his opponents; his threats to start a Civil War if he were not elected in 1800; his blatant disdain of the Constitution when it got in the way of what he wanted to do; and his attempts to emasculate the judiciary so that it could not rule against any of his decisions.

Jefferson largely escapes such a close look at his behavior because of the need for the American narrative to show him as a great man, who joined other great men to create a great nation. Even the recent DNA evidence of Jefferson's long-time affair with Sally Hemings has been downplayed, and those who acknowledge it are quick to point out Jefferson's long-standing relationship with her, as if his alleged monogamy would make up for his taking up with a fifteen-year old girl when he was forty-six, a girl who was in his care as a *slave*, unable not to do his bidding. The entire time she was his mistress, she continued to serve as his slave, in addition to being pregnant almost continuously when he was in town. She was not even freed by his will when he died. But collective memory serves to establish moral, political, and social lessons, and to help form an understanding of who we are as a people. Truth can often fall by the wayside.

Unger, however, has a respect for facts.

He also has a keen eye for those early figures in our history who displayed more character, more nuance, more courage, and more loyalty to the aims of the young country. One of those was John Marshall. This well-written story will keep your attention from beginning to end. Highly recommended!

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### **Andy Miller says**

There is a paradox in reading Harlow Unger; his histories and biographies are easier, more fun, to read than other biographies, sometimes reading like the narrative of a novel. However, they do not carry the depth or intellectual rigor of many other biographies. This paradox is apparent in his biography of John Marshall.

Sometimes this works. This contained by far the best explanation of the XYZ affair and why it affected the United States so strongly. Unger narrates the story as it unfolds, describes each approach by a French envoy to John Marshall and his two diplomatic team members when they arrive in France to try to negotiate a compromise with France to free up US shipping and hostages. Unger describes each demand for bribery or tribute and only when Marshall returns to the United States and the written demands are released does Unger describe the XYZ

A constant theme was the relationships among Alexander Hamilton, Aaron Burr, James Monroe and John Marshall which were forged by their military service and heroics, a forge that allowed Monroe and Marshall to remain close friends even at peaks of political rivalries while the estrangement of Burr and Hamilton with the others and each other seems especially sad

Unger does a good job summarizing Marshall's court decisions that defined American constitutional law with Marbury vs Madison, of course getting in depth treatment. Unger also contrasts the reactions between Jefferson and Madison to the court decisions and gives Madison credit for backing Marshall on controversial decisions giving supremacy of federal government over state government ensuring that our Supreme Court and its interpretation of the constitution did not merely become a paper tiger

The best example of the lack of depth of this book was its treatment of Thomas Jefferson. While Unger appropriately and effectively details Jefferson's weaknesses, such as contrasting the bravery and sacrifice of Washington, Marshall, Burr, Monroe and Hamilton during the war with Jefferson's retreat and bringing wine and musical instruments to imbibe and play with Hessian prisoners of war; Unger never addresses the nuance in Jefferson and his effectiveness in building a majority party which continues to shape American politics today

But all in all, this was a great read

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### **Jim Angstadt says**

This book just got better and better, the more I read.

It paints a picture of two men, Marshall and Jefferson, on opposite sides of the "Federalism" vs.

"Democratic" divide, that includes their philosophy, accomplishments, temperament, ethics, and self-control.

The author, Harlow Giles Unger, does not soft-soap their words or actions; it is surprisingly candid and even-handed. I will surely read more by this author.

The book does a great job of explaining the relationship of the federal government to the state governments. Today, we take for granted these principals of law; but it took Chief Justice Marshall and many others with foresight to identify and bring into being these principals.

The most important of these principals are summarized in the appendix. Their context and issues are more completely described in various chapters.

This book deserves a thoughtful reading.

Notes while reading:

The book I am reading is hard-cover, and has a different sub-title:

"The Chief Justice Who Saved The Nation"

But that didn't show as an available edition for this author.

Oh, well.

Chap 1: Chaos!

- A collection of sovereign states or one nation?
- The rule of law not whim.
- JM raised in a log cabin in the Blue Ridge Mountains
- Fought in war, unlike cousin Thomas Jefferson, who bailed to his plantation.
- Under-funded war effort, inexperience, mistakes, peril.

Chap 2: Commotions

- Meets future wife Polly Ambler.
- Studies law for a year.
- Jefferson bails as Virginia governor.
- JM builds law practice.
- Ex-soldiers, now farmers and debtors, revolt; "Farmers Rebellion" of 1786.
- "The commotions" threaten peace and stability.

Chap 3: "We, Sir, Idolize democracy!"

- State sovereignty rules.
- "Articles of Confederation created no central authority."
- "No powers to tax, raise an army, or ..."
- Territorial disputes.
- General dis-function.
- George Washington organizes common commercial interests with Maryland and Virginia.
- Other states join in, except RI.
- Shay rebellion forces states to "forestall the spread of anarchy" by strengthening central gov.
- Save the nation in peace as they had in war.
- May - Sept 1787, convention to amend Articles of Confederation actually wrote the Constitution.
- Ratified by 10 states in 1789.

## Chap 4: Quoits Was the Game

- JM resumes his legal career. 2 notable cases:
  - With Patrick Henry, defends a man charged with infanticide.
  - Again with Henry, pleaded the "British Debts Case" re pre-war loans.
- Legal scholars from US and UK cited the case as "just and equitable to creditors and debtors."
- JM has some time for socializing (quoits), while following his legal interests.
- JM declines an appointment by Washington.
- Unger states that many of Washington's former military subordinates also declines other posts. Some of those who did serve, "did so only for lust of power."
- Family issues claim most of JM's time. He leaves public service, sells his legal practice, and moves to the Blue Ridge Mountains.

## Chap 5: The Great Divide

- Hamilton vs. Jefferson.
- Federalism vs. state sovereignty.
- French-English war exacerbated the divide.
- Washington's neutrality proclamation.
- French envoy Genet stirs up trouble.
- Unger continues to blast Jefferson's ethics.

## Chap 6: The Two Happiest People on Earth

- Genet and Jefferson leave the capitol.
- The economy is better due to war sales.
- Calls to take sides in the French-English are rejected.
- Hamilton leaves Treasury but gets 3 allies appointed to War, Treasury, and State.
- Jefferson continues to agitate and spread lies.
- The Jay Treaty resolves a long-standing uncertainty of land ownership and other matters.
- JM benefits. Can now buy land at a big discount. No more money worries.

## Chap 7: X, Y, Z

- JM plus 2 go to France on a diplomatic mission.
- Talleyrand, Bonaparte, and others, demand "sweeteners", ie, pay for access.
- JM responds: "No"; and the sequence repeats numerous times, until they return to the US.
- Sentiment in the US takes on a more anti-France tone.
- "Millions for defense but not a cent for tribute."

## Chap 8: Our Washington Is No More

- Ultra-Federalists in congress, 1797, push first of 4 Alien and Sedition Acts, aimed at US French.
- "Effectively annulling the Bill of Rights."
- JM is held in high esteem.
- Napoleon defeated in Egypt; France loses around the globe.
- JM elected to congress.
- Washington dies.

## Chap 9: Midnight Judges

- Loving his descriptions of Jefferson's actions and motives!
- Personalizes the federal vs. state perspective.
- Shows the dirty tricks used by some iconic founding fathers
- Shows just how precarious our young nation was.

- Adams adds new justices and nominates JM as Chief Justice.

#### Chap 10: Mr. Chief Justice

- Hamilton splits the Federalist party.
- Jefferson and Burr tie for president.
- 34 votes later, still a tie.
- Bayard of Delaware switches to Jefferson.
- "Astonished the British and Europeans as much as it did the Americans."
- First modern time an incumbent party ceded control without violence.
- Jefferson has congress repeal the midnight judges and related provisions for two years.
- Jefferson's rational: each branch of gov. is the final judge of its proper functions.
- which opposes the idea of checks and balances.

#### Chap 11: Party Rage

- In *Marbury v. Madison*, the Supreme Court states the proposition that the President and the Congress must comply with the constitution, as interpreted by the Supreme Court.
- Jefferson is strongly opposed.
- James Monroe purchases Louisiana territory from France.
- Jefferson has 2 judges removed.

#### Chap 12: A Deadly Interview

- The impeachment of Supreme Court Justice Chase failed.
- Stopped Jefferson's attempts to neuter the high court.
- Marshall: "our duty is to the constitution - and only to the constitution."
- Yet, the justices realized that public comment, or behavior, could make their tasks harder.
- Burr resigns as VP.

#### Chap 13: The Trial

- Gen. Wilkinson sends letter to Jefferson accusing Burr of leading a conspiracy.
- Jefferson repeatedly has officials hound Burr.
- Burr is acquitted in all court proceedings.

#### Chap 14: The Court Must Be Obeyed

- General perception that Jefferson tries to "wreak vengeance on his perceived enemies and expand his personal power."
- President Madison sends federal troops to enforce a Supreme Court ruling.
- *Philadelphia Aurora* newspaper: "The decree of the Court must be obeyed."
- Jefferson, with a lawsuit that might reach the Supreme Court, encourages President Madison on two nominations to the Supreme Court.
- Both nominees - Gabriel Duvall and Joseph Story - once on the Court, join with Marshall and the others to produce good, fair verdicts.
- British ships attack US ships; country clamors for war; Madison declares war in 1812.

#### Chap 15: An Era of Good Feelings

- Naval encounters prompt UK to call for peace negotiations at Ghent, Belgium in 1813.
- Napoleon's armies fell across Europe and Russia, freeing up UK forces to attack US.
- Francis Scott Key observes the defense of Fort McHenry, and produces "The Star-Spangled Banner."
- Andrew Jackson repels a British attack on New Orleans.
- Shortly after, both sides declare the war ended, and returned to the status quo.

- *Nereide* decision: cargo and ship are distinct. During war, can take from enemy not friend.
- US UK sign commercial accord, economic prosperity ensues. Westward expansion jumps.
- In *Martin v. Hunter's Lessee*, the Supreme Court reasserted the power to overturn court decisions that violated the Constitution.
- 1817 President Monroe takes office.

#### Chap 16: The Final Arbiter

- Discusses significant cases not previously discussed.
- Jefferson tries again to undermine the Supreme Court, saying they are unaccountable and should be elected.
- *Gibbons v. Ogden*. The constitution gives congress the power to regulate commerce.
- July 4, 1826, both Adams and Jefferson die.
- The Cherokee Acts stripped Cherokees of citizenship and land (and gold), and voided Cherokee laws.
- Supreme Court ruled against Georgia; President Andrew Jackson refused to enforce.

#### Appendix: Nine Great Cases

- *Marbury v. Madison*, 1803, Established Supreme Court review of federal laws.
- *US v. Peters*, 1809, asserted supremacy of federal over state authority.
- *Fletcher v. Peck*, 1810, affirmed inviolability of contracts.
- *Martin v. Hunter's Lessee*, 1816, asserted treaties as "supreme law of the land."
- *Dartmouth College v. Woodward*, 1819, reiterated inviolability of contracts.
- *McCulloch v. Maryland*, 1819, limited state sovereignty, asserted federal over state laws, established principle of federal gov. "implied powers."
- *Cohens v. Virginia*, 1821, extended Supreme Court protection to all citizens in every court in the land.
- *Gibbons v. Ogden*, 1824, opened American interstate commerce to free competition.
- *Worcester v. Georgia*, 1832, put the power of federal troops behind enforcement of Supreme Court decisions.

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