

22. Baker, *John Marshall*, p. 381.
23. George McKenna, *American Politics*, p. 300.
24. Marbury was joined in the case by three others: William Harper, Robert Townshend Hooe, and Dennis Ramsay.
25. It is curious that it took Marbury so long to take the case to court. Leonard Baker suggests that his motive might have been to embarrass the Jefferson administration. See Baker, *John Marshall*, p. 395.
26. The Supreme Court had ruled on the constitutionality of a carriage tax in the case of *Hylton v. United States*, 3 Dall. 171 (1795), but it had declared the tax constitutional.
27. *Marbury v. Madison*, 1 Cranch 137, 176-177 (1803).
28. *McCulloch v. Maryland*, 4 Wheat. 316, 407 (1819).
29. Baker, *John Marshall*, p. 414; Edwin S. Corwin, *Marshall and the Constitution*, p. 124.
30. Walker Lewis, *Without Fear or Favor*, p. 269.
31. Baker, *John Marshall*, p. 701.
32. Francis Norton Mason, *My Dearest Polly*, p. 344.
33. *Worcester v. Georgia*, 6 Pet. 515 (1832).
34. *Barron*, 7 Pet. 243, 246 (1833).
35. He was in Paris as a representative of his new government.
36. Letter of Thomas Jefferson to James Madison, Dumas Malone, *Thomas Jefferson and the Rights of Man*, p. 168; *Works of Jefferson*, ed. Ford, vol. IV, p. 477.
37. Rossiter, *Federalist Papers*, p. 513.
38. *Ibid.*
39. *Annals of Congress*, 1st Cong., 1st sess., August 15, 1789, p. 732.
40. *Ibid.*, June 8, 1789, p. 425.
41. *Ibid.*, June 8, 1789, p. 432.
42. *Ibid.*, June 8, 1789, p. 440.
43. *Ibid.*, June 8, 1789, p. 441.
44. *Ibid.*, August 17, 1789, p. 775.
45. There is no record of the debate on this matter, just the final outcome.
46. *Barron*, p. 247.
47. *Ibid.*
48. Of course, the Constitution does place some specific limits on the states, as in Article I, Section 10.
49. *Barron*, p. 250.
50. *Ibid.*, p. 251.

Chapter 2: Seventeen Words

1. Harold A. Hyman and William M. Wiecek, *Equal Justice Under Law*, p. 13.
2. James MacGregor Burns, *The Vineyard of Liberty*, p. 577.
3. Don E. Fehrenbacher, *The Dred Scott Case*, p. 275.
4. *Ibid.*
5. Speech of Andrew Jackson, December 7, 1836, *Messages and Papers of the Presidents*, ed. J. D. Richardson, pp. 1513-1514, 1516.
6. Burns, *Vineyard*, p. 576.
7. *Dred Scott v. Sandford*, 19 How. 393, 403 (1857).
8. *Ibid.*, p. 407.

9. *Ibid.*, pp.
10. *Ibid.*, p.
11. John A. (
12. Robert F
13. Hans L.
14. Bernard
2d ed., v
15. 14 Stat.
16. *Ibid.*, C
17. *Adams*
18. Raoul B
19. Charles
Rights?"
20. *Ibid.*, p
21. March &
22. *Slaught*
23. Field w
24. *Slaught*
25. *Hurtad*
26. Henry i
27. *Lochner*
28. *Atkins*
29. *Lochner*
30. *Gitlow*
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31. *Palko v*
32. *United*
33. *Ibid.*, p

Chapter

1. Lincoln
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8. Letter
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9. *Ibid.*
10. *Minne*
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