

# Chief Justice Marshall's Court & Cases

## *Cohens v. Virginia* (1821)

### Facts of the Case

An act of Congress authorized the operation of a lottery in the District of Columbia. The Cohen brothers proceeded to sell D.C. lottery tickets in the state of Virginia, violating state law. State authorities tried and convicted the Cohens, and then declared themselves to be the final arbiters of disputes between the states and the national government.

### Question

Did the Supreme Court have the power under the Constitution to review the Virginia Supreme Court's ruling?

### Conclusion

#### DECISION FOR VIRGINIA

Jurisdiction, not resting on the status of the parties, rests with Section 25 of the Judiciary Act; and state laws repugnant to the Constitution and federal law are void.

In a unanimous decision, the Court held that the Supreme Court had jurisdiction to review state criminal proceedings. Chief Justice Marshall wrote that the Court was bound to hear all cases that involved constitutional questions, and that this jurisdiction was not dependent on the identity of the parties in the cases. Marshall argued that state laws and constitutions, when repugnant to the Constitution and federal laws, were "absolutely void." After establishing the Court's jurisdiction, Marshall declared the lottery ordinance a local matter and concluded that the Virginia court was correct to fine the Cohens brothers for violating Virginia law.

! "*Cohens v. Virginia.*" Oyez, 26, Jul. 2018, <https://goo.gl/BBBbjN>