

2001 SESSION

ENROLLED

SENATE JOINT RESOLUTION NO. 429

Commemorating the 200th anniversary of John Marshall's becoming Chief Justice of the United States.

Agreed to by the Senate, February 1, 2001

Agreed to by the House of Delegates, February 21, 2001

WHEREAS, John Marshall was born on September 24, 1755, near Germantown, Virginia, in what is now Fauquier County; and

WHEREAS, John Marshall served in the Continental Army through five years of the American Revolution, enduring the notorious winter at Valley Forge as a member of the staff of General George Washington and participating in a number of crucial engagements, including the Battles of Great Bridge, Brandywine, Germantown, and Monmouth Courthouse; and

WHEREAS, John Marshall studied law at The College of William and Mary under George Wythe, the first professor of law in the United States, and went on to establish himself as an able and renowned attorney-at-law; and

WHEREAS, John Marshall faithfully served both the Commonwealth and the United States as a member of the House of Delegates, member of the Virginia Convention to ratify the United States Constitution, envoy to France, Congressman, and Secretary of State; and

WHEREAS, John Marshall was nominated as Chief Justice of the United States by President John Adams and was sworn in as Chief Justice on February 4, 1801; and

WHEREAS, John Marshall served as Chief Justice of the United States until his death on July 6, 1835, a total of 34 years, making him the longest-serving Chief Justice in history; and

WHEREAS, when John Marshall became Chief Justice, the Supreme Court of the United States was not regarded as a co-equal branch of government with the executive and legislative branches, and the Constitution of the United States was not held in the high esteem it enjoys today; and

WHEREAS, through decisions such as *Marbury v. Madison*, John Marshall established the principle that "it is emphatically the province of the judicial department to say what the law is," and, almost single-handedly, he made the Constitution the supreme law of the land and his Court the final arbiter of that law; and

WHEREAS, the legacy of the "Great Chief Justice" is an independent judiciary, at both the national and state levels, as the guarantor of legal rights, so that people in all walks of life may reasonably turn to the courts to seek the vindication of their rights; and

WHEREAS, only with an independent, vibrant judiciary is it possible to maintain "a government of laws and not of men"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That on the 200th anniversary of John Marshall's taking the oath of office as Chief Justice of the United States, the General Assembly commemorate and recognize this crucial event in the history of the Commonwealth and the nation, as well as the importance of John Marshall in the establishment of the tradition of the rule of law; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the John Marshall Foundation, the Association for the Preservation of Virginia Antiquities, and the staff of the John Marshall House as an expression of the General Assembly's appreciation for their contributions to public understanding of the importance of the life of John Marshall in the establishment of constitutional government in this country.

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