In January 1801, President John Adams faced a troublesome decision. The country needed a new Chief Justice for the Supreme Court, and he had to find one.

Oliver Ellsworth had resigned the position, which, at that time, was not considered terribly prestigious. The Supreme Court itself was a fairly weak institution at that time. And as justices had to "ride the circuit," traveling on horseback to hear cases, serving on the court could be a grueling and thankless task.

Adams intended to nominate John Jay, who was an old and trusted friend. But Jay, a distinguished lawyer who had previously held the position, turned Adams down.

And with little more than a month left in his term before president-elect Thomas Jefferson would take the oath of office in March, Adams found himself in a bind.

A Fateful Meeting

John Marshall, who was serving as secretary of state to Adams, later wrote that he had delivered Jay's letter refusing the position to Adams, who had recently moved into the unfinished executive mansion, which would later be known as the White House.

Adams, disappointed by Jay's letter, asked, "Who shall I nominate now?"

Marshall replied that he did not know.

"I believe I must nominate you," said Adams.

Marshall recalled being surprised, and bowing his head in silence. The next day, January 20, 1801, he was nominated as Chief Justice. The Senate confirmed him a week later, on January 27.

Historians have long debated whether or not Adams always intended to nominate Marshall or whether the nomination was really a decision made on the spot. In either case, the decision was not frivolous as Adams knew Marshall to be extremely capable. And because of Marshall's unassailable reputation, Adams was confident he would be confirmed by the Senate.

From the Frontier

John Marshall was born on the Virginia frontier on September 24, 1755, the son of a land surveyor who had somehow amassed a substantial library of books. As a child Marshall was encouraged to read extensively.

As a young man he served as a captain in the Continental Army, and saw action in several battles, including Brandywine and Monmouth. While still serving in the military he studied law part-time at William and Mary College. The course of lectures he attended would be his only formal legal education. He was admitted to the Virginia bar in 1780, and entered political life a few years later, winning election to the Virginia legislature in 1782.
Marshall earned a reputation as a very good lawyer who could think on his feet. And he also became known for arguing forcefully that Virginia should ratify the Constitution. At the 1788 Constitutional Convention in Virginia he defended Article III, which deals with the judiciary. The concept of judicial review was embraced by Marshall, a foreshadowing of his later career on the Supreme Court.

On the Supreme Court

Despite the apparently hasty circumstances of Marshall’s nomination to the Supreme Court, he would be the longest serving Chief Justice in American history, holding the position for 34 years.

His influence on the Court was profound. When Marshall took office the judiciary was considerably weaker than the other two branches of the government, as the Constitution gave little direction to the Supreme Court. But under Marshall’s guidance the Supreme Court became the powerful institution it has remained.

Marbury v. Madison

The 1803 Supreme Court case Marbury v. Madison arose out of a fairly trifling matter of political intrigue, yet the case would have enormous consequences for the young American nation. In his decision, John Marshall would assert the Supreme Court’s doctrine of judicial review, the power to strike down unconstitutional laws.

A series of other landmark decisions followed, such as the 1819 decision in McCulloch v. Maryland, which determined the distribution of powers between the federal government and the states, and Cohens v. Virginia, which emphasized federal power and upheld the supremacy of federal courts.

Marshall’s Legacy

Over the 34 years of Marshall’s tenure the Supreme Court became an equal branch of the federal government. The stature and great power the Supreme Court holds today would be impossible to imagine without Marshall’s guidance in the early years of the 19th century.

Philadelphia the Liberty Bell cracked while it was being rung in tribute to him.

Though Marshall was largely self-taught in the law, and his appointment to the Supreme Court seemed to be a spur of the moment decision, he has been proclaimed "The Great Chief Justice."
WEEKLY READING # 17
ARTICLE # 2:
THE LEWIS AND CLARK JOURNALS

The following are actual entries in the journals that Lewis and Clark kept on their epic adventure across the continent from 1803 to 1806. You will notice that many of the words are misspelled. The parentheses in red are explanations from your teacher.

October 10, 1804
William Clark
... after the Council was over we Shot the air guns which astonished them much, the[y] then Departed and we rested Secure all night, Those Indians wer much astonished at my Servent, (York) they never Saw a black man before, all flocked around him & examind him from top to toe, he Carried on the joke and made himself more turribal than we wished him to doe. Those Indians are not fond of Spirts Licquer.(alcohol) of any kind.

February 11, 1805
Meriwether Lewis
about five Oclock this evening one of the wives of Charbono (Charbonneau was Sacagawea's husband) was delivered of a fine boy. it is worthy of remark that this was the first child which this woman had boarn, and as is common in such cases her labour was tedious and the pain violent; Mr. Jessome (perhaps an Indian or one of the Frenchman traveling with Lewis and Clark) informed me that he had frequently administered a small portion of the rattle of the rattle-snake, which he assured me had never failed to produce the desired effect, that of hastening (speed up) the birth of the child; having the rattle of a snake by me I gave it to him and he administered two rings of it to the woman broken in small pieces with the fingers and added to a small quantity of water. Whether this medicine was truly the cause or not I shall not undertake to determine, but I was informed that she had not taken it more than ten minutes before she brought forth perhaps this remedy may be worthy of future experiments.

May 11, 1805
Meriwether Lewis
About 5 P.M. my attention was struck by one of the party running at a distance towards us and making signs and hollowing as if in distress, ... I now found that it was Bratton (a member of the expedition) ... at length he informed me ... below us he had shot a brown bear which immediately turned on him and pursued him a considerable distance but he had wounded it so badly that it could not overtake him; ... it was a monstrous beast, not quite so large as that we killed a few days past but in all other respects much the same ... we now found that Bratton had shot him through the center of the lungs, notwithstanding which he had pursued him near half a mile and had returned more than double that distance and with his tallons had prepared himself a bed in the earth of about 2 feet deep and five long and was perfectly alive when we found him which could not have been less than 2 hours after he received the wound; these bear being so hard to die reather intimdates us all; I must confess that I do not like the gentlemen and had reather fight two Indians than one bear;
October 5, 1805
William Clark
Capt Lewis & my self eate a supper of roots boiled, which filled us so full of wind, that we were scarcely able to Breathe all night

had all our horses 38 in number Collected and branded Cut off their fore top and delivered them to the 2 brothers and one son of one of the Chiefs who intends to accompany us down the river ... they promised to be attentive to our horses until we Should return

Capt Lewis & myself eate a Supper of roots boiled, which Swelled us in Such a manner that we were Sercely able to breath for Several hours.

October 10, 1805
William Clark
we purchased fish & dogs of those people, dined and proceeded on.

(We have some frenchmen, who prefer dog-flesh (this means for the purpose of eating them) to fish; and they here got two or three dogs from the Indians. -- Gass)

a miss understanding took place between Shabono one of our interpreters and Jo & R Fields (members of the expedition)which appears to have originated in just [jest], our diet extremely bad haeing nothing but roots and dried fish to eate, all the Party have greatly the advantage of me, in as much as they all relish the flesh of the dogs,

The men expose those parts which are generally kept from few [view] by other nations but the women are more particular than any other nation which I have passed [in s[e]cret[ing the parts]]

June 29, 1806
Meriwether Lewis
the principal spring is about the temperature of the warmest baths used at the hot springs in Virginia. In this bath which had been prepared by the Indians by stoping the run with stone and travel, I bathed and remained in 19 minutes, it was with difficulty I could remain thus long and it caused a profuse sweat. two other bold springs adjacent to this are much warmer, their heat being so great as to make the hand of a person smart extremely when immersed. I think the temperature of these springs about the same as the hottest of the hot springs in Virginia. both the men and indians amused themselves with the use of a bath this evening. I observed that the indians after remaining in the hot bath as long as they could bear it ran and plunged themselves into the creek the water of which is now as cold as ice can make it; after remaining here a few minutes they returned again to the warm bath, repeating this transition several times but always ending with the warm bath.