

COMMEMORATING THE 250TH
BIRTHDAY OF JOHN MARSHALL

Mr. ALLEN. Mr. President, I am pleased today to honor the birth of one of Virginia's and America's true citizen soldiers, statesmen, and most importantly jurists, the former Chief Justice of the United States, John Marshall.

The 250th commemoration of his birth over the weekend takes on special significance this week as the Senate prepares to confirm John Roberts as the 17th Chief Justice of the United States. He will replace Chief Justice William Rehnquist, whose decent, dedicated and principled leadership will be difficult to replace. I am confident that Judge Roberts will follow in the tradition of honorable service that was so evident in the work of former Chief Justices Rehnquist and Marshall.

John Marshall's legacy as a Federalist is truly remarkable, but what many people fail to address is his true love for a young America and the desire to see our country succeed and persevere for generations to come.

A native Virginian, from Germantown, he grew up with his parents Thomas and Mary Randolph Keith. His devotion to our Nation was ever present when the Revolutionary War began with the firing of the historic shots at Lexington and Concord. Like so many of his great countrymen, Marshall did not waver in spirit or succumb to fear; Marshall picked up arms against the tyrannical oppressive British Crown and defended the freedom and liberty that he envisioned for Virginians and other colonies.

At the young age of 20, Marshall joined the Culpeper Minute Men. He was chosen a lieutenant. Marshall proceeded to nobly fight in the battle of Great Bridge. In fact, while enduring the cold winter at Valley Forge, Marshall was General George Washington's chief legal officer and by the end of his military service, John Marshall was a brigadier general for the Second Brigade in the Virginia Militia.

After his valiant war service, Marshall returned to Virginia to study law under George Wythe at the College of William and Mary. He was admitted to Phi Beta Kappa and the Virginia Bar. Marshall's desire to practice in the courts and the court of appeals led him to the great capital city of Richmond. It is in Richmond where Marshall's political and judicial life began to flourish.

John Marshall became one of the leading attorneys defending Virginians in the United States District Court of Virginia, and as a consequence, he was selected to be the lead counsel in arguing the landmark case, *Ware v. Hylton*, in the 1796 term of the United States Supreme Court. This would be the only case that John Marshall would argue before the Nation's highest court and, ironically, he lost.

Like his legal career, Marshall saw success in politics. He held legislative office as a member of the Virginia House of Delegates, a member of the

Governor's Council of State, and finally as a member of the United States House of Representatives. But one of his most important, yet often overlooked roles is his election to the Virginia convention that ratified the Federal Constitution. Marshall rose and delivered a very poignant speech on the role of the judiciary. This speech dispelled many of the fears of a Federal court system and truly defined his views on the proper function of government.

Nonetheless, John Marshall was not a boisterous individual. He refused many attempts by President Adams to appoint him to Federal office. But he accepted and served as a diplomatic envoy to France for President Adams as well as Adams' Secretary of State. It was his dedicated service as Secretary of State that led President Adams to appoint Marshall to the United States Supreme Court, where his legacy would endure.

We all know the landmark cases that John Marshall decided. From *McCulloch v. Maryland* to *Gibbons v. Ogden*, Marshall's contribution to the American judiciary system is ever present. But the case that truly enshrines his legacy is his ruling in *Marbury v. Madison*. In truth, what made this even more impressive was that *Marbury* was the very first case that the Supreme Court heard under the leadership of Chief Justice Marshall.

The Marshall Court's ruling in *Marbury v. Madison* has defined the role of the Supreme Court and its pivotal place in our system of checks and balances. Although the decision limited the power of the Supreme Court, it also served to establish the Court's authority to review the constitutionality of acts of Congress. The doctrine of judicial review became a fundamental principle of Constitutional law.

While I am a Jeffersonian who wishes to limit the reach and meddling of the Federal Government into the rights and prerogatives of the people and the States, I do believe these foundational Constitutional questions, debates, and decisions are noteworthy for the education of our present leaders and students. By commemorating historical figures such as John Marshall, we will help our young people better understand American history and what it means to be a citizen of the United States. One thing is certain: John Marshall deserves a prominent place in this Nation's history for his life of service and the impact he made on America even after death. It was, after all, Chief Justice Marshall's funeral that caused the famous crack in the Liberty Bell when it tolled for his procession in 1835. Indeed, John's Marshall's indelible mark in American lore came in many forms.

And so it is with great honor that I celebrate the birthday of one of our great citizen soldiers, statesmen, and Chief Justices. We should celebrate John Marshall's contribution to our

country. His steadfast commitment to federalism helped define the role of the courts and may have ultimately preserved the delicate equilibrium of our Government. But what trumped his loyalty to the federalist way of life, was his love for his Nation and his desire to see America flourish into the great country that it is today.

I would like to take this opportunity to wish a happy birthday to Chief Justice John Marshall, who was born 250 years ago in the great Commonwealth of Virginia. May Virginia and America continue to be blessed with men and women of his unflinching character and spirit.

SIMON WIESENTHAL

Mr. COLEMAN. Mr. President, there are many kinds of heroes in our world.

Some create magnificent works of art which raise our spirits to nobler visions.

Some make tremendous scientific discoveries which revolutionize our understanding and our use of nature for human good.

Some reach unprecedented achievement by adventuring where humans have never been before.

But today we are honoring the late Simon Wiesenthal, a different kind of hero who didn't achieve in the realm of beauty, science or adventure. His life achievement instead was to hold up to humanity the truth about one of its ugliest chapters. He faced what is worst in humankind, and triumphed over it.

In almost every culture the concept of justice begins with finding the truth. Simon Wiesenthal was a principled and indefatigable pursuer of the truth of the Nazi holocaust. He was not content to let the stain of the Nazi murder of Jews and others to be washed away with the passage of time. He sought to document their acts so that they could be recorded forever.

But his life's work went beyond finding the truth. He traveled the globe to make sure surviving members of the Third Reich were held accountable for their monstrous crimes.

He summed up his life with the words "Never forget. Never again." He made us recognize that the simple act of forgetting opened the door for the unthinkable to recur.

World history tells us that every terrible evil starts small and grows to the point where it cannot be controlled except by extraordinary means and cost.

Simon Wiesenthal's life teaches us to deal with anti-Semitism wherever it rears its head so that we don't allow it to grow into something we can no longer stop.

He urged us not only to face the truth, but to act upon it.

Centuries ago a Spanish Rabbi named Maimomedes said this:

Each of us should view ourselves as if the world were held in balance and a single act of goodness may tip the scales.

Simon Wiesenthal did countless acts of goodness and tipped the scales of