



SCOTTISH RITE OF FREEMASONRY

# BULLETIN

VALLEY OF WASHINGTON • ORIENT OF THE DISTRICT OF COLUMBIA

FALL 2017

## John Marshall

Chief Justice of  
the United States

(1801-1835)

CHILDHOOD AND YOUNG MANHOOD

JOHN MARSHALL AND  
HIS SOLDIERING

CREATION OF THE  
GREATEST NATION

JOHN MARSHALL THE LAWYER

GOVERNMENT OF THE  
UNITED STATES

MIDNIGHT JUDGES

MARBURY V. MADISON

POWERS OF  
THE SUPREME COURT

2017  
Fall  
Reunion  
Schedule

Page 22

# SCOTTISH RITE CALENDAR • FALL 2017 through WINTER 2018

The meeting time for these events is 7:30 p.m., unless stated otherwise, in the 2nd Floor Lodge Room. The meetings are limited to Scottish Rite Masons unless stated otherwise. All meetings are preceded by dinner at 6:00 p.m. in the Temple Refectory.

## NOVEMBER 2017

- 7 Mithras Lodge of Perfection
- 8 Evangelist Chapter of Rose Croix

### 10 FALL REUNION

- 4:00-5:15 p.m. – Registration
- 9:15 p.m. – Recess to Saturday

### 11 FALL REUNION

- 8:00 a.m. – Class reports;  
Light Breakfast
- 6:30 p.m. – Reunion Concluded  
with Dinner and  
Festivities

- 13 VETERANS DAY (Observed) –  
OFFICE CLOSED
- 14 Evangelist Chapter of Rose Croix
- 21 EDUCATION & COMMUNITY  
SERVICE AWARDS PROGRAM  
7:00 p.m. Open to Family and  
Friends
- 23 THANKSGIVING DAY HOLIDAY  
– OFFICE CLOSED
- 28 Albert Pike Consistory

## DECEMBER

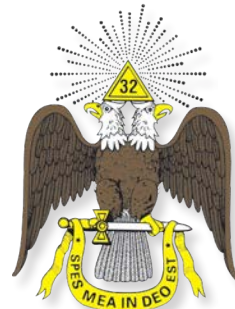
- 5 Mithras Lodge of Perfection
- 12 Evangelist Chapter of Rose Croix
- 13 BEGIN WINTER RECESS  
(Winter Recess – No meetings  
from December 13, 2017 until  
January 16, 2018)
- 25 CHRISTMAS – OFFICE CLOSED
- 26-28 OFFICE CLOSED

## JANUARY

- 1 NEW YEAR'S DAY – OFFICE  
CLOSED
- 15 MARTIN LUTHER KING, JR. DAY  
– OFFICE CLOSED
- 16 JOINT MEETING: Mithras Lodge  
of Perfection & Evangelist Chapter of  
Rose Croix – 2018 Officer Elections
- 23 JOINT MEETING: Robert de Bruce  
Council of Kadosh & Albert Pike  
Consistory – 2018 Officer Elections

## FEBRUARY

- 3 INSTALLATION OF 2018  
SCOTTISH RITE OFFICERS
- 6 Mithras Lodge of Perfection
- 13 Evangelist Chapter of Rose Croix
- 19 WASHINGTON'S BIRTHDAY –  
OFFICE CLOSED
- 20 Robert de Bruce Council of Kadosh
- 27 Albert Pike Consistory



Scan this QR Code with your Android or iPhone to access the SR mobile website.

SCOTTISH RITE OF FREEMASONRY

# BULLETIN

FALL | 2017

## JOHN MARSHALL, CHIEF JUSTICE OF THE UNITED STATES (1801-1835)

- INTRODUCTION
- CHILDHOOD AND YOUNG MANHOOD
- JOHN MARSHALL AND HIS SOLDIERING
- CREATION OF THE GREATEST NATION
- JOHN MARSHALL THE LAWYER
- ECONOMIC CHAOS
- CONSTITUTIONAL CONVENTION
- GOVERNMENT OF THE UNITED STATES
- FRANCO-BRITISH INSURGENCIES
- MIDNIGHT JUDGES
- MARBURY V. MADISON
- SOME EFFORTS OF JEFFERSON TO WEAKEN THE COURT
- LOUISIANA PURCHASE
- POWERS OF THE SUPREME COURT
- THE FALLING SHADOWS



*Chief Justice John Marshall*

### **PUBLISHER**

Ill. Leonard Proden, 33°

### **EDITOR**

Ill. Charles S. Iversen, 33°

This Bulletin is published twice a year for members of the Valley of Washington, Orient of the District of Columbia, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction of the United States of America.

2800 Sixteenth Street, NW, Washington, DC 20009



SCOTTISH RITE OF FREEMASONRY  
DISTRICT OF COLUMBIA



2800



# TABLE OF CONTENTS

CALENDAR OF EVENTS .....	INSIDE FRONT COVER
<i>Cover Story</i>	
<b>JOHN MARSHALL, CHIEF JUSTICE OF THE UNITED STATES</b> .....	4-20
BY ILL. CHARLES S. IVERSEN, 33° S.G.I.G. Emeritus	
<b>2017 FALL CLASS SCHEDULE</b> .....	22
<b>GENERAL GUIDELINES</b> .....	23
<b>2017 GRAND MASTER OF MASONS</b> .....	24
<b>2017 POTENTATE OF ALMAS SHRINERS</b> .....	25
<b>SCOTTISH RITE PRAYER</b> .....	26
<b>VALLEY OF WASHINGTON</b>	
SECRETARY / TREASURER / ALMONER .....	28
D.C. SCOTTISH RITE BODIES TRUSTEES .....	29
SCOTTISH RITE FOUNDATION OF THE DISTRICT OF COLUMBIA .....	30
OFFICERS	
MITHRAS LODGE OF PERFECTION .....	32
EVANGELIST CHAPTER OF ROSE CROIX .....	33
ROBERT DE BRUCE COUNCIL OF KADOSH .....	34
ALBERT PIKE CONSISTORY .....	35
GENERAL OFFICERS .....	36
EMERITI MEMBERS .....	37
<b>THE 2017 BIENNIAL SESSION COMMEMORATIVE MEDALLION</b> .....	37
<b>VALLEY OF WASHINGTON COMMITTEES</b> .....	38-42
<b>VALLEY OF WASHINGTON CLUBS</b> .....	43-49
<b>FALL 2017 REUNION</b> .....	50-66
2017 SPRING CLASS .....	51-55
CLASS REGISTRATION .....	56
DIRECTORS OF WORK / DIRECTORS OF DEGREES .....	57-58
FOURTH DEGREE CAST .....	59
FOURTEENTH DEGREE CAST .....	60
FOURTEENTH DEGREE RING .....	61
EIGHTEENTH DEGREE CAST .....	62
THIRTIETH DEGREE CAST .....	63
THIRTY-SECOND DEGREE CAST .....	64
REUNION COMMITTEES .....	56-66
<b>INSPECTORS GENERAL HONORARY, 33°</b> .....	68
<b>KNIGHTS COMMANDER OF THE COURT OF HONOUR (KCCH)</b> .....	69
<b>SCOTTISH RITE MEMBERS WITH 50+ YEARS OF MEMBERSHIP</b> .....	70
<b>SCOTTISH RITE CENTER FOR CHILDHOOD LANGUAGE DISORDERS-STAFF</b> . . .	71-72
<b>IN MEMORIAM: ILL. WILLIAM E. CHANEY, JR. 33°</b> .....	INSIDE BACK COVER

# JOHN MARSHALL

## Chief Justice of the United States (1801-1835)

BY ILL. CHARLES S. IVERSEN, 33°,  
SOVEREIGN GRAND INSPECTOR GENERAL EMERITUS



---

### INTRODUCTION

---

This is a short history of one of the most important and influential citizens of the United States. He lived during the formative years of our country, and established the importance of the Supreme Court and other federal courts as the third of the three divisions of government named in the Constitution of the United States: (Article I “Congress”; Article II “President”; and Article III “Judiciary”).

John Marshall was born into a prominent Virginia family, who served faithfully as an army officer in the Revolutionary War (1775-1781), graduated from a course of law at the William and Mary College, was a devoted husband and father, a wealthy landowner in Virginia and Kentucky, the longest serving Chief Justice of the Supreme Court (35 years) who set originally the powers and precedents of the Supreme Court, and was a Master Mason.





*John Marshall's childhood home in Oak Hill, Virginia*

---

## CHILDHOOD AND YOUNG MANHOOD

---

Born in Fauquier County, Virginia, 40 miles south of the city of Alexandria, on September 24, 1755, the first of 15 children to Thomas and Mary Marshall; he brought fame to his family. He was fortunate to have ancestors of wealth and prominence, and he was able to attend a proper school as a teenager, a school operated by a clergyman where he studied history, Latin, French, mathematics, and the Scriptures. One of his closest friends, James Monroe, was a pupil with him, as were some of the most prominent men of their time. When John was 18 years of age, his father built a large and commodious residence in Oak Hill, Virginia.

At this time, the Revolutionary War was about to commence, having been started by the Boston Tea Party and other inflammatory incidences, primarily in New England. As a result, his father enlisted in the Virginia militia as a major. The New England colonies were sending some of their militias to Massachusetts in order to help resist the maneuverings of the British soldiers there. The British started invading and harassing the seacoast areas southward, even as far south as Norfolk, Virginia, where they burned the city to the ground on January 1, 1776, leaving 6,000 colonists homeless in the dead of winter. The buildings were destroyed and the slaves were promised freedom if they fought for the British. On July 4, 1776, the Declaration of Independence became official when John Hancock put his signature to it.

---

## JOHN MARSHALL AND HIS SOLDIERING

---

Thomas Marshall, John's father, became a colonel in the Virginia militia, and his son, a lieutenant. They marched northward to join the patriot forces in New York City commanded by General George Washington. The British had withdrawn from most of New England, and temporarily consolidated their forces at sea. Shortly thereafter 150 British ships appeared in the waters around New York harbor with 20,000 soldiers, including 9,000 Hessians. They landed in Brooklyn and invaded the southern tip of Manhattan from which the visiting militias from Virginia and other patriots were fleeing northward. The patriots succeeded in escaping by crossing the Hudson River at the north end of Manhattan island and moving southward in New Jersey. Before the river crossing the British had killed or wounded 1,000 militiamen and had captured the militia's supplies, including their food. The remaining militiamen proceeded to move southward towards the Delaware River into Trenton where on Christmas Day they attacked the contingent of Hessian soldiers stationed there, who were drunk or asleep. From there they moved 10 miles northward and took the town of Princeton which also was occupied by British forces. It was then January 1, 1777.

John Marshall had been promoted to the rank of captain and fought bravely with his companions, many of whom were to become nation builders in later years. Among them were James Madison, James Monroe, Aaron Burr and Alexander Hamilton. At that time there followed the fierce battles of Brandywine, Germantown and Monmouth, where many of the famous patriots immersed themselves in defense of the colonies.

During their ordeal they experienced one of the most severe winters in history after setting up camp in Valley Forge Pennsylvania. The troops were short on clothing and shoes, blankets, fuel and other necessities to keep them warm and healthy. The Continental Congress was debt ridden, did not have the power to raise taxes, and had to depend on the generosity of the residents, most of whom were in similar circumstances. There were many illnesses, deaths and desertions. The army was reduced from 11,000 to 5,000 that winter. The patriots survived mostly by harassing British convoys carrying supplies.

The war continued until October 19, 1781, when Lord Cornwallis, commanding general of the British forces, surrendered. This happened after the French fleet had blockaded the British ships in and around the Chesapeake Bay, so that Cornwallis could not be supplied with the provisions contained on the ships. Thereafter, there started the years of nation-building that created the government of the United States.

---

## CREATION OF THE GREATEST NATION

---

When the surviving residents of the colonies realized that they were free from the British Empire, they were bewildered. Where do we go from here? They were weak militarily and economically, deep in debt and sitting ducks for any nations that wanted to expand. Fortunately, so were all the other nations, particularly Britain and France, the strongest. The colonists had to proceed expeditiously while this situation prevailed.



It is said that during the Revolutionary War the colonists were divided into three divisions: those who favored independence from Britain; those who favored remaining a part of the British empire; and those who did not care what happened.

The nation-builders were among the first third, those who favored liberty. They had won the war and now sought to win the peace. Success of the new nation depended directly upon what they created as their homeland and how they maintained it.



*The signing of the Declaration of Independence*

---

## JOHN MARSHALL THE LAWYER

---

Like most soldiers after victory in war, the veterans of the Revolutionary War returned to their homes in order to resume life under the new circumstances they helped to create. John and his father were no exceptions.

One of John's first experiences was to enter a class of 40 war veterans to be taught courses on legal matters and other appropriate subjects at the William and Mary College in Virginia. This was in 1781. Upon completion of his studies and a period of apprenticeship, he was admitted to the Virginia bar.

Then on January 3, 1783, he married Mary Ambler of a prominent Virginia family. He was 27 and she 17. To her husband, her family, and her friends she was known as Polly. The newlyweds decided to move to Richmond where he planned to practice law, so they built their home there. His office was near the Capitol and the Courthouse. Richmond at that time had about 1,200 residents.

## John Marshall, Chief Justice of the United States

Unfortunately, their family life turned tragic when Polly lost her first child in death and she became an invalid for life, due to the mental shock, and never recovered. Several additional children failed to survive, adding to the tragedy. She bore 10 children, six of whom survived childbirth.

Although John continued his law practice and participation in public affairs there was little social life for the Marshalls. He continued to practice law, to serve as a colonel of the militia, and as a Grand Master of Masons. He even formed a Quoits Club, a popular sport in those days that also served as a social club serving dinners for its members and guests. Finally, in 1792, after having lost another child, John ceased the practice of law in Richmond and they moved their home to the Mountains. He was 37 and she was 17.

---

### ECONOMIC CHAOS

---

During the post-war era, the colonists suffered an economic depression. Riots broke out in all states, headed primarily by veterans who had returned home to find life at a standstill, no progress, no employment. This resulted in riots, thievery and poverty. There was no effective government since the British had left and nothing had yet replaced the former order. The state governments were deep in debt, were only beginning to function, and were inexperienced in operating a nation. Creditors frequently appropriated land holdings, items of personal property such as tools of trade and other valuables, even money if it could be



*Engraving depicting a brawl between a Massachusetts government supporter and a rebel during Shays's Rebellion*

found. The largest riot, called Shays' Rebellion occurred in western Massachusetts, and was led by the farmers of the state, many of whom were war veterans. John Hancock became governor of the state and caused General Benjamin Lincoln to quell the riot and restore peace.

It is said that some constructive things were done to alleviate the chaos that was expanding, such as the effort of George Washington to improve circumstances when he invited leading men from Virginia and Maryland to visit him in Mt. Vernon. John Marshall is credited with the phrase: "United we stand: divided we fall."

One of the most constructive things occurred when the delegates to the Congress of the Confederation voted to hold a meeting in Annapolis in 1786 in order to amend the Articles of Confederation. When the time for the meeting had arrived, they could not muster a quorum, so they set a new date in May 1787 to meet in Philadelphia. This time they had their quorum, and the Constitutional Convention as it was called, opened its sessions.

---

## CONSTITUTIONAL CONVENTION

---

From May to September 1787, delegates from the twelve states met in Philadelphia in order to discuss matters and to amend the Articles of Confederation to conform to the new circumstances. Rhode Island did not participate because it was enjoying prosperity by receiving tolls paid by foreign ship owners who used the state's ports rather than sail around Cape Cod to other New England ports.



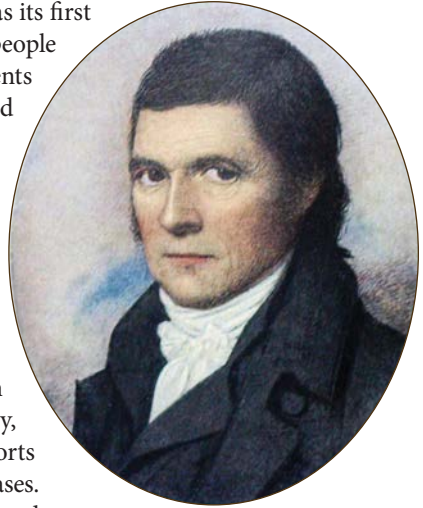
*The Constitutional Convention of 1787*

Each state had been invited to send delegates and each one, excepting Rhode Island, did so. Seventy delegates in all had been chosen by the twelve states, only fifty-five of whom attended one or more of the sessions, some occasionally and some regularly. They were shuttered behind closed windows to provide secrecy and met almost daily during the hottest summer they had ever experienced. Present were some of the most outstanding men of that era and they, with James Madison as the “coordinator”, produced a document denominated the “Constitution of the United States.” It was intended to establish and maintain a federal government to rule a united nation for posterity, based upon an ancient Greek nation that had operated as a republic, and it consisted of three basic bodies of government: Article I - “Congress”; Article II - “President”; and Article III - “Federal Judiciary”. It also covered many other provisions of governmental powers.

In order to become the official document of the new nation it was necessary that it be approved by the delegates of two-thirds of the states. The states that did not approve would not be a part of the new nation. No amendments were allowed. But it was noted that there were no guarantees in the document for the protection of the rights of the citizens from harassment by officials of the federal government, so the delegates were promised that such

provisions would become a part of the document as its first amendments. Ten of these twelve “rights” of the people were approved and became the first ten amendments of the Constitution. Two-thirds of the states approved the Constitution as amended within a few months and eventually all thirteen had approved.

While the delegates in each state were considering whether to adopt the Constitution, they had innumerable questions as to the meaning of various parts of the document, so Alexander Hamilton, James Madison and one other proponent delegate wrote 85 essays about these difficult provisions in newspapers that were circulated about the country, and still used today by lawyers and judges in their efforts to understand the meaning of certain words and phrases. Although a majority of Americans in that era favored the Constitution, many did not, most being fearful of the amount of freedom the citizens would experience from the states and now also by a federal government. This is still an important issue and is debated frequently among the citizenship and officials, also by the courts.



*Marshall in 1797 at age 43*

---

### GOVERNMENT OF THE UNITED STATES

---

Upon approval of the new Constitution with its first ten amendments, it was time to put the new United States into motion. Congress was created by the election of the members of the House of Representatives and Senate also by the election of the first President and Vice President. This was accomplished in 1789. There were no political parties then, each candidate running independently on his name and reputation. So George Washington was elected unanimously as president and John Adams as Vice President by a majority, becoming known later as Federalists. Washington was installed in office in New York City, taking his oath of office on a Bible borrowed from a Masonic lodge nearby. The wheels of government moved slowly. Each branch of government had to appoint various officials and adopt rules of operation. The seat of government soon moved to Philadelphia and, in 1801 to Washington, D.C.

George Washington served two four-year terms as president (1789-1797) with John Adams as vice president. During those eight years Washington set most of the precedents of his office, many of which are still in effect, and have been and are being followed by his successors. John Adams was elected his immediate successor and installed as president in Philadelphia for his four-year term (1797-1801).



## FRANCO-BRITISH INSURGENCIES

Trouble broke out between France and Great Britain which consisted of the capture of each other's ships flying the flag of the other country, public or private. The captured ships were either sunk or auctioned off or converted into ships of the conquering nation. The ships' crews were usually imprisoned or absorbed into the crews of the conquering nation's ships, and the valuables on board were confiscated. Both countries were merciless to our new nation and vied for our assistance as allies in combat. To show how merciless France was in its post-revolutionary days, they appointed an "ambassador" to the United States with specific outrageous assignments. This occurred after President Washington had issued a proclamation that he would follow a course of strict neutrality in the British-French hostilities.

The French agent sent to live in the United States had a long list of accomplishments to effectuate. Some of them were as follows: (1) permit American food to be shipped to France to alleviate their citizens from famine; (2) create chaos in America to cause another revolution; (3) separate ownership of Louisiana from the United States; (4) capture the silver mines in Mexico; (5) seize Florida from Spain; (6) cause America to allow the French to seize British ships in U.S. ports; and (7) make the United States a puppet of France.

But none of it happened. They were too bizarre to come into effect. The agent, Edmund-Charles-Eduard Genet, was recalled by France but he chose not to return. So he obtained a visa from President Washington. Thereafter he married the daughter of the governor of New York and commenced farming on Long Island.

The conflict was between the two most powerful countries in the world and eventually came to an end. The second term of Washington came to an end in 1797 following the victory of John Adams over Thomas Jefferson for the presidency. Having come in second in the voting, Jefferson was vice president. Adams continued the policies of Washington. A statistic was seen showing that as many as 340 ships owned by America or American citizens were seized by France, and that the British also had seized a large number.

Talleyrand agreed to meet in France with three representatives. One of them was John Marshall. Upon arrival in Paris they were treated shoddily and were advised that there would be no meetings until America atoned for its insulting treatment of a French official, Barras. Their demand was for a payment up front of \$250,000 and a loan of \$12.8 million. One of the three American envoys was Charles Pinckney who coined the phrase: "Millions for defense, but not one cent for tribute".



*Charles Maurice de Talleyrand-Périgord*

Riots developed in the United States against the French, so many returned to France or went elsewhere for their personal safety. The United States, fearing a war, acquired 36 ships with 20 guns. It was even feared that Napoleon was planning an invasion of the American homeland. President Adams ordered an attack against French property in the Caribbean. At this time, Admiral Nelson of England trapped that portion of the French navy that was in port in Egypt, namely, 55 warships and 280 transports. The French were becoming weaker, the only hope being an alliance with the United States. So, Talleyrand released the Americans seized and imprisoned and asked President Adams to send envoys to negotiate a peace treaty.

At this time, December 26, 1799, George Washington died. Great celebrations were held throughout the land in his honor. Thomas Jefferson who will be discussed later did not join in the celebrations but remained on his estate (Monticello). He had served as Secretary of State under Washington but had resigned his office a year before Washington's second term had expired. There had been many differences as to policies developed between them.

---

### MIDNIGHT JUDGES

---



*John Adams*

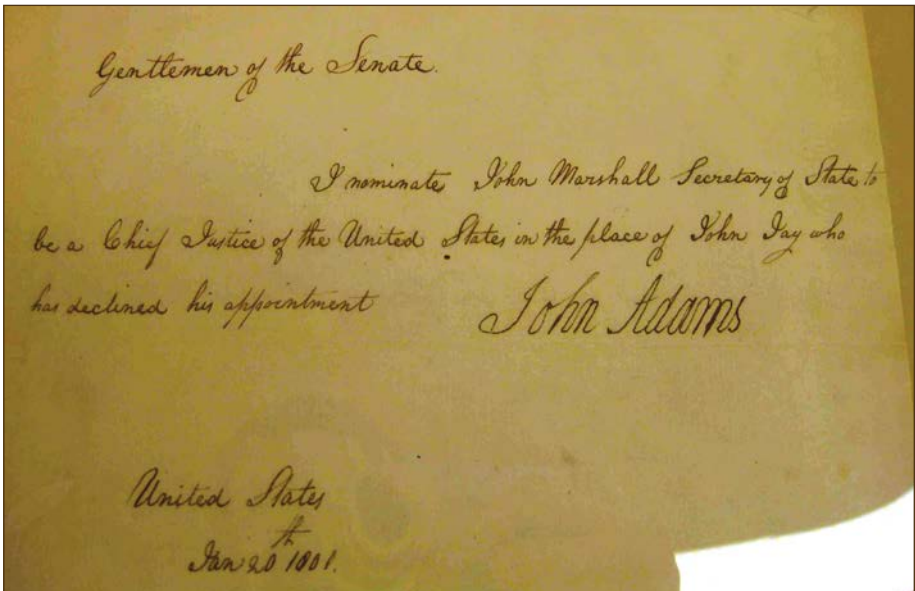
Congress had passed the Judiciary Act that made several important changes in the operation of the court system. The number of circuit judges (appellate judges): would increase to 16; 23 more would be added to the district judges (trial judges); the number of justices on the Supreme Court would be reduced from 6 to 5; and the Supreme Court justices would be relieved from “riding the circuit” (traveling between the various federal courts during each year). The Supreme Court met in Washington, D.C. for two weeks in December and for two weeks in June.

Since John Adams who had been defeated by Thomas Jefferson for president would remain in office until March 4, 1801, according to the Constitution, he retained the rights and privileges of that office, so

until then he had the power to nominate new judges and submit their names for the Senate for confirmation. So until 11:59 p.m. on March 3 he did so. Oliver Ellsworth, the third Chief Justice of the Supreme Court, submitted his resignation as such to Adams, so that office became vacant forthwith. Adams submitted the name of John Marshall as Chief Justice. He, like Adams, favored Constitutional federalism. So did a majority of the federal judges. All nominees were approved by the Senate.

But Jefferson had not been elected by the voters of the United States since he and Aaron Burr had tied following the voting session of the presidential electors, so the president

was to be chosen by the House of Representatives. After 35 ballots, Jefferson was chosen by the House and Burr automatically became the vice president. At this time John Marshall was 45 years of age and he was the new chief justice of the Supreme Court and would serve as such for 35 years until his death in 1835. Most of his time was devoted to understanding and explaining the correct meaning of the provisions of the Constitution and to the protection of the Supreme Court so that it could serve its purpose in the scheme of things within the federal government. It was particularly difficult in the early days of the Court's history, and Marshall labored to prevent President Jefferson from emasculating the powers of the court.



*President John Adams' nomination of John Marshall as Chief Justice of the United States*

The Supreme Court had no home of its own and shared the Senate chamber with the Senate. It had no books of its own, so it shared with the circuit and district courts. Believing that the scarlet robes worn by the members of the court, like the scarlet robes worn by the high court of England, were too ostentatious, he persuaded the members to opt for black robes. Also, he invited members of the court to meet at dinners in order to visit socially and perhaps gain an appreciation for each other's philosophies and thus produce uniform decisions and opinions.

When he first joined the court the members were: William Cushing (Massachusetts); Samuel Chase (Maryland); William Patterson (New Jersey); Alfred Moore (North Carolina); and Bushrod Washington (Virginia). As chief justice, he made a total of six members. Shortly thereafter, Congress reduced the number to five, then increased it to seven and later to nine where it remains today. In the 1930's, President Franklin D. Roosevelt tried to pack the court by increasing the total to fifteen and requiring that at the age

of seventy all justices were required to resign. That would have enabled him to appoint enough favorable justices to cause the court to approve his novel New Deal legislation. The court had therefore held four of his New Deal Acts unconstitutional. But his court packing bill failed to pass Congress. Now back to John Marshall.

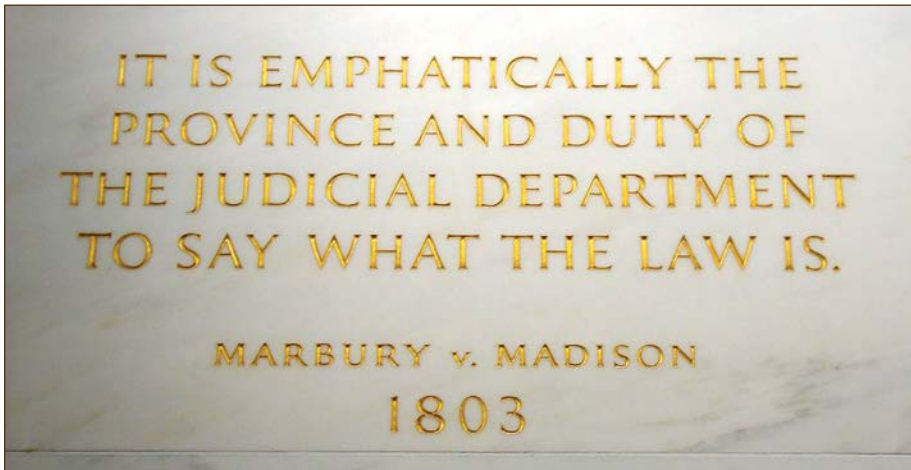
Marshall and the court declared that President Jefferson had violated his oath of office as president wherein he had promised to uphold the Constitution when he fired some of the federal justices and also tried to emasculate the Supreme Court. It was Jefferson's opinion that the court was not the third branch of government as provided in the Constitution, but that there were only two branches (legislative and executive), that the court was subordinate to the other two and should confine itself to local problems of the people and stay out of public and international affairs. Two weeks later the chief justice released one of the most important cases of the court,

---

### MARBURY V. MADISON

---

It provided that the executive department could not ignore judgments of the Supreme Court by withholding commissions issued to judges (Marbury in this case) pursuant to directions of the Judiciary, and that this act of Congress was repugnant to the Constitution and thus void. Since that date many acts of Congress and of the President have been declared void.



*Inscription on the wall of the United States Supreme Court Building from Marbury v. Madison, in which Chief Justice John Marshall outlined the concept of judicial review.*

---

### SOME EFFORTS OF JEFFERSON TO WEAKEN THE COURT

---

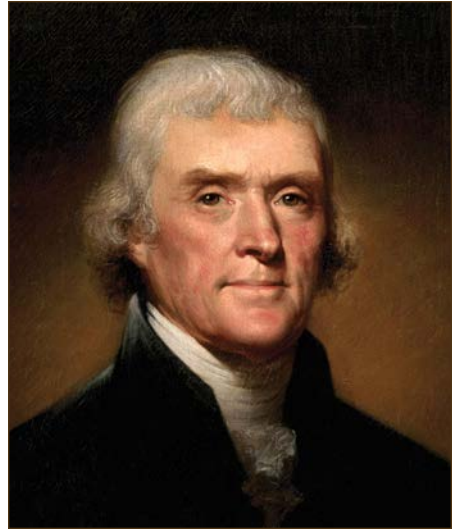
Jefferson tried to remove a justice of the Supreme Court, but he found that the only way to do so was to have the justice convicted of “high crimes and misdemeanors”, as required by the Constitution. So he appointed Charles Cotesworth Pinckney of South Carolina, a staunch “states- righter” (called a Republican at that time) to fill a vacancy on the bench.



Soon, however, Pinckney became a faithful follower of Marshall on the court. Jefferson then turned to the next vacancy, when he appointed Brockhorst Livingston. During his years on the court he also tended to follow Marshall and voted in opposition to Marshall eight times only.

Then another vacancy occurred, so Jefferson again appointed another Republican, namely, Thomas Dodd of Kentucky, but he too voted with Marshall.

To add to Jefferson's frustrations with Marshall and his court, attention spread to the case of Aaron Burr who had killed Alexander Hamilton in a New Jersey duel and was wanted for murder in that state. Burr went bankrupt and had problems wherever he traveled in the country. In his efforts to overcome his troubles, he committed various acts, some of which resulted in his arrest and prosecution. During these years he was acquitted four times by grand juries on charges instituted against him, and was acquitted once by a trial jury. By now Jefferson was livid and blamed Marshall for all of it. He wanted the Supreme Court to be terminated and all jury trials abolished, and above all else, have John Marshall removed. To add insult to injury, the doings of Burr kept Jefferson on edge. Later Burr was charged with treason and arrested in Virginia where Marshall happened to be riding the circuit in the federal courts there. Burr's attorney appeared before Marshall and applied for a writ of "habeas corpus". If granted, Burr would be brought figuratively before the court where he could present his grievance and ask for appropriate relief. This tactic was established over the centuries in England and then here to prevent the government officials from hiding a prisoner in obscurity. The attorney made his argument, whereupon Marshall granted the writ resulting in the release of Burr from prison. Again it was the Constitution, wherein it is provided that treason must be proven by at least two individuals who witnessed the culprit commit an act of war. There was no such evidence. (*United States v. Burr*).



*Thomas Jefferson*

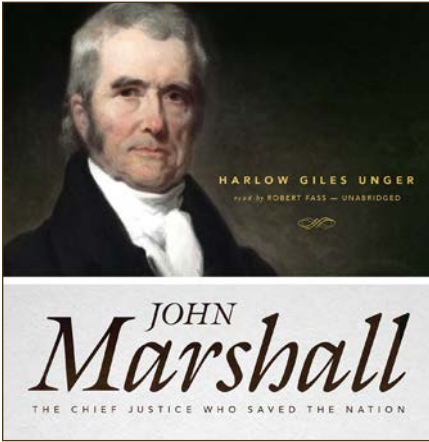
---

## LOUISIANA PURCHASE

---

Although it has nothing to do with John Marshall and his court, this incident is presented to help the reader orient his concept of time in history when these other events occurred. James Monroe was this country's envoy to France at this time and had negotiated the purchase of the Louisiana territory for 4¢ per acre (828,000 acres), doubling the size of the United States. The United States then sold portions of the territory to individuals for \$2.00 per acre.

## POWERS OF THE SUPREME COURT



*NY Times best selling book*

In his excellent book, short, studious and concise, entitled *John Marshall, the Chief Justice Who Saved the Nation*, Harlow Giles Unger listed nine Supreme Court cases decided during the early days of the 19th century when Marshall was chief justice. They are shown chronologically on page 294 of the book as follows: Marbury v. Madison (1803); United States v. Peters (1809); Fletcher v. Peck (1810); Martin v. Hunter’s Lessee (1816); Dartmouth College v. Woodward (1819); McCullough v. Mar Cohon v. Virginia (1821); Gibbons v. Ogden (1824); and Worcester v. Georgia (1832). Unger analyses briefly the several legal policies of the Supreme Court set forth in them.

An attempt will be made to encapsulate the author’s analysis of these cases. It is recommended that the reader of this article obtain access to the book and study it for himself or herself, at least the last chapter entitled The Final Arbitrator. He or she will then have the exact language of the author.

- I. The following cases established that the Supreme Court had the power to “review and void every law, court decision and executive act in the land — federal, state and local.” (Marbury; United States; and Worcester).
- II. These cases provided that the state courts are stripped of their authority beyond the state’s borders and affirmed federal authority in international and national affairs. “Implied powers” were added to the powers enumerated in the Constitution. (Martin; Gibbons; and McCulloch).
- III. These cases gave individuals “inalienable rights” provided by the Declaration of Independence and the Bill of Rights. Marshall called them “life, liberty and property”; (Fletcher; Dartmouth College; and Cohen).

There was then, and still is today, a quandary. In the tenth amendment of the Constitution it is stated that all powers not specifically granted to the federal government are reserved to the states or the people. Yet back in Marshall’s era, the Supreme Court extended its powers to such rights. Marshall and Hamilton, among many other officials in the 19th century, favored it, while James Madison and many others opposed it. There is still a large divide today among officials and others. Opposition to “implied powers” seems to be weakening.

Today the Supreme Court seems to have the power to void any act of Congress, any act of the President, any case of a federal or state court, any action taken by any governmental body or individual or any decision of any commission or agency that are in opposition to the Constitution. All because of the power and influence that started in the days of John Marshall as Chief Justice, those powers have grown.

---

### THE FALLING SHADOWS

---

John Marshall, approaching the age of 77, was having health problems, one being a malfunctioning gall-bladder. Surgery was performed by the leading surgeon in the country without the administration of anesthesia, the custom of that day. Numerous stones were removed. But he survived the ordeal and traveled to Richmond to visit Polly who was seriously ill. She died on Christmas Day.

As the federal government was increasing its rights, the southern states offered increasing opposition and resistance, requesting to be excluded from some of them. South Carolina was most aggressive and President Andrew Jackson ordered the coast guard into Charleston Bay to enforce a tariff law that the state had ignored. The state legislature then authorized the governor to draft men for the militia and appropriated \$20,000 for civil war preparations. After complaints from other southern states, South Carolina relented and postponed for thirty-eight years the civil war that it would ultimately assist in thrusting upon the nation.

In late June 1835, on his daily walk to Polly's grave, located two miles from his home, he collapsed and was taken to his home. On July 6, 1835 John Marshall died at the age of 79 and his body was buried next to Polly's. He became pessimistic in old age and predicted that the Constitution would be overthrown.



*The graves of John Marshall and his wife, Mary Willis Ambler ("Polly") Marshall located in Shockoe Hill Cemetery, Richmond, VA*

This article is being closed by the last paragraph of Harlow Giles Unger's book entitled: *"John Marshall, The Chief Justice Who Saved the Nation"*:

"For once, however, Supreme Court Chief Justice Marshall's opinion proved wrong. The Constitution would not only last; the Marshall court decisions would prove so compatible with a united government that two centuries later — despite civil war and four presidential assassinations — both the union and the Constitution remain in place, sustaining what is now called the oldest system of self-government in the history of man."

---

## ADDENDUM

---

### LORD CHARLES CORNWALLIS (1738-1805)

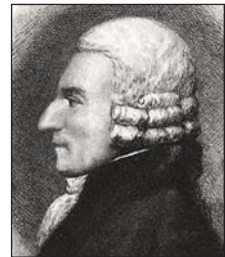


*Lord Charles Cornwallis*

British general of American Revolution who surrendered at Yorktown and thus ended the war. Second Earl and First Marquis of Cornwallis. Governor general and commander-in-chief in India in 1786 and viceroy of Ireland from 1798-1801. Negotiated treaty of Amiens in 1802. Viceroy in India in 1805. Performed grand honors of Masonry at funeral of Major General De Kalb after battle of Camden.

### WILLIAM CUSHING (1732-1810)

First appointed justice of Supreme Court (1789); graduate of Harvard; attorney general of Massachusetts; judge on Massachusetts Superior Court 1777; in 1780 was Chief Justice of Massachusetts; founder of American Academy of Arts and Sciences; in 1780; vice president of Massachusetts convention that ratified the Constitution; member of St. Andrew's Lodge in Boston.



*William Cushing*

### OLIVER ELLSWORTH (1745-1807)



*Oliver Ellsworth*

Third Chief Justice of Supreme Court; graduated from Princeton in 1765 with high honors; studied theology and law; admitted to bar in Connecticut in 1771; delegate to constitutional convention; first U.S. Senator from Connecticut (1789-1796) where he was the Federalist leader.



**JOHN HANCOCK (1731-1793)**

First signer of Declaration of Independence; first governor of Massachusetts; Major General in American Revolution; graduated from Harvard in 1754; was adopted by an uncle who owned a counting house and Hancock inherited it; wealthiest man in Boston; in 1774 was president of first and second provincial congress; member of continental congress; president of it (1775-1777); Governor of Massachusetts in 1780; and served for nine terms; honorary degrees from Princeton, Yale and Brown; presented Harvard with a library; Master Mason in Merchant Lodge No. 277 in 1762 in Quebec; affiliated with St. Andrew's Lodge in Boston same year.



*John Hancock*

**ANDREW JACKSON (1767-1845)**



*Andrew Jackson*

Seventh President of U.S.; admitted to bar in North Carolina in 1787; U.S. Congressman and Senator from Tennessee; judge on Tennessee Supreme Court 1798-1804); Major General in Tennessee militia; defeated Indians and became Major General in U.S. Army; defended New Orleans in War of 1812 and became a national hero; Governor of Florida territory and U.S. Senator again; ran for president but lost to John Quincy Adams; elected president two terms starting in 1828; introduced the spoils system, paid off national debt and overthrew the U.S. Bank; member of Greenville Lodge; No. 3 Tennessee and Harmony Lodge No. 1 in Nashville,

where he served as Master; elected Grand Master in Tennessee in 1822 and 1825; member of Federal Lodge No. 1 in D.C.; Royal Arch Mason and second Deputy Grand High Priest in 1826; introduced Lafayette to Grand Lodge of Tennessee in 1825; was generally active in attending various Masonic bodies.

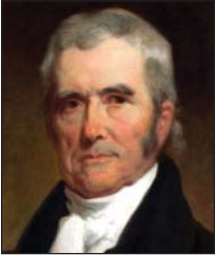
**BENJAMIN LINCOLN (1733-1810)**

Major General in American Revolution; Secretary of War (1781-1784); farmer in Hingham, Massachusetts until 1773; in several battles; active in organizing and training troops had command of southern department and was captured with his army in Charleston; he was exchanged and joined Washington on Hudson River; was in battle of Yorktown and Washington assigned him to receive sword of surrender from Lord Cornwallis in 1801; Collector of Port of Boston; member of Massachusetts convention that approved the Constitution; president of Society of the Cincinnati until his death; Member of St. Andrew's Lodge in Boston (1780-1810) where he was active.



*Benjamin Lincoln*

## JOHN MARSHALL (1755-1835)



*John Marshall*

Fourth Chief Justice on the Supreme Court (1801-1835); known as “Father of the Judiciary”; U.S. Secretary of State (1800-1801); officer in Revolutionary War; Wintered in Valley Forge with Washington; practiced law in Virginia; set most precedents establishing the place of the Supreme Court in American Society; member of Richmond Lodge No. 13 and of Richmond-Randolph Lodge No. 19; Grand Master in Virginia; present at 15 sessions of the Grand Lodge between 1786 and 1796; Masonic honors at his funeral; and tradition has it that the Liberty Bell cracked while tolling after his death.

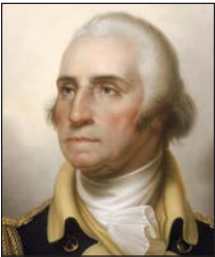
## FRANKLIN D. ROOSEVELT (1882-1945)

Thirty-first president of the U.S.; graduate of Harvard and Columbia Law School; practiced law in New York City (1904-1907); New York State Senator (1912-1913); assistant Secretary of Navy (1913-1920); Democratic nominee for vice president, but defeated; elected president in 1932 and served until his death in 1945 (four four-year terms); member of Holland Lodge No. 8 in NY since 1911; while Governor of NY became Scottish Rite Mason in NY (1929); member of Cypress Temple, Albany, NY, International Shriners; and of Grotto in Poughkeepsie, NY; Tall Cedars of Lebanon in Warrick, NY; representative to Grand Lodge of Georgia participated in making his sons Elliott and James Masons in NY; received many delegations of Masons at White House while president.



*Franklin D. Roosevelt*

## GEORGE WASHINGTON (1732-1799)



*George Washington*

First president of U.S.; supreme commander of continental forces in American Revolution; “father of his country”; his many patriotic and professional achievements are omitted here because they are so well know; became a Mason in 1753 in Fredericksburg Lodge, and a Royal Arch Mason; effort to make him Grand Master of Masons in U.S. failed, no such office having ever been in existence; involved in Masonic activities around U.S.; in a letter to a lodge he expressed his idea that the Craft’s “grand object is to promote the happiness of the human race”; to the Grand Lodge in South Carolina he wrote, “and I shall be happy on every occasion to evince my regard for the Fraternity”; he referred to Masonry as “an association whose principles lead to purity of morals, and are beneficial of action”; there are many such letters extant.

---

## REFERENCES:

*John Marshall, the Chief Justice Who Saved the Nation*, by Harlow Giles Unger  
*10,000 Famous Freemasons*, by William R. Denlow

THE SCOTTISH RITE OF FREEMASONRY

2800 16TH STREET, NW  
WASHINGTON, DC 20009  
TEL: 202-232-8155  
WEB: DCSR.ORG



# ILL. WILLIAM EDWARD CHANEY JR., 33° MEMORIAL REUNION

