



# Americans for Madison.org

September 2008—Hadley Nagel, Editor/ Publisher -- To join us or for more information, visit our website at <http://www.americansformadison.org> -- © Americans For Madison, 2008

## MADISON'S SUPREME COURT LEGACY

*New York, NY*—On September 17<sup>th</sup>, AFM Founder **Hadley Nagel** will join Chief Justice of the United States John G. Roberts, Jr. and other distinguished guests for the reopening of Montpelier's Great House after a four-year historically accurate reconstruction. In leading the special Constitution Day ceremony, ribbon cutting and luncheon, Roberts' presence will undoubtedly rekindle recollections of the role that Madison had in the formation—and survival—of his Court.

### Historical Perspective

In addition to drafting the Constitution that created it, most people quite readily associate Madison with the Supreme Court through his role as the defendant in *Marbury v. Madison*. In this case, as the newly elected Jefferson's Secretary of State, he failed to deliver commissions to various Federalist named Federal Justices of the Peace in the closing moments of the Adams' Federalist Administration. Without receiving their commissions, the power of those appointed was arguably perceived by the in-coming Democratic-Republican Jefferson as lacking the necessary authority. So *Marbury*, as a commission-less appointee, filed an action seeking to force Madison to deliver.

**James Madison and the Supreme Court**

### Establishing Judicial Power through Judicial Review

With the *Madison* case, its then Chief Justice John Marshall was finally able to wrestle a defining role for the otherwise floundering Court. Opting in favor of the Constitution's Article III, Marshall declared that the Court would decide when the Constitution and laws were in conflict. Noting that Section 13 of the Judiciary Act of 1789 was unconstitutional, he denied *Marbury* a remedy. Ever since, the U.S. Supreme Court has been the premier constitutional battleground.

### Madison's Appointments to the Court

Although most President's impact the Supreme Court once they become President through their power of appointment, Madison's influence seems largely developed from his initial role as a Defendant and of course before. Nevertheless, Madison did appoint two Justices: Duvall and Story. Duvall, who shares a common ancestor with Barack

## LEGISLATIVE UPDATE ...HR 3640 NOW PENDING BEFORE 110<sup>th</sup> CONGRESS

*Washington, D.C.*—Key legislation involving the legacy of James Madison remains pending before the 2<sup>nd</sup> Session of the 110<sup>th</sup> Congress as legislators return from their traditional summer recess—their "Summer district work period." As the opening salvo in the forthcoming bicentennial salute to the Madison Presidency of 1809-1817, HR 3640 was introduced to construct a national monument for the key founder of the Nation.

Led by the enthusiastic co-sponsorship of **Representative Brian Baird (D, WA-3)** and **Representative Baron Hill (D, IN-9<sup>th</sup>)**, the legislative process that seeks adoption of HR 3640 and the creation of a James Madison Memorial Commission remains in committee referral before the House Natural Resources and its Subcommittee on National Parks, Forests, and Public Lands.

### How to Email a *Take Action* request to your Legislator

To alert your Washington, D.C. representatives of your interest in action on HR3640 visit our website—

<http://www.rallycongress.com/americansformadison>



—designed exclusively to transmit emails to Washington, D.C. legislators regarding HR 3640.

## AFM's 1<sup>st</sup> Public Bi-Centennial Event: Oct. 2

*New York, NY*—**Benno C. Schmidt, Jr.** joins legendary U.S. historians and AFM Advisory Board Members **Joseph J. Ellis** and **Sean Wilentz** and AFM Founder **Hadley Nagel** and NYHS CEO **Louise Mirrer** on the podium, for **Americans for Madison's** first public Bi-Centennial event in celebration of the 1809-1817 Madison Presidency, on Thursday, October 2<sup>nd</sup> at the **New York Historical Society**.

The event will begin at 6 P.M. and include a lively discussion of Madison and his Presidency. Afterwards, an open question and answer session will be followed by the historians autographing their books. Tickets are available on line from [nyhistory.org](http://nyhistory.org) through <http://www.smartix.com/show.aspx?showCode=JAM9>.



*Benno C. Schmidt Jr., former President of Yale University, is Chairman of the Edison Schools and the City University of New York.*

## AFM Founder Awarded International Prize

*S.Hadley, MA*--AFM Founder **Hadley Nagel** has been named winner of Mt. Holyoke College's annual *Take the Lead!* competition. In awarding Ms. Nagel the competition's top prize, Program Director Dr. Patricia Vandenberg specifically cited her work in founding AFM "as the leading national organization to raise awareness of our fourth president, 'Father of the Constitution,' 'Father of the Bill of Rights,' and the first United States Congressman to become president."

Entering its 10<sup>th</sup> year, the *Take the Lead* competition is an outgrowth of a program at Mt. Holyoke College that has become the nation's premier program for identifying and training high school women as leaders.

To become the competition's winner, Ms. Nagel competed in the implementation of an original "action project" against other program participants over a six-month period. To even be a part of the program—which includes a series of on campus seminars—is in itself considered a major distinction. Hundreds of high school girls from around the world are initially nominated by their schools and then an additional selection process is conducted by Mt. Holyoke College that narrows the field down to forty girls who then gather at the college to participate in the program's annual kick-off and series of intensive seminars. After six-months of competition, all participants are then re-evaluated by a committee of judges and the person

with the most outstanding project is deemed the year's winner.

**Mt. Holyoke has maintained a long tradition as an education center for women leaders.** Shirley Chisholm who was the first African-American woman candidate to run for President in a major party was a Mt. Holyoke professor. Currently, its 1975 alum Elaine Chao serves as the U.S.'s first Asian-American cabinet member.

Although not founded until a year after James Madison's death, Mt. Holyoke graduates have often reflected his impact upon their lives including Catherine Allgor (Class of 1992) who authored the recent best seller *A Perfect Union: Dolley Madison and the Creation of the American Nation*.



*Gabriel Duvall (1752-1844) served on the Supreme Court from 1811 to 1835.*



*Joseph Story (1779-1845) served on the Supreme Court from 1812 to 1845.*

Obama's mother, is frequently known as the most insignificant justice. Although he served 23 years, he only wrote 17 opinions and differed with John Marshall in only two instances. Story remains the youngest Justice ever appointed and had a major role in the overall success of Marshall's term. Notably, Spielberg created a movie from Story's opinion in the case of *U.S. v. The Amistad*.

*Catherine Allgor transitioned to her current role as a Mt. Holyoke and Yale educated history professor at the University of California—and Dolley Madison scholar--after initially visiting the Mt. Holyoke campus as an actress preparing for a role in **Uncommon Women and Others**. Wendy Wasserstein's now legendary play about Mt. Holyoke women and second-wave feminism.*



*Catherine Allgor*

