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Chief Justice Marshall: Unpretentious, Modest and  
Humble

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Those Americans in the early years of the republic who idolized the elegant, regal, and graceful bearing of English judges could be forgiven their initial doubts about the potential of Chief Justice John Marshall to lead the Supreme Court. Although tall and erect, he was ungainly, awkward, and slovenly. His hair was unkempt and his clothes frequently disheveled, especially his knee buckles, which were dangling. And there was the mud on his boots. His appearance was not indicative of a man impressed with the high station that he had achieved.

Marshall's look certainly did not suggest that he was poised to launch the Supreme Court on a trajectory that would establish it as truly co-equal branch of government. Neither did his style, personality, and manner.

U.S. Senator Albert Beveridge (R-IN), who wrote the first major biography of Marshall, "The Life of John Marshall," a four-volume history rewarded with a Pulitzer Prize, wrote that the outstanding trait of his extraordinary personality was his "inoffensiveness." Beveridge, concerned to avoid hagiography, was concerned that Marshall was "surpassingly great and good," and worried that he could find only "small and gracious defects."

Marshall was informal and unpretentious in manner. He spoke freely and warmly to strangers that he met on the streets, which he often walked, day and night, for relaxation. His manner, observers decided, was that of a "simple, unaffected man."

Marshall, it appears, was not manipulative. Justice Joseph Story, who served on the Court with Marshall for roughly two decades, said that Marshall was not an "intriguer," an early 19<sup>th</sup> Century term synonymous with a manipulator. The Chief Justice, Story said, possessed a laugh "too hearty to be an intriguer." Lawyers and judges observed that he was fair on and off the bench, and they spoke to his equanimity and "amenity of manners."

Among his many enviable qualities, Marshall was described by his peers as exhibiting a proclivity for leisure, which he preferred to working in an office. Marshall was not a great fan of legal research, unlike, for example, his friend and colleague, Justice Story, who reveled in research. Where Marshall wrote opinions that drew on first principles of the Constitution and cited few court decisions and writers, Story's opinions boasted detailed research, and were filled with citations to rulings and writers, and studded with footnotes. Marshall preferred to prepare himself by embracing or refuting the insights of his colleagues and adversaries and then incorporating them in his own presentations and arguments. It was for that reason that he preferred to speak last, which enabled him to increase his ammunition by utilizing the arguments of those who preceded him.

Marshall was not accustomed to working long hours. It's not that he was lazy. Rather, in a tradition popularized by other great minds, Marshall worked quickly and efficiently, looking for the opportunity to walk the streets, carry and stack firewood, and perform

other domestic tasks which seemed, to some, to be beneath his station.

Marshall's resume featured service to his country in the colonial militia where he earned the rank of captain, as Secretary of State, as a diplomat, and as a member of the House of Representatives before his appointment to the Court. He was a powerful presence in the Virginia Ratifying Convention and a champion of judicial independence and judicial review.

Like any great figure, Marshall had his detractors, including, prominently, his distant cousin Thomas Jefferson. Marshall and Jefferson didn't share holidays, and they didn't interact except when official duties and receptions placed them in the same room.

Jefferson's dislike of his cousin was based not on Marshall's personality traits, but rather on political differences and contrasting visions for the future of the nation. Marshall was a Federalist and an ardent nationalist. Jefferson led his own party, the Jeffersonian Republicans, the arch-rivals of the Federalists. But Jefferson, nonetheless, admired Marshall's brilliance. Jefferson reportedly said, "When conversing with Marshall, I never admit anything. So sure, as you admit any position to be good, no matter how remote from the conclusion he seeks to establish, you are gone." More than one opponent wistfully acknowledged Marshall's intellectual skills. Once his premises were granted, his foes were at a distinct disadvantage, for his reasoning skills were second to none. Marshall's great intellect, punctuated by a quick, penetrating, and facile mind, served him well as an architect and steward of the rule of law.

Marshall's love for the law was second only to his love for Polly, his wife of 46 years, who died in 1831. Marshall was devastated but remained on the Court and delivered several more landmark rulings. While walking

home after visiting Polly's grave in June 1835,  
Marshall collapsed. He died a month later, on July 6.  
Two days later, while tolling news of Marshall's death,  
the Liberty Bell cracked.