



## **THE ACTIVIST:**

**John Marshall, "Marbury v. Madison", and the Myth of Judicial Review**

**Lawrence Goldstone, Ph.D**

**Thursday, October 16, 2008**

**1:00 p.m. – 3:00 p.m.**

**Treasury Executive Institute  
801 9<sup>th</sup> Street NW  
Washington, DC**

Among the many momentous decisions rendered by the Supreme Court, none has had a greater impact than that passed down in 1803 by Chief Justice John Marshall in the case of *Marbury v. Madison*. While the ruling itself was innocuous--denying the plea of a minor functionary named William Marbury on constitutionally technical grounds--its implications were enormous. In declaring an act of Congress unconstitutional, Marshall had claimed for the Supreme Court the right to determine what the Constitution and our laws under it really mean, known formally as the principle of "judicial review."

In *The Activist*, Lawrence Goldstone asserts that that right is nowhere expressed in the Constitution and was not even considered by the Framers or the Founding Fathers, who would never have granted such power in a checks-and-balances system to unelected officials serving for life. For him, *Marbury v. Madison* is the landmark case that put the "Supreme" in Supreme Court.

To understand the significance of this decision, Goldstone examines the debates that occurred during the Constitutional Convention of 1787 over the formation and structure of the judicial system. Goldstone also examines Marshall's ambition, his statesmanship and his political brilliance represented in the *Marbury* decision that was a maneuver against the new Democratic-Republican president Jefferson by the Federalist Marshall.

**Lawrence Goldstone** is a constitutional scholar, historian and gifted writer. He holds a Ph.D in American Constitutional Studies from the New School, New York. He is the author or co-author of ten books of both fiction and non-fiction. Goldstone has been widely interviewed on both radio and television. His work has been profiled in *The New York Times*, *The Toronto Star* and numerous regional newspapers.

**REGISTRATION:** All SES members, candidates and GS-15s in Treasury and legacy Treasury bureaus eligible to attend. Register by October 9, 2008, on line at <http://intranet.treas.gov/tei>. Legacy bureau employees should call 202-622-9311 for registration assistance.