

# We the People

## The Dan O'Hanlon Constitution Week and John Marshall Celebration – Essay Competition

### Topic for 2010 Essay Competition

Next year, 2010, will represent the bicentennial of the case *Fletcher v. Peck* {10 U.S. 87 (1810)}. The case is noteworthy as it was the first time the Supreme Court found a state law unconstitutional. The case was soon followed with other famous cases (*McCulloch v. Maryland*, *Dartmouth College v. Woodward*, *Gibbons v. Ogden* and *Worcester v. Georgia*) in which the court found various state laws in conflict with portions of the Constitution of the United States. The decision was one that represented the Federalist principles of the Marshall Court and John Marshall's effort to assert the proper authority of the court. As Jean Edward Smith noted, "In landmark cases like *Marbury v. Madison* and *Fletcher v. Peck*, [the Supreme Court] was not only announcing the law authoritatively but was shaping the nature of the Union of future generations." (p. 394)<sup>1</sup>

Specifically, the Court found in *Fletcher v. Peck* that state laws could not contradict the Constitution's specific protection of contracts (see Article I, section 10, clause 1). In subsequent cases the Marshall court evoked the more general "supremacy clause" (see Article VI, paragraph 2) as a means to invalidate state laws it deemed unconstitutional.

Your paper should examine one or two of the following questions:

1. When the Constitution was written, why was the Supreme Court given the capacity to overrule state laws? How is the *Fletcher v. Peck* an appropriate example for this aspect of the Constitution and the ability of the court to declare such laws unconstitutional?
2. Did rulings like the case of *Fletcher v. Peck* allow the court to become more powerful than originally anticipated when the Constitution and Bill of Rights were ratified?
3. Are the rights of the people within a state compromised when their laws are struck down by the Supreme Court?
4. On what grounds can the Supreme Court issue a ruling when the Constitution does not have specific language that pertains to the case at hand?

Essays will be evaluated on the following criteria:

- Scope and Focus of Essay:** The extent to which the essay addresses and deals coherently and convincingly with the questions you address in your essay.
- Completeness of Research:** The extent to which you identify and use source material to prepare the essay. Specifically, you will need to examine the historical context of the case and the creation of the constitution. You should review the *Constitution*, the *Federalist Papers*, and books that examine the history of the Constitution and the Supreme Court. Several web pages ([www.findlaw.com](http://www.findlaw.com) and [www.law.cornell.edu](http://www.law.cornell.edu)) provide access to Supreme Court cases. You may find it useful to work with one of the University reference librarians to find useful readings for this essay.
- Clarity of Expression:** The extent to which you provide a logically consistent, accurate, and clearly expressed essay that has few or no errors in grammar, word usage, or methods of citation.
- Originality of Thought:** The extent to which you present your ideas in a clear and well-reasoned manner.

Essays should be approximately 10 pages in length using double spacing, one inch margins and an easy to read 12 point font. Students are free to use a popular style guide (e.g., MLA, Chicago Manual of Style, American Psychological Association, or other guide) for the presentation of quotations and reference sources. All submissions must present a complete reference section and provide appropriate reference to the ideas and words of other writers.

Submit the essay as a Microsoft Word document file to David J. Pittenger, Dean The College of Liberal Arts, at [pittengerd@marshall.edu](mailto:pittengerd@marshall.edu) no later than June 1, 2010.

**The grand prize winner will receive \$1,500. The runner-up will receive \$750. The winners of the Essay Competition will be announced on September 17, 2010.**

<sup>1</sup> Smith, J. E. (1995). *John Marshall: definer of a nation*. Henry Holt, New York.