

PENDING COIN AND MEDAL LEGISLATION

HEARING

BEFORE THE
SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL
MONETARY POLICY, TRADE AND TECHNOLOGY
OF THE
COMMITTEE ON FINANCIAL SERVICES
U.S. HOUSE OF REPRESENTATIVES
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PENDING COIN AND MEDAL LEGISLATION

Wednesday, March 10, 2004

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL,
MONETARY POLICY, TRADE AND TECHNOLOGY
COMMITTEE ON FINANCIAL SERVICES,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:01 a.m., in Room 2128, Rayburn House Office Building, Hon. Peter King [chairman of the subcommittee] presiding.

Present: Representatives King, Biggert, Ose, Feeney, Oxley (ex officio), Murphy, Maloney, Sherman and Gutierrez. Also present were Representatives Bachus, Davis and Gibbons.

Chairman KING. [Presiding.] The subcommittee will come to order. One of the reasons we are starting on time is, first of all, we are privileged to have a very select panel this morning. Also, my understanding is that there are going to be a series of votes starting on the House floor at 10:15 a.m. I have spoken to Mrs. Maloney. We will try to expedite this, especially in view of the witnesses we have here.

This meeting of the Subcommittee on Domestic and International Monetary Policy, Trade and Technology is meeting today to hear testimony on and consider several pieces of legislation authorizing commemorative coins and Congressional Gold Medals. Before we begin, I just want to make several quick statements. One, pursuant to my prior announcements, the only speakers this morning will be myself and the Ranking Member, Mrs. Maloney. All other members's statements will be placed in the record.

I also note that the subcommittee is joined today by members both on and off the full committee who are sponsoring the legislation before us today. Without objection, each of these members will be briefly recognized for the purpose of introducing the witnesses testifying on behalf of their bill. Without objection, so ordered.

Finally, I note that we have a number of very important witnesses before the committee. I am aware that they have other matters they have to attend to. I will ask the other members to be respectful of these obligations and limit any questions they might have to the bills before us today.

With that, I will recognize myself for a brief opening statement. I will actually waive my opening statement and go to Mrs. Maloney so we can get the witnesses started. No sense tying them down on this.

Mrs. MALONEY. I really want to put in context what we are doing. I want to thank the Chairman for holding the markup and

all our distinguished witnesses today, Chief Justice Rehnquist, Deputy Secretary of State Armitage, Deputy Secretary of Interior Griles, and General Mundy, as well as Representatives Gibbons, Jo Ann Davis, and my colleague Jack Murtha.

This morning, the subcommittee takes up the awarding of the Congressional Gold Medal and three commemorative coin programs. The Congressional Gold Medal is the most distinguished award bestowed by Congress. First awarded to George Washington, recipients of the medal include Winston Churchill, Robert Frost, Joe Louis, Mother Teresa, and the American Red Cross, and most recently in a bill offered by myself and Ginny Brown-Waite, we voted to pass one to give to Tony Blair.

This morning, the subcommittee meets to approve H.R. 2131, which will award the medal to President Jose Maria Anzar of Spain. President Anzar was sworn in as Spain's leader on March 3, 1996. Under his leadership, it is only the second time in 60 years that power has passed from one elected party to another peacefully in Spain. He has pursued very close relations with the U.S. throughout his time in office. He has been an ally in our war on terror and an important trading partner.

This morning we will also consider three coin programs, including the John Marshall Commemorative Coin Act introduced by Financial Institutions Chair Spencer Bachus, and it is hard to think of a more distinguished recipient of this honor than John Marshall, a native of Virginia who served in the Revolutionary War and as Secretary of State. Marshall is also a former colleague of ours, having served in the House of Representatives.

Chief Justice Marshall's impact on the Supreme Court is unmatched. Over the course of his 34 years on the Court, he guided it to true equality with the other branches of government, most importantly establishing the doctrine of judicial review in *Marbury v. Madison* decided in 1803. The program will benefit the Supreme Court Historical Society.

H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act was introduced by my colleague Jo Ann Davis, and surcharges from the sale of this coin will go to the Association for the Preservation of Virginia Antiquities, the Jamestown-Yorktown Foundation of the Commonwealth of Virginia, and the National Park Service.

Finally, my dear colleague and friend John Murtha has introduced H.R. 3277, the Marine Corps's 230th Anniversary Commemorative Coin Act. With the Marines deployed in harm's way across the world today, from Iraq to Haiti, it is highly appropriate that we pass this legislation. There could not possibly be a better advocate to bring this bill to the subcommittee than Representative Murtha.

For those of you who do not know, Representative Murtha is a former Marine and was the first Vietnam combat veteran elected to Congress. In fact, Representative Murtha was an active Marine reservist until 1990. We all know that he knows a great deal about putting together successful congressional projects. Here, once again, he is backing an exceedingly worthy endeavor, as surcharges from the coin will benefit the construction of the Marine Corps's

Heritage Center for historical depictions and educational programs related to the Corps.

I thank the Chairman and especially the witnesses for being here, and I yield back the balance of my time.

Chairman KING. I thank the Ranking Member.

As mentioned, we have a number of distinguished witnesses here today. Probably, I can honestly say to this committee, the subcommittee has never had a more distinguished witness than the Chief Justice of the United States Supreme Court who is here today.

I would yield to Chairman Spencer Bachus, Chairman of the Subcommittee on Financial Institutions for the purpose of introducing the chief justice. Mr. Bachus?

Mr. BACHUS. I thank the Chairman.

It is my extreme honor not only to introduce Chief Justice Rehnquist, but also my former Auburn University graduate and fraternity brother Carl Mundy. My oldest son is a Marine and would be thrilled that you are on the panel before our committee.

It is very appropriate that a great Chief Justice, William Rehnquist, is here to talk about another former great Chief Justice, John Marshall. John Marshall was our longest-serving chief judge. He not only served as a chief judge, he was a Revolutionary War hero, went through Valley Forge with George Washington. He was Secretary of State when John Adams appointed him to the Supreme Court.

Without further ado, I will simply welcome Chief Justice Rehnquist to our panel and allow him to make remarks as he sees fit.

**STATEMENT OF HON. WILLIAM H. REHNQUIST, CHIEF
JUSTICE, UNITED STATES SUPREME COURT**

Justice REHNQUIST. Thank you very much, Congressman Bachus.

Chairman King, Representative Maloney, I appreciate the opportunity to be here today to speak in support of H.R. 2768. Last spring, the Citizens Commemorative Coin Advisory Committee recommended that a coin commemorating the 250th anniversary of the birth of Chief Justice John Marshall be minted in 2005. Neither Marshall nor the Court has been previously honored with a commemorative coin.

While people all over the country are familiar with the likes of George Washington, Thomas Jefferson, and Benjamin Franklin, fewer know about the remarkable contributions of the fourth Chief Justice. A commemorative coin would provide an opportunity to educate all Americans about the man known as "the Great Chief Justice." The Supreme Court Historical Society, which has been instrumental in forwarding this idea, devotes itself to educating the public about the workings of the Supreme Court and the history of the Supreme Court.

John Marshall served as Chief Justice for 34 years, from 1801 until 1835. He was born in the Blue Ridge foothills of Virginia, about 50 miles west of present-day Washington. He had very little formal education, but by the time he reached 25 years of age, he had served as a captain commanding a line company of artillery in the Battles of Brandywine and Monmouth during the Revolu-

tionary War. He had also suffered through the terrible winter at Valley Forge with George Washington and the rest of the Continental troops.

It was this experience which led him to remark that he looked upon the "United States as his country, and Congress as his government," not an unusual sentiment today, to be sure, but quite an unusual sentiment for a Virginian at that time.

After mustering out of the service, he studied law very briefly and was admitted to the Virginia bar. He was elected a Member of Congress from Virginia and at the time of his appointment as Chief Justice, he was serving as President John Adams's Secretary of State. He was much better known then as a politician than as a legal scholar. Today, due in large part to John Marshall, the federal judiciary, headed by the Supreme Court, is regarded as a co-equal branch of the federal government, along with the legislative and the executive branches. But in the first decade of the new republic, from 1790 to 1800, the judiciary was very much a junior partner.

To illustrate the low estate of the Supreme Court at this time, the federal government was in the process of moving from Philadelphia, which had been the capital for 10 years, to the new capital of Washington in the District of Columbia. The White House, then called the President's House, was finished, and John Adams was the first President to occupy it. The Capitol Building had been constructed on Capitol Hill and was ready for Congress, though it was not nearly the building we know today as the Capitol. No provision whatever had been made for housing the Supreme Court. Finally at the last minute, a room in the basement of the Capitol was set aside for the third branch. In that rather undistinguished environment, the Court would sit for 8 years.

Marshall's principal claim to fame as Chief Justice, though by no means his only one, is his authoring the Court's opinion in the famous case of *Marbury v. Madison*, decided in 1803, 2 years after he became Chief Justice. He turned what otherwise would have been an obscure case into the fountainhead of all of our present-day constitutional law.

The case arose out of a suit by William Marbury, who had been nominated and confirmed as a justice of the peace in the District of Columbia, against James Madison, whom Thomas Jefferson had appointed as his Secretary of State. Although Marbury had been nominated and confirmed, his commission had not been issued by the time of the change in administration, and James Madison refused to issue it.

Marbury contended that once he had been nominated by the President and confirmed by the Senate, the issuance of his commission was simply a ministerial task for the Secretary of State who had no choice but to issue it. He brought an original action in the Supreme Court, relying on a provision of the Judiciary Act of 1789 which said the Supreme Court could issue writs of mandamus to any federal official where appropriate. He said James Madison was a public official, which no one denied, and that a writ of mandamus, a recognized judicial writ available to require public officials to perform their duty, was appropriate in his case.

Marshall's opinion in *Marbury v. Madison* is a remarkable example of judicial statesmanship. The Court says, yes, Marbury is entitled to the commission; Madison is wrong to withhold it. It says this is the sort of ministerial duty of a public official such as Madison which can be enforced by writ of mandamus. But the Court concludes by saying that Congress, in granting the Supreme Court the power to issue a writ of mandamus in a case like this, has run afoul of the original jurisdiction provision of the Supreme Court contained in Article Three of the Constitution.

So Madison and Jefferson are verbally chastised, but it turns out there is nothing the Supreme Court can do about it because Congress tried to give the Supreme Court more authority than the Constitution would permit. The doctrine of judicial review, the authority of federal courts to declare legislative acts unconstitutional, is established, but in such a self-denying way that it is the Court's authority which is cut back.

During the 34 years he served as Chief Justice, Marshall wrote over 500 opinions, most of the important cases that the Court decided. In *Gibbons v. Ogden*, decided in 1824, he wrote the opinion adopting a broad construction of the power of Congress under its authority to regulate interstate commerce contained in Article One. One could name several other important cases that he wrote, but suffice it to say that by the time he died at the age of 81 in 1835, the Supreme Court was a full partner in the federal government.

Oliver Wendell Holmes, himself a distinguished Associate Justice of our court, said, "If American law were to be represented by a single figure, skeptic and worshiper alike would agree without dispute that the figure could be one alone, and that one John Marshall." A commemorative coin in his honor would be a fitting way to mark the 250th anniversary of his birth.

Thank you.

[The prepared statement of Hon. William H. Rehnquist can be found on page 29 in the appendix.]

Chairman KING. Thank you, Mr. Chief Justice.

Obviously, we know you have other engagements and you are excused. We thank you very much for your testimony and for the privilege of your being here today. Thank you, sir.

Justice REHNQUIST. Thank you, Mr. Chairman.

Chairman KING. Our next witness this morning will be the Honorable Richard Armitage, Deputy Secretary of State. I will just say before introducing Mr. Gibbons for the purpose of introducing Mr. Armitage, that my wife went to high school with Secretary Armitage and she still wonders where she went wrong coming to New York and marrying me.

[Laughter.]

At least that is the way she puts it to me. Sir, I don't know, apparently you were quite the high school star, but in any event, as you are still obviously doing a tremendous job for our country today and all of us are indebted to you for that.

With that, I yield to the gentleman from Nevada, Mr. Gibbons. Mr. GIBBONS. Thank you, Mr. Chairman.

It is indeed an honor for me to be here this morning to introduce Deputy Secretary of State Richard Armitage. I want to also thank this committee for their hard work on these bills. In an introduc-

tion of Secretary Armitage, let me indicate that here is a gentleman who has a great international reputation, great international respect, the respect and admiration from many of us in Congress, in the diplomatic corps as well, for his abilities. He has been deeply involved in Middle East diplomacy. He has been involved and instrumental in international policymaking worldwide. He is a Vietnam War veteran. He has been involved in operations during the Gulf War.

He has taken time from his very busy schedule today to testify on behalf of H.R. 2131, the legislation which I have introduced to award the Congressional Gold Medal to Jose Maria Aznar, President of the Government of Spain. Ladies and gentlemen, H.R. 2131 is very important commemorative legislation that recognizes a man who has been one of America's greatest continental allies, both in times of war and peace. It is a testament to President Aznar and his diligent efforts to support the international community in the war on terrorism that this bill has received broad bipartisan support of over 300 cosponsors here in Congress.

He has worked tirelessly along side President Bush and Prime Minister Blair and our other allies to eliminate terrorism worldwide. Like Prime Minister Blair, who was awarded the Congressional Gold Medal last year, President Aznar shares our dedication to freedom, democracy and prosperity around the world.

It is for these reasons and countless other acts of courage that my colleagues and I wish to honor President Aznar of Spain with the Congressional Gold Medal. It is with the same degree of honor that we welcome the testimony here today of Deputy Secretary of State Richard Armitage, himself a remarkable world leader in the international diplomacy arena and who is here to speak on behalf of H.R. 2131.

Thank you, Mr. Chairman, and thank you Secretary Armitage.

**STATEMENT OF RICHARD ARMITAGE, DEPUTY SECRETARY,
UNITED STATES DEPARTMENT OF STATE**

Mr. ARMITAGE. Thank you, Mr. Gibbons.

Chairman Oxley, Chairman King, Ms. Maloney, Members, it is an honor to appear before the subcommittee today. I know witnesses often say that when they begin testimony with varying degrees of sincerity, but today I can truly say that it is an honor. In fact, the Secretary of State would be here but for the fact he is two floors up in an appropriations hearing at the moment. He would much rather be here, I am sure.

[Laughter.]

Mr. Chairman, Washington is a city of many monuments, including some monuments we walk past every day without really seeing. So it may come as a surprise, and certainly a surprise to employees of the Department of State, that a bronze Spaniard stands watch over the main State building. The inscription on the base of the memorial just outside our door reads, "May this statute of Bernardo de Galvez serve as a reminder that Spain offered the blood of her soldiers for the cause of American independence."

Americans today need no reminder the Spain once again has offered the blood of her soldiers for the cause. Today, however, the cause is not just independence for America, but also for Spain, for

Afghanistan, for Iraq, and I would say, indeed, today the cause is freedom itself for people all over the world.

The modern Spanish hero who has joined this cause with so much courage, the heir to the spirit of de Galvez, is Jose Maria Aznar, President of the Government of Spain. He is indeed deserving of the highest recognition our country can give him and I strongly support awarding the Congressional Gold Medal to President Aznar.

September 11 that was simply a tragic day in the life of our nation. It was not, however, only our tragedy. On that day, citizens of some 90 other nations died in the World Trade Center alone. In the years since, terrorism has claimed hundreds of lives in countries stretching from Morocco to Australia. When President Aznar spoke before a joint meeting of this Congress last month, he called terrorism a "calculated challenge to the values that are core to humanity, freedom, moral decency, compassion and respect for the lives of others."

Indeed, Spain has dealt with that challenge for far too long. Over the past 35 years, the terrorism organization known as the ETA has killed more than 850 Spaniards. Of course, as we know, President Aznar himself narrowly escaped becoming a victim in 1995.

I suspect that his personal experience only deepened his commitment to doing everything he could do to protect the security of all of Spain's people. When President Bush first visited Spain in June 2001, he made it clear that he shared President Aznar's commitment and that Spain could count on the full support of the United States. President Aznar in turn offered quick and concrete support for our wounded country in the immediate aftermath of the attacks on September 11. He has since proven to be a sure and a steadfast ally in the global struggle to defeat terrorism. He has expanded our intelligence cooperation concerning al Qaeda and provided access to and information about terrorist suspects. He has worked with the United States and other nations to keep weapons of mass destruction out of the hands of terrorists. Within the European Union, he has supported the designation of terrorist organizations and the efforts to freeze their assets. President Aznar has also committed blood and treasure to both Afghanistan and to Iraq, where Spanish forces continue to serve alongside our own.

Perhaps President Aznar's greatest legacy as a world leader, however, is not just what he has stood against, but also what he stands for, the cause of freedom. Throughout his tenure in office, President Aznar has advanced a constructive and democratic vision for the future, one based on prosperity and partnership. The President's agenda has made Spain an important political and economic force in the world and an important partner for the United States.

Indeed, President Aznar has helped expand and deepen the bilateral relationship between our two nations, as well as the broader trans-Atlantic relationship. Moreover, under his stewardship, Spain has promoted free minds and free markets around the world, particularly here in our own hemisphere. Soon, President Aznar will step aside and allow others to build on his tremendous legacy. Even his final decision underscores for the world the true power of democratic governance.

Mr. Chairman, the Congressional Gold Medal is a fitting honor for a great friend to the cause of freedom, for America, for Spain and for people all over the world.

Thank you, Mr. Chairman and members for giving me the opportunity today to offer my support and the support of the Secretary of State for this.

[The prepared statement of Hon. Richard L. Armitage can be found on page 17 in the appendix.]

Chairman KING. Thank you, Secretary Armitage, for your testimony. I am used to hearing your testimony at the International Relations Committee. It was a privilege to have you here before our subcommittee today. Again, I want to thank you for the tremendous service you do day in and day out for our country.

With that, we excuse the witness and the subcommittee will stand in recess probably until approximately 11:00 a.m. We have three votes on the House floor. We will get back here as soon as possible. If the other panelists can stay, we would greatly appreciate it.

The subcommittee stands in recess. Thank you.

Mr. ARMITAGE. Thank you, Mr. Chairman.

[Recess.]

Chairman KING. The subcommittee will resume. I thank the witnesses for their patience and forbearance in putting up with the foibles of the House of Representatives's calendar and voting schedule.

With that, I yield time to the gentlelady from Virginia, Ms. Davis.

Ms. JO ANN DAVIS OF VIRGINIA. Thank you, Mr. Chairman.

First, I want to thank you for holding this important hearing this morning, and to thank you for considering H.R. 1914, a bill that I sponsored for the Jamestown 400th Anniversary Commemorative Coin Act. This bill is very important to the Jamestown 400th anniversary, which is coming up in 2007. Already planning is underway for a year-long celebration to honor America's first permanent English settlement.

The proceeds from the sale of these commemorative coins will go a long way towards restoring the Jamestown settlement and preserving and promoting educational programs. I am pleased today to introduce Deputy Secretary Steve Griles of the Department of the Interior. Thank you, Deputy Secretary, for being here this morning to testify before the subcommittee.

Mr. Griles is a true Virginian. He attended the University of Richmond and Virginia Commonwealth University, and has lived in Virginia almost his whole life. After college, Mr. Griles joined the Virginia Department of Conservation and Economic Development, where he rose to executive assistant director and was responsible for the oversight of 14 state programs, including parks, forests and mining. During his service, he added several parks throughout the Commonwealth of Virginia. He joined the Department of Interior from 1983 to 1989 as Assistant Secretary and Deputy Assistant Secretary of the Interior for Lands and Minerals Management, where he directed national programs for management of public lands, mineral resources and surface mining.

Putting his expertise in natural resources issues to good use, he became senior vice president for public environmental and marketing activities for the United Company. Most recently, he was a principal with National Environmental Strategies. Currently, he is back at the Department of Interior, this time serving as Deputy Secretary, and we are grateful for his service and for the time he is giving us this morning.

Most importantly, Mr. Griles has a personal interest in our hearing today. Because of his strong Virginia roots, he was appointed by Secretary Norton as a member of the Jamestown 400th Commemoration Commission. I am grateful for your enthusiasm about this issue, Mr. Griles, and I look forward to hearing your testimony today.

I want to thank you again, Mr. Chairman, for your consideration of H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act.

Chairman KING. Secretary Griles?

**STATEMENT OF J. STEVEN GRILES, DEPUTY SECRETARY,
UNITED STATES DEPARTMENT OF THE INTERIOR**

Mr. GRILES. Thank you, Mr. Chairman, Ms. Maloney and Congresswoman Davis. It is always nice to be with fellow Virginians, and also today to appear before your committee to present the Department of Interior's views on H.R. 1914, the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement. The Department of Interior strongly supports the enactment of this bill.

Mr. Chairman, in 2007 the people of the United States and many of our friends from around the world will come together to commemorate the 400th anniversary of the first permanent English settlement in America in 1607, the settlement of Jamestown in the Commonwealth of Virginia. More than just our nation's birthplace, Jamestown is a point of origin on this continent for many of the principles and the precepts that distinguished America, including our representative government, where the oldest legislative body in the new world first convened in Jamestown in 1619.

Jamestown represented free enterprise. The Jamestown colony was a private venture, the first stock investment in America. Jamestown represented cultural diversity. It was the site where Europeans, Africans, and Virginia Indians first came together, foreshadowing America's unique character as a nation of diverse groups.

The commemoration in 2007 will provide all Americans a great opportunity to recall what our nation is and how it began, reflect on our continuing opportunity and obligations to make the promise of freedom real for all Americans and for all people around the globe.

As Congresswoman Davis said, I am a Virginian and I am testifying on behalf of the Department, but I also am pleased, as she said, to serve as one of the 16 members appointed by Secretary Norton to the Jamestown 400th Commemoration Commission. That Commission, Mr. Chairman, has slated some 13 events that they are going to celebrate in the year 2007, and the proceeds from this coin will go a long ways to helping promote and pay for that great

celebration. Every 50 years, we have had a celebration at Jamestown. We have had presidents; we have had the Queen of England; and in 2007 we hope that the next celebration will have as well distinguished visitors.

So with the passage of this bill, we, the Department of Interior and the people of America can have a great celebration for 2007.

Thank you for your time.

[The prepared statement of Hon. J. Steven Griles can be found on page 19 in the appendix.]

Chairman KING. Thank you, Mr. Secretary.

I am right now approaching this next assignment with great trepidation. I know that Congressman Murtha wanted to introduce the Commandant of the Marine Corps. For me to come between Jack Murtha and you, I will have to incur his wrath right or wrong, but apparently he is still testifying at the Appropriations Committee. Is that the latest we heard? Okay.

General Mundy, I know how much Jack Murtha wanted to introduce you today. I know the tremendous regard he has for you. I know the tremendous regard he has for the Marines in which he served so well, as you did, and also as General Christmas did who is also with us here today, and I certainly want to acknowledge his presence and thank him for being here.

General Mundy, you served this country well. You were the Commandant of the Marine Corps. That speaks for itself. I always feel that if you are introducing someone who was Commandant of the Marine Corps, everything else is superfluous and extraneous after that.

So with that, let me just welcome you to the subcommittee, thank you for your appearance here today, and ask you to begin your testimony.

**STATEMENT OF GENERAL CARL E. MUNDY, JR., USMC
RETIRED, 30TH COMMANDANT OF THE MARINE CORPS**

General MUNDY. Thank you, Mr. Chairman. Rest assured, there is no offense at not being introduced. After a while, one gets tired of hearing your achievements recounted, but you did it very nicely and I appreciate that.

It is a privilege to be before your committee this morning to testify about your support for a coin in commemoration of the 230th anniversary of the Marine Corps, which comes up next year. Had Congressman Murtha been here this morning, I would have wanted to express, and will for the record, deep appreciation to him for having introduced initially this legislation, as well as to the other Marine members of the House who together were able to acquire, as you know I believe, some 310 signatures in support of this particular bill. They were representatives Houghton, Evans, Gilcrest, Snyder and Kline.

I appear before you today at the request of the Commandant of the Marine Corps, General Mike Hagee, who asked me to convey his respects and his regrets that he is unable to be here personally to convey to you and the members of the committee his wholehearted support for H.R. 3277. In his necessary absence, he asked me as a former Commandant to represent him, and that is a privilege which I am delighted to do.

I appear also today as a representative of the Marine Corps Heritage Foundation, which is a 501(c)(3) nonprofit organization dedicated to the preservation and chronicling of Marine Corps history through scholarly research, education and outreach to the American public about the contributions of our Corps to our nation's history and to its freedom. I am privileged, you have already mentioned Lieutenant General Ron Christmas who is one of the true heroes of our Corps. He bears the second-highest decoration for bravery in combat for his heroism during the battle for Hue City in Vietnam in 1968. Ron is the president of the Marine Corps Heritage Foundation.

On November 10, 2005, the Marine Corps will mark its 230th anniversary. The creation of the Corps of Marines in 1775 actually predates the establishment of our republic. For well over two centuries, the story of the Corps has been one of contribution, sacrifice and service, as our hymn would put it, in every clime and place where we could take a gun on behalf of the nation.

It is a story built around the immutable Corps values of honor, courage and commitment; a story of personal sacrifice and gallantry; of innovation and unconquerable fighting spirit in protecting the United States of America during times of war; and of quiet service at home and abroad in times of peace. It is a story worth telling, and it is a legacy worth preserving. It is a story best summarized perhaps by our Corps's motto, *semper fidelis*, or "always faithful."

Along with the millions of men and women past and present who have worn the eagle golden anchor that marks us as Marines, I am enormously pleased that this committee is considering a way to recognize and pay tribute to the legacy of our nation's Corps of Marines by minting and issuing a commemorative silver dollar coin to mark the occasion of our 230th anniversary.

As an adjunct benefit to the honor itself, in 2001 the Congress authorized the construction of a Marine Corps Heritage Center at Quantico, Virginia. This project, now under development, is a public-private partnership of the Marine Corps and the Marine Corps Heritage Foundation, the nonprofit organization of which I spoke earlier.

The Heritage Center will be a multipurpose facility dedicated to historical displays for public viewing, curatorship, storage of artifacts, scholarly research, and educational outreach and associated activities. At its essence, the Center will be dedicated to preserving and chronicling the legacy of the United States Marine Corps. It will also tell the story of our great nation from its humble beginnings until today, through the eyes of the Marines who lived it.

Construction costs for the Heritage Center are being underwritten solely from private sector sources. A congressional tribute to the 230th anniversary of the Corps by authorizing the issuance of this commemorative silver dollar coin would generate surcharge proceeds at no net cost to the taxpayers. Such proceeds would provide valuable monies toward the private sector effort to generate construction funding for the Heritage Center. The center will begin its construction in just a couple of months and is expected to open shortly after the corps's 230th anniversary during 2006.

Mr. Chairman and members of your committee, again speaking for General Hagee and for the Heritage Foundation, I respectfully urge you to favorably report out this legislation to authorize the issuance of a commemorative silver dollar coin marking the 230th anniversary of the United States Marine Corps.

Thank you, Mr. Chairman.

[The prepared statement of Carl E. Mundy, Jr. can be found on page 23 in the appendix.]

Chairman KING. Thank you, General Mundy, for your testimony on behalf of H.R. 3277. Certainly if there has ever been a worthy bill, this is it, for years of gallantry and bravery by the United States Marine Corps.

I want to thank you for your testimony. I want to thank General Christmas for being here as well, and thank him for his years of service to our country.

With that, General you are excused. You are certainly welcome to stay. We are going to go to hopefully a very quick vote, and get these through. So I will now declare the committee in recess to allow the subcommittee to set up for the markup.

Thank you, General.

[Whereupon, at 11:14 a.m., the subcommittee was adjourned.]

A P P E N D I X

March 10, 2004

Chairman Peter T. King
Subcommittee on Domestic and International Monetary Policy
During Hearing and Markup of
Commemorative Coin and Gold Medal bills

March 10, 2004

Today the subcommittee meets to handle some of the Financial Services Committee's lesser-known but still-important duties: consideration of legislation approving the striking of commemorative coins and the awarding of Congressional Gold Medals.

Indeed, as evidence of the importance of these bills, the witnesses today are leaders in their field and among the most dignified ever to speak in this chamber. We are joined by Chief Justice William Rehnquist in an extraordinarily rare appearance before Congress, as well as two deputy secretaries – from the departments of State and Interior – and a Marine general who is a former Commandant of the Corps.

We will be considering four bills.

- **H.R. 2768**, introduced by the gentleman from Alabama, Mr. Bachus, authorizes the striking of commemorative silver dollars in 2005 noting the 250th anniversary of the birth of Chief Justice John Marshall. Surcharges from the sale of the coin would benefit the works of the Supreme Court Historical Society.
- **H.R. 1914**, introduced by the gentle lady from Virginia, Mrs. Davis, authorizes the striking of gold and silver commemorative coins in 2007. Surcharge income will benefit a variety of entities contributing to the 400th anniversary celebration of Jamestown's founding, including the National Park Service – which is why we have the Deputy Secretary of the Interior as a witness.
- **H.R. 3277**, introduced by the gentleman from Pennsylvania, Mr. Murtha, authorizes the striking of commemorative silver dollars, also in 2005, noting the 230th anniversary of the founding of the Marine Corps. Surcharge income would go to benefit the Marine Corps Heritage Center.
- Finally, Mr. Gibbons' bill, **H.R. 2131**, authorizes the awarding of a Congressional Gold Medal to President Jose Maria Aznar of Spain in recognition of the friendship and support he and his country have shown the United States in the international fight against terrorism.

I would like to make an important point about the witnesses we have here today. We are honored to have the Chief Justice of the Supreme Court, two deputy secretaries and the former Commandant of the Marine Corps. Due to the cramped schedules of some of the witnesses, we have dispensed with the customary Member panel before the witnesses, and instead we will seek unanimous consent to seat the four sponsors with the subcommittee,

and allow each a minute to introduce the witness for their bill. In this way, the Subcommittee can receive important testimony, and the witnesses can get back to their other work.

Once we have excused the witnesses, the Subcommittee will move immediately to mark up each of the bills.

I think this will be a quick but productive hearing and markup, and I look forward to the testimony.

With that, I yield to the gentle lady from New York, Mrs. Maloney

Opening Statement
Congressman Luis V. Gutierrez
March 10, 2004

Hearing and markup of pending coin legislation

Thank you, Mr. Chairman for calling this hearing and markup to consider H.R. 1914, the Jamestown 400th Anniversary Commemorative Coin Act of 2003; H.R. 2131, a bill to award a Congressional Gold Medal to President Jose Maria Aznar of Spain; H.R. 2768, the John Marshall Commemorative Coin Act; and H.R. 3277, the Marine Corps 230th Anniversary Commemorative Coin Act. All of these worthy bills have widespread support, including my own.

I am particularly pleased that we are marking up the John Marshall coin bill today. I strongly support this bill, which was introduced last July by my colleague Spencer Bachus. Garnering the required 290 cosponsors for a coin bill is not an easy task, and I want to commend him for his efforts to honor this Chief Justice who contributed so much to our nation's history. There is a John Marshall Law School in my hometown of Chicago, as well as Marshall County, Illinois, which is represented by my colleague Ray LaHood. I know a number of our colleagues represent institutions named after John Marshall, and I think a commemorative coin is long overdue.

Marbury v. Madison, the case that gave birth to the principle of judicial review, was the first case that was heard by the Supreme Court of the United States after John Marshall became Chief Justice. Marshall authored this opinion, as well as many other important cases, during his lengthy tenure from 1801-1835. One of the most prominent cases of his tenure, *McCullough v. Maryland*, has recently been cited before this Committee, though I believe the OCC is failing to give the case proper context in its attempt to justify its recent overreaching.

Once again, thank you, Mr. Chairman, for holding this hearing and markup. And, thank you Mr. Bachus for your work on the John Marshall bill. I understand the proceeds from this coin will benefit the good works of the Supreme Court Historical Society, and I urge all of my colleagues to support its passage.

**Remarks by Richard L. Armitage
Deputy Secretary of State
Statement for the Record
Hearing on the Congressional Gold Medal for Jose Maria Aznar
Subcommittee on Domestic and International Monetary Policy, Trade, and Technology
10 March 2004**

Mr. Chairman, Members of the Committee, Washington is a city of many monuments, including some we walk past every day without really seeing. So it may come as a surprise, certainly to employees of the Department of State, that a bronze Spaniard stands watch over the Main State building. The inscription on the base of the memorial just outside our doors reads: "May this statue of Bernardo de Galvez serve as a reminder that Spain offered the blood of her soldiers for the cause of American independence."

Americans today need no reminder that Spain once again has offered the blood of her soldiers for the cause. Today, however, the cause is not just independence for America, but also for Spain, for Afghanistan, and for Iraq. Indeed, today the cause is freedom itself, for people all over the world.

The modern Spanish hero who has joined this cause with so much courage, the heir to the spirit of de Galvez, is Jose Maria Aznar, President of the Government of Spain. He is, indeed, deserving of the highest recognition our country can give him and I strongly support awarding the Congressional Gold Medal to President Aznar.

Mr. Chairman, September 11th was a tragic day in the life of our nation, but it was not solely an American tragedy. On that day, citizens of some 90 other nations died in the World Trade Center alone, and in the years since, terrorism has claimed hundreds of lives in countries stretching from Morocco to Australia. When President Aznar spoke before a joint meeting of this Congress last month, he called terrorism a "calculated challenge to the values that are core to humanity: freedom, moral decency, compassion, and respect for the lives of others."

Indeed, Spain has dealt with that challenge for far too long. Over the past 35 years, the Basque terrorist organization, the ETA [Basque Fatherland and Liberty], has killed more than 850 Spaniards. President Aznar himself narrowly escaped becoming a victim in 1995. I suspect his personal experience only deepened his commitment to doing everything he could to protect the security of all Spain's people. When President Bush first visited Spain in June of 2001, he made it clear that he shared President Aznar's commitment and that Spain could count on the full support of the United States.

President Aznar, in turn, offered quick and concrete support for our wounded country in the immediate aftermath of the attacks on September 11th. He has since proven to be a sure and steadfast ally in the global struggle to defeat terrorism. He has expanded our intelligence cooperation concerning al-Qaida and provided access to and information about terrorist suspects. He has worked with the United States and other nations to keep weapons of mass destruction out of the hands of terrorists. Within the EU, he has supported the designation of terrorist organizations and the efforts to freeze their assets. President Aznar has also committed blood

and treasure to both Afghanistan and Iraq, where Spanish forces continue to serve alongside our own.

Perhaps President Aznar's greatest legacy as a world leader, however, is not just what he has stood against, but also what he stands for: the cause of freedom. Throughout his tenure in office, President Aznar has advanced a constructive and democratic vision for the future, one based on prosperity and partnership. The President's agenda has made Spain an important political and economic force in the world and an important partner for the United States. Indeed, President Aznar has helped expand and deepen the bilateral relationship between our two nations, as well as the broader transatlantic relationship. Moreover, under his stewardship, Spain has promoted free minds and free markets around the world, particularly here in our own Hemisphere. Soon, President Aznar will step aside and allow others to build on his tremendous legacy, and even this final decision underscores for the world the true power of democratic governance.

Mr. Chairman, the Congressional Gold Medal is a fitting honor for a great friend to the cause of freedom – for America, for Spain, and for people all over the world. Thank you for giving me the opportunity today to offer my support.

STATEMENT OF J. STEVEN GRILES, DEPUTY SECRETARY, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL MONETARY POLICY, TRADE AND TECHNOLOGY, HOUSE COMMITTEE ON FINANCIAL SERVICES, CONCERNING H.R. 1914, TO PROVIDE FOR THE ISSUANCE OF A COIN TO COMMEMORATE THE 400TH ANNIVERSARY OF THE JAMESTOWN SETTLEMENT.

March 10, 2004

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1914, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown Settlement. The Department strongly supports the enactment of this bill.

In 2007, the people of the United States and many of our friends from around the world will come together to commemorate the 400th anniversary of the first permanent English settlement in America- the 1607 settlement at Jamestown in the Commonwealth of Virginia.

More than just our nation's birthplace, Jamestown is the point of origin on this continent for many of the principles and precepts that have distinguished America, including our representative government where the oldest legislative body in the New World first convened at Jamestown in 1619. President Teddy Roosevelt declared, during the 300th anniversary commemoration in 1907, that the Jamestown founding "marks the beginning of the history of the United States."

Jamestown represented free enterprise—the Jamestown colony was a private venture, the first stock investment in America. Jamestown represented cultural diversity—it was the site where Europeans, Africans, and Virginia Indians first came together, foreshadowing America’s unique character as a nation of diverse groups. In addition, the rule of law, and our English language and many traditions and freedoms can all trace their origins to Jamestown.

The Jamestown anniversary commemoration in 2007 will provide Americans with a unique opportunity to recall how our nation began, and to reflect on our continuing opportunity and obligation to make the promise of freedom real for all Americans and for peoples around the globe. The march of freedom and democracy around the world today traces its roots to America, and America traces its roots to Jamestown.

Although I am testifying here today on behalf of the Department of the Interior, I also am pleased to serve as one of sixteen members appointed by Secretary Norton to the congressionally-authorized Jamestown 400th Commemoration Commission. As you may know, Virginia is my home – I was born in Halifax County, Virginia, graduated from the University of Richmond, and served the Commonwealth for 10 years in the Virginia Department of Conservation and Economic Development. We Virginians are proud of Jamestown and have made great efforts to ensure that the stories of Jamestown are preserved for future generations.

The Jamestown 400th Commemoration Commission, the Department of the Interior, the Commonwealth of Virginia’s State and local planning groups, and outstanding private

partners such as the Association for the Preservation of Virginia Antiquities - Preservation Virginia are taking the opportunity to share this historical treasure by planning a richly diverse and inclusive, national and international commemoration. These groups have worked closely together to develop signature events and programs for the 400th commemoration that are wide-ranging, interesting, and informative with the goal of reaching millions of visitors across the country and around the world. This commemorative coin is a key component of this effort.

H.R. 1914 would require the Secretary of the Treasury to mint and issue two types of commemorative coins—a \$5 gold coin and a \$1 silver coin. The minting of a commemorative coin to honor Jamestown at this great milestone is both fitting and proper. It will enable the Federal, State, local and private partners to leave a lasting legacy at Historic Jamestowne and Jamestown Settlement. The proceeds from the coin will contribute to the further development of state-of-the-art educational and interpretive facilities at the Jamestown sites.

Visitors, young and old, will enjoy a varied cultural experience associated with the commemoration. They will see 17th century artifacts unearthed daily at the active archaeological dig on the site of the original fort, bridging the past and the present. In addition, they will experience living history at the recreated James Fort, a Powhatan Indian village, and on replicas of the three ships that crossed the ocean in 1606 and 1607. They will also witness the abundant wildlife and natural beauty of Jamestown Island,

while enjoying a new visitor center, and learning at the new, interactive museum and educational facilities.

This commemorative coin will also assist the work done by the National Park Service at Colonial National Historical Park situated at Jamestown, Yorktown and Williamsburg – the very cradle of American liberty. It will help the park remain as a beacon for all Americans who cherish their freedom and seek to discover more about its origins and living legacies.

Mr. Chairman, we appreciate this opportunity to share these exciting plans with you and the Committee. We are especially grateful for the active support and involvement of Representative Davis as well as other members of the Virginia delegation, and the many members from all across the country who have lent their names to this important legislation.

This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

**NOT FOR PUBLICATION
UNTIL RELEASED BY
THE COMMITTEE ON
FINANCIAL SERVICES**

**STATEMENT OF
GENERAL CARL E. MUNDY
UNITED STATES MARINE CORPS, RETIRED
BEFORE THE
HOUSE COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL MONTEARY POLICY,
TRADE, AND TECHNOLOGY
CONCERNING
H.R. 8277, THE MARINE CORPS 230TH ANNIVERSARY
COMMEMORATIVE COIN ACT
ON
MARCH 10, 2004**

**NOT FOR PUBLICATION
UNTIL RELEASED BY
THE COMMITTEE ON
FINANCIAL SERVICES**

Carl E. Mundy
General
United States Marine Corps (Ret.)



General Mundy enlisted in the Marine Corps reserve and enrolled in the Platoon Leaders Class Program in December 1953. He served in the 38th Special Infantry Company, Montgomery, Alabama, and rose to the grade of sergeant. He was commissioned a second lieutenant in June 1957, following graduation from Auburn University. Earlier assignments included service in the 2d Marine Regiment, 2d Marine Division; duty aboard the Aircraft Carrier TARAWA and the Cruiser LITTLE ROCK; instructor at the Marine Corps Basic School; and as Officer Selection Officer, Raleigh, North Carolina. In 1966-67, he served in Vietnam as operations and executive officer of the 3d Battalion, 26th Marine Regiment, 3d Marine Division and as an Intelligence Officer in the Headquarters, III Marine Amphibious Force.

After Vietnam, his principal assignments were:

- Aide de Camp to the Assistant Commandant of the Marine Corps
- Inspector Instructor, 4th Air-Naval Gunfire Liaison Company, Miami, Florida
- Commanding Officer, 2d Battalion, 4th Marine Regiment, 3d Marine Division
- Plans Officer, Headquarters Marine Corps
- Assistant Chief of Staff for Intelligence, 2d Marine Division
- Chief of Staff, Sixth Marine Amphibious Brigade
- Commanding Officer, 2d Marine Regiment, 2d Marine Division, and 36th and 38th Marine Amphibious Units

Following advancement to Brigadier General in April 1982, General Mundy's assignments were:

- Director of Personnel Procurement, Headquarters Marine Corps
- Commanding General, Landing Force Training Command, U.S. Atlantic Fleet, and Commanding General, 4th Marine Amphibious Brigade
- Advanced to major general in April 1986
- Director of Operations, Headquarters Marine Corps
- Advanced to lieutenant general in March 1988
- Deputy Chief of Plans, Policies and Operations, Headquarters Marine Corps
- Operations Deputy to the Joint Chiefs of Staff
- Commanding General of the Fleet Marine Force Atlantic, the II Marine Expeditionary Force, the Allied Command Atlantic Marine Striking Force, and designated to command Fleet Marine Forces which might be employed in Europe
- Promoted to general on July 1, 1991
- Commandant of the Marine Corps from 1 July 1991 to 30 June 1995

General Mundy is a native of Atlanta, Georgia, but spent his formative years in Tennessee, North Carolina, and Alabama. He graduated from the Marine Corps Command and Staff College, and the Naval War College. His United States decorations include the Defense Distinguished Service Medal and the Distinguished Medals of the Army, Navy, Air Force, and Coast Guard; the Legion of Merit, the Bronze Star Medal, the Purple Heart Medal, and two Navy Commendation Medals. His foreign decorations include Vietnamese Cross of Gallantry, the Colombian Distinguished Service, the Spanish Grand Cross of Naval Merit; the French Legion of Honor, Grade of Commander, the Argentinean Grand Cross, the Royal Norwegian Order of Merit, Grand Cross; and the Netherlands Medal of Merit.

Thank you, Mr. Chairman and Congresswoman Maloney. It is my privilege to come before you and the Members of your Committee, to seek your support in helping commemorate the 230th Anniversary of the United States Marine Corps through the minting of a Commemorative Coin. As you know, this bill has 310 co-sponsors and at this time, I would like to thank all those co-sponsors for their support. The Marine Corps especially values the extraordinary efforts of Congressman Jack Murtha, who first introduced this legislation. As a combat Marine during the Vietnam conflict, Congressman Murtha's service exemplifies the kind of selfless sacrifice that is the legacy of our "Corps," and we are greatly appreciative of his support of this legislation. I would also like to express the Marine Corps' sincere gratitude to our former Marines who serve in the U.S. House of Representatives. Thank you to Representatives Houghton, Evans, Gilchrest, Snyder, and Kline, for their tremendous efforts in obtaining so many co-sponsors.

I am honored to appear before you at the request of the Commandant of the Marine Corps, General Mike Hagee, who asks me to convey his respects and his regrets that he is unable to be here with you today. General Hagee has asked me, as a former Commandant, to stand in for him and to convey to you his whole-hearted support for H.R. 3277. I am privileged to do so.

I appear today, also, as a representative of the Marine Corps Heritage Foundation, a 501c(3) nonprofit organization dedicated to the preservation and chronicling of Marine Corps history through scholarly research, education and outreach to the American public about the contributions of your Marine Corps to this Nation's history and freedom. I am privileged to have

with me Lieutenant General George R. Christmas, President of the Foundation. General Christmas, is a recipient of the Navy Cross – the Nation’s second highest decoration for valor, which he received for his heroic part in the battle for Hue City, Vietnam, in 1968.

On November 10, 2005, the United States Marine Corps will mark its 230th anniversary. The creation of this Corps of Marines in 1775, actually predates the establishment of our Republic. For well over two centuries, the story of the Marine Corps has been one of contribution, sacrifice and service “in every clime and place” on our Nation’s behalf. It is a story of an indomitable spirit, built around the immutable core values of honor, courage and commitment. It is a story of personal sacrifice in protecting the United States of America from our enemies. It is a story of gallantry, innovation and unconquerable fighting spirit during times of war, and of quiet service at home and abroad during times of peace. It is a story worth telling, and a legacy worth preserving. It is a story perhaps best summarized in the Marine motto: Semper Fidelis. Always Faithful.

Along with the millions of men and women – past and present – who have worn the Eagle, Globe and Anchor that marks us as Marines, I am enormously pleased and excited that this Committee is considering a way that the United States can pay tribute to the legacy of its Corps of Marines, and to those who have served proudly in its ranks, by minting and issuing a commemorative silver dollar coin to mark the occasion of our 230th Anniversary.

As an adjunct benefit to the honor itself, in 2001, the Congress authorized the construction of a Marine Corps Heritage Center at Quantico, Virginia, by section 1 of Public

Law 106-398 (114 Stat. 1654). This project, now under development, is a public-private partnership of the United States Marine Corps and the Marine Corps Heritage Foundation, the nonprofit organization that I represent here today. The Marine Corps Heritage Center will be a multipurpose facility dedicated to historical displays for public viewing, curatorship, and storage of artifacts, scholarly research, educational outreach and associated activities, consistent with the mission of the Marine Corps. At its essence, the Heritage Center will be dedicated to preserving and chronicling the legacy of the United States Marine Corps. It will also tell the story of our great Nation from its humble beginnings until today, through the eyes of the Marines who lived it.

Construction costs for the Marine Corps Heritage Center are being underwritten solely from private-sector sources. A Congressional tribute to the 230th Anniversary of the Corps, by authorizing issuance of this commemorative silver dollar coin, would generate surcharge proceeds at no net cost to the taxpayers. Such surcharge proceeds would provide valuable monies toward the private-sector effort to generate construction funding for the Heritage Center. The Center will begin construction in the coming few months, and is expected to open shortly after the Corps' 230th Anniversary, during 2006.

Mr. Chairman and distinguished Members of the Committee, speaking for General Hagee and Marines everywhere, I respectfully urge you to favorably report out this legislation to authorize issuance of a commemorative silver dollar coin marking the 230th Anniversary of the United States Marine Corps.

This concludes my statement. Thank you for inviting me to testify here today, and I look forward to your questions.

**Testimony Before the House of Representatives
Subcommittee on Domestic and International Monetary Policy
of the Committee on Financial Services
William H. Rehnquist
Chief Justice of the United States
March 10, 2004**

Thank you Chairman King, Representative Maloney. I appreciate the opportunity to be here today to speak in support of HR 2768.

Last spring, the Citizens Commemorative Coin Advisory Committee recommended that a coin commemorating the 250th anniversary of the birth of Chief Justice John Marshall be minted in 2005. Neither Marshall nor the Court has previously been honored with a commemorative coin.

While people all over the country are familiar with the likes of George Washington, Thomas Jefferson and Benjamin Franklin, significantly fewer know about the remarkable contributions of the fourth Chief Justice. A commemorative coin would provide an opportunity to educate all Americans about the man known as "the Great Chief Justice."

John Marshall served as Chief Justice of the United States for thirty-four years - from 1801 until 1835. He was born in the Blue Ridge

foothills of Virginia, about fifty miles west of present-day Washington. He had very little formal education. But by the time he reached twenty-five years of age, he had served as a Captain commanding a line company of artillery in the Battles of Brandywine and Monmouth during the Revolutionary War. He had also suffered through the terrible winter at Valley Forge with George Washington and the rest of the Continental troops. It was this experience which led him to remark that he looked upon the "United States as his country, and Congress as his government." Not an unusual sentiment today, to be sure, but quite an unusual sentiment for a Virginian at that time.

After mustering out of the service, he studied law very briefly and was admitted to the Virginia Bar. He was elected a member of Congress from Virginia, and at the time of his appointment as Chief Justice, he was serving as President Adams' Secretary of State. He was much better known as a politician than as a legal scholar.

Today -- due in large part to John Marshall -- the Federal Judiciary, headed by the Supreme Court, is regarded as a co-equal branch of the federal government, along with the Legislative and the

Executive Branches. But in the first decade of the new republic -- from 1790 to 1800 -- the judiciary was very much a junior partner.

To illustrate the low estate of the Supreme Court at this time, the federal government was in the process of moving from Philadelphia, which had been the capital for ten years, to the new capital of Washington in the District of Columbia. The White House, then called the President's House, was finished, and John Adams was the first President to occupy it. The Capitol building had been constructed on Capitol Hill, and was ready for Congress, though it was not nearly the building we know today as the Capitol. But no provision whatever had been made for housing the Supreme Court. Finally, at the last minute, a room in the basement of the Capitol was set aside for the third branch, and in that rather undistinguished environment the Court would sit for eight years.

Marshall's principal claim to fame as Chief Justice -- though by no means his only one -- is his authoring the Court's opinion in the famous case of Marbury v. Madison. Decided in 1803 -- two years after he became Chief Justice -- he turned what otherwise would have been an

obscure case into the fountainhead of all of our present-day constitutional law.

The case arose out of a suit by William Marbury, who had been nominated and confirmed as a Justice of the Peace in the District of Columbia, against James Madison, whom Thomas Jefferson had appointed as his Secretary of State. Although Marbury had been nominated and confirmed, his commission had not been issued by the time of the change in administration, and James Madison refused to issue it.

Marbury contended that once he had been nominated by the President, and confirmed by the Senate, the issuance of his commission was simply a ministerial task for the Secretary of State who had no choice but to issue it. He brought an original action in the Supreme Court, relying on a provision of the Judiciary Act of 1789 which said that the Supreme Court could issue writs of mandamus to any federal official where appropriate; he said that James Madison was a public official -- which no one denied -- and that a writ of mandamus -- a recognized judicial writ available to require public officials to perform their duty -- was appropriate in his case.

The opinion in Marbury v. Madison is a remarkable example of judicial statesmanship. The Court says that Marbury is entitled to his commission, and Madison is wrong to withhold it. It says that this is the sort of ministerial duty of a public official such as Madison which can be enforced by a writ of mandamus. But the Court concludes by saying that Congress -- in granting the Supreme Court the power to issue a writ of mandamus in a case like this -- has run afoul of the original jurisdiction provision of the Supreme Court contained in Article III of the Constitution. Madison and Jefferson are verbally chastised, but it turns out that there is nothing that the Supreme Court can do about it because Congress tried to give the Supreme Court more authority than the Constitution would permit. The doctrine of judicial review -- the authority of federal courts to declare legislative acts unconstitutional -- is established, but in such a self-denying way that it is the Court's authority which is cut back.

During the thirty-four years he served as Chief Justice, Marshall wrote over 500 opinions -- most of the important cases that the Court decided. In Gibbons v. Ogden, decided in 1824, he wrote the opinion adopting a broad construction of the power of Congress under its

authority to regulate interstate commerce contained in Article I of the Constitution. In the Dartmouth College Case, he gave a generous interpretation to the prohibition in the Constitution against state impairment of the obligation of contract. One could name several other opinions authored by Marshall of nearly equal importance, but suffice it to say that by the time of John Marshall's death in 1835, the Supreme Court was a full partner in the federal government.

Oliver Wendell Holmes once said, "if American law were to be represented by a single figure, skeptic and worshipper alike would agree without dispute that the figure could be one alone, and that one John Marshall." A commemorative coin in his honor would be a fitting way to mark the 250th anniversary of his birth.