THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

VOLUME VII NUMBER 2

Society Celebrates Its First Decade At Tenth Annual Meeting

On May 19, 1976, a year and a half after its founding, the Society convened its first annual membership meeting in the West Conference Room of the Supreme Court. Though spirits were high, only a handful of members attended the early afternoon session. But by evening, the attendance had swelled to over 200 with the promise of comments by Chief Justice Burger on the need for the new organization at the Society's first annual dinner.

Nine years later, on May 13, 1985, when Society members gathered at the Society's tenth annual meeting, it marked a decade of struggle and obstacles overcome. Now over 3,000 strong, with numerous projects both completed and ongoing to their credit, Society members conducted their business and then paused to enjoy the annual dinner.

The meeting's opening session was the annual lecture, delivered this year by Judge Antonin Scalia of the D.C. Court of Appeals for the District of Columbia. Judge Scalia was introduced to the standing-room-only audience in the restored Supreme Court Chamber of the U.S. Capitol building by annual meeting Chairman J. Roderick Heller, III and Executive Director Cornelius B. Kennedy.

Annual Meeting Chairman J. Roderick Heller, III welcomed members to the tenth annual lecture — the opening event of the day-long schedule of meetings.

Following his address, this year's annual lecturer, Judge Antonin Scalia (left), was thanked for his interesting presentation by Governor Linwood Holton (center), the Society's president, and Executive Director Cornelius Kennedy (right).

(Editor's Note: The full text of Judge Scalia's lecture will appear in the 1985 Yearbook *to be published later this year.*

Judge Scalia examined what he termed "two jurishistorical anomalies" in the evolution of American constitutional law, and especially in the field of federal administrative law. The first half of this discussion dealt with the development of the doctrine of domestic sovereign immunity for the federal government and its officials, dating from the case of *Chisholm* v. *Georgia* (1793).

In Judge Scalia's opinion, the extension of such immunity to the federal government, as was previously enjoyed by the

—continued on page two

Annual Meeting *(continued from page one)*

states under the tenets of the Eleventh Amendment, was not necessarily either an intended or a beneficial application of this protection. In fact, the Judge asserted, this extension had little or no basis in U.S. constitutional law or English common law.

In the second half of Judge Scalia's talk, he considered the evolution of independence amongst various federal regulatory agencies in Supreme Court cases dealing with the separation of powers. In the course of this discussion, Judge Scalia suggested that the common practice of today wherein the President generally leaves policy control of these agencies to Congress may not, upon review of the cases in which this practice was established, be firmly rooted in precedent. Judge Scalia questioned, for example, whether the decision in *Humphrey's Executor* v. *United States* proscribed an executive from removing an official whose policies differed from those of the Administration, as is now commonly asserted, or to the contrary, that it simply provided the President must comply to a prescribed set of criteria for such removal.

Having illustrated in these two portions of his lecture the disparities which sometimes arise between legal precedent and legal practice, Judge Scalia concluded:

> The study of law, properly conceived, cannot be separated from a study of law's history. Without that perspective, today's decision is an isolated point on a graph, with no indication where the line progressing from it will proceed.

Ambassador Kenneth Rush, the Society's chairman, reported on a number of developments in the Society's activities at the Board of Trustees meeting.

Following the annual lecture, many members adjourned to the Society's headquarters for an informal reception.

Following the annual lecture many Society members attended a tour of the public and private areas of the Court conducted by the Court Curator's office. Others met at the Society's headquarters building adjacent to the Court's grounds for an informal reception.

At 6:00 pm, the Board of Trustees met in the courtroom of the Supreme Court building. This was followed by the annual meeting of the membership. Ambassador Kenneth Rush, the Society's Chairman, presided over the trustees' meeting. In his opening remarks, he noted that the Society had undergone several changes in the previous year: Cornelius Kennedy was appointed as its new Executive Director; and, the Society had purchased two new computers to facilitate communications and record-keeping in its headquarters. Ambassador Rush also pointed out that a fund had been established and that donations were being sought to furnish the headquarters building. In prefacing his introduction of the Society's Treasurer, Peter Knowles, Ambassador Rush also commented on what he termed "the significant progress made this year in placing the Society on a firm financial footing." The Treasurer's report reaffirmed this conclusion, with Mr. Knowles making particular mention of the increased revenues the Society enjoyed this past year from kiosk and office sales as well as increased membership revenues. At the recommendation of the Nominating Committee, Melvin M. Payne was reelected to a three-year term as Vice President. Elected to one-year terms on the Executive Committee were: Elizabeth S. Black; Mark W.

—continued on last page

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Editor ..... Alice L. O'Donnell
Assistant Editor ..... David T. Pride

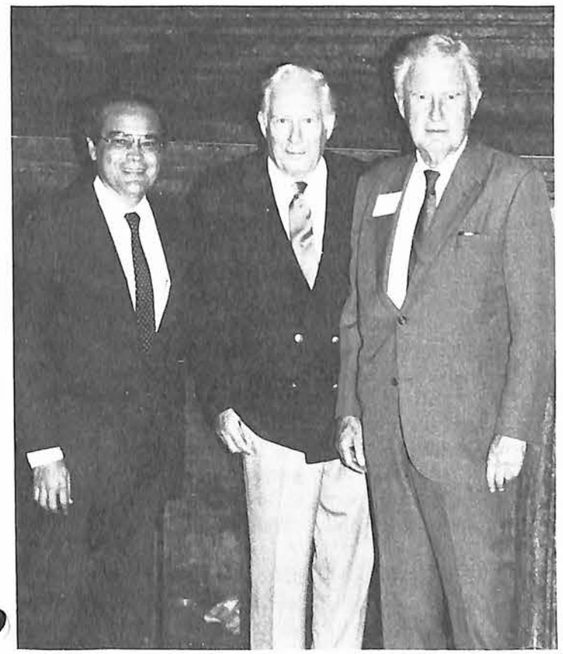
Membership Drive Moves Rapidly
State Chairmen Congratulated by Chief Justice

Following its most productive membership effort in eight years, the Society's Membership Committee, chaired by Justin A. Stanley, has set a goal of 4,000 members for the Society's fiscal year which commenced July 1, 1985. Through the coordinated efforts of over 50 state and regional chairmen appointed by the Membership Committee, the Society's membership passed the 3,000 mark for the first time in the Society's history, reaching 3,070 by the end of Fiscal Year 1985 (July 1, 1984—June 30, 1985). Of the 732 new members who joined last year over 150 were the result of four state chairman: E. William Barnett of Houston, Texas; Frank C. Jones of Atlanta, Georgia; Robert W. Meserve of Waltham, Massachusetts, and M. Truman Woodward, Jr. of New Orleans, Louisiana. Mr. Woodward, whose recruiting efforts on the Society's behalf yielded over 50 members last year, has since joined the Society's Board of Trustees.

On the evening of May 12th a special dinner in the Supreme Court building, hosted by Chief Justice Warren Burger, was held for the state chairmen. The Chief Justice expressed his appreciation for their hard work and diligence pointing out membership growth was "the key to the Society's efforts to develop a broader public understanding of the Court's contribution to our nations constitutional development."

The state chairmen responded by pledging their commitment to Mr. Stanley's goal of 4,000 members by June 30, 1986. Joining in this membership campaign, in addition to the state chairmen listed in the last issue of the *Quarterly* will be:

New Hampshire	**Joseph A. Millimet, Esq.** Devine, Millimet, Stahl & Branch 1850 Elm Street Manchester, NH 03105
Mississippi	**Frank D. Montague, Jr., Esq.** Gray, Montague & Pittman Main Building, Suite 300 525 Main Street Hattiesburg, MS 39401
Rhode Island	**William A. Curran, Esq.** Hanson, Curran & Parks 1210 Turks Head Building Providence, RI 02903
Utah	**Stephen B. Nebeker, Esq.** Ray, Quinney & Nebeker Deseret Building, Suite 400 79 South Main Street Salt Lake City, UT 84145



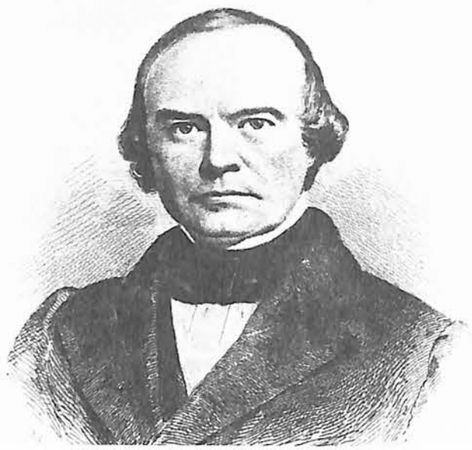
The Chief Justice (center) greets Membership Committee Chairman Justin Stanley (right) and Hector Reichard (left), state chairman for Puerto Rico, at the state chairmens' dinner.

Chief Justice Burger (left), the Society's honorary chairman, and Executive Director Cornelius Kennedy (right) congratulate M. Truman Woodward, Jr. (center) the Louisiana state membership chairman on his outstanding results in this year's membership drive.

Ambassador Kenneth Rush (right) welcomes state chairmen Wallace Riley (left) Michigan, and Albert E. Jenner (center) Illinois, at the state chairmens' reception held in the Court's East Conference Room.

Benjamin Curtis: Part Two

EDITOR'S NOTE: This is the second article in a two part series on Justice Benjamin Curtis



Associate Justice Benjamin R. Curtis (1851-1857)

At the age of 42, Curtis came to the Supreme Court bench already holding the reputation of an able and successful advocate. He was noted for his calm, reasonable, pragmatic approach and he belonged to what was then considered the party of compromise, the Whigs. His talents were quickly engaged by the many crucial issues which were before the Court. Among these was the issue of the commerce clause (Art. I, Sec. 8, nr. 3), which deals with federal jurisdiction over interstate commerce.

The decisions of the Marshall Court tended to make interstate commerce the exclusive province of the federal government, while the decisions handed down in the early years of the Taney Court had been in favor of concurrent jurisdiction where there was no existing federal regulation. Curtis, an accomplished orator and persuasive speaker joined the Court as a freshman Justice when this issue was before the Court again. In the case of *Cooley* v. *Board of Wardens,* Curtis advocated the doctrine of "selective exclusiveness." Taking the middle ground between the Marshall Court's federal control, and the Taney Court's states' control, Curtis argued that where the federal government had exercised its power to regulate interstate or foreign commerce, the states could not, but that in those areas where there was no federal regulation, the states might do so. He did not advocate an "either or" situation, but rather a policy that took into account the specific peculiarities, needs and circumstances of an activity or locality, combined with the need for national conformity. Thus, if there was no federal regulation to the contrary, local issues could be handled by local regulation. Curtis felt that commerce could be either local or national in character and that regulation should be determined on that basis.

The issue in the *Cooley* case was that of local pilotage. Curtis argued that the Constitution's provision for some federal regulation of commerce did not supercede the state's right to direct local matters, where it was not only unnecessary to have federal regulation, but perhaps wiser to allow control by those familiar with the regional peculiarities and characteristics. In this decision, Curtis was advocating that the best solution was that solution which was most workable. He felt that each situation should be decided on its unique and peculiar facts, and that necessary future latitude could be preserved by leaving many of the undefined areas undefined, to be clarified at such time as the situation and circumstances warranted a clear definition. As was his custom, he dealt with only those issues that were essential to the case at hand, rather than addressing possible corollary issues. His decision reflected his view that the field of commerce was vast, "containing not only many, but exceedingly various subjects, quite unlike in their nature." He felt that to create a single uniform rule to encompass this vast and varied body of issues would be a mistake and that flexibility was essential. In 1948, Justice Hugo Black emphasized that "The basic principles of the Cooley rule have been . . . the asserted grounds for determination of all commerce cases decided by this Court from 1852 until today."

Curtis' contemporaries were as impressed with his performance as Justice Black was to be. An account by a contemporary observer comments that "We speak from report, but have reason to believe we speak truly, when we say that during the first term after his appointment, [Curtis] took rank with the first on the bench, for sureness of judgment, keenness of analysis and accuracy of legal research." One of his colleagues, John A. Campbell, said that Curtis' work reflected a "mastery of facts, authorities, and arguments, and a skillful employment of a precise and accurate statement and discussion."

While Curtis was highly praised for his written opinions and statements, contemporaries commented that his oratorical skills were perhaps even more impressive. His colleagues bore record to the fact that his oral presentations in conference were most persuasive. Campbell wrote that Curtis "always came to the conference with full cognizance of the case, the pleadings, facts, questions, arguments, authorities." Combined with his mastery of the material was his ability to deliver his ideas in "compact, clear, searching" opinions, free "from all that was irrelevant, impertinent, or extrinsic." Justice Campbell further recalled that what Curtis said was "weighty in the deliberations of the Court." It was the opinion of several of the brethren that "if in those days there had been a stenographer in the conference room to take down his language his reputation would have been founded not so much on his reported opinions as on his remarks there."

As Curtis settled into his judicial duties, his areas of speciality became admiralty and commercial law, as well as constitutional law. In *Lafayette Insurance* v. *French,* Curtis ruled that corporations were citizens of the states in which they were incorporated. As a result of this decision, corpo-

—continued on page nine

Membership Update

The names of two members of the Society, both from California, were inadvertently omitted in the 1984 *Annual Report:*

The American College of Trial Lawyers, Los Angeles	Life Member	Selma Moidel Smith, Encino	Contributing Member

The following members have joined the Society since the list which appeared in the 1984 *Annual Report* was published:

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N. Lee Cooper, Birmingham
Thomas G. Greaves, Mobile
Jack J. Hall, Birmingham
Alex W. Newton, Birmingham
Charles E. Sharp, Birmingham

California

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Graham B. Moody, San Francisco
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Joseph E. Cheeley, Buford

—continued on next page

Update *(continued from page five)*

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—continued on next page

SPECIAL HOLIDAY GIFT IDEAS

NEW ITEMS

50th Anniversary Commemorative Poster--Limited Edition

Special limited edition commemorative poster in celebration of the 50th anniversary of the opening of the Supreme Court building. This attractive poster is printed as part of the special session in the Supreme Court celebrating the building's 50th anniversary. You can share in this historical commemoration. This high-quality 17 x 22 inch duo-tone poster in black and sepia is suitable for framing. (Item A-1). $12.50. NEW ITEM!

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New Publication

Views From The Bench: The Judiciary And Constitutional Politics, with an introduction by Chief Justice Warren E. Burger, is an anthology collected and edited by Mark W. Cannon and David M. O'Brien presenting the views of members of the Supreme Court and leading federal and state judges on the judicial process, the function of judges, and the role of courts in American society.

"A treasure trove for anyone interested in public law, the judicial process, or American politics." Walter F. Murphy, Princeton University.

"A sparkling selection of contemporary writings on the judicial process, splendidly introduced by the editors." William K. Muir, Jr., University of California, Berkeley. (Item B-1). $25 per hardcover volume. $10 of this price constitutes a charitable deduction to the Society.

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* * * * * * * * * * * * * * * * GREETING CARDS * * * * * * * * * * * * * * * *

Picture of the Supreme Court building in the snow. Redrawn from an original photograph by Dr. Ralph Jones, this card captures the tranquility and majesty of the building on a quiet winter evening. The scene is in predominantly blue tones, with a warm amber glow from the porch lights under the front pediment of the building, and a snowy foreground. Available with an inside imprint: "Seasons Greetings". Card measures 7 x 5 inches, and comes with envelope (Item C-1) $1.00 each; package of 8 for $7.50. Also available without message. (Item C-2) $1.00 each, package of 8 for $7.50. NEW ITEM!

Picture of U.S. Capitol building in the snow. Redrawn from an original photograph by Dr. Ralph Jones, the snowy splendor of the Capitol is highlighted by two red halos from stoplights in the foreground spreading a hint of color over the snowy streets and white marble of the building. Card measures 7 x 5 inches, and comes with envelope. Card with "Seasons Greetings" imprint inside (Item D-1) $1.00 each, package of 8 for $7.50. Also available without message. (Item D-2) $1.00 each, package of 8 for $7.50

* * * * * * * * * * * * * * * * JEWELRY ITEMS * * * * * * * * * * * * * * * *

Jewelry with the Supreme Court seal. Die cast medallions with fine detail, available in gold-tone or rich pewter-look finish. Cuff-links, (Item E-1) $15.00, Tie Tack, (Item E-2) $10.00, Tie Bar (Item E-3) $12.00, Large one inch Blazer Buttons (Item E-4) $5.65 each, sleeve buttons (Item E-5) $5.35 each, Ladies' Charm (Item E-6) $7.50, Money Clip (Item E-7) $12.00.

Elegant 10 Karat gold-filled jewelry featuring the seal of the Supreme Court. Ladies' Charm, (Item G-1) $20.00

Key Chain comprised of 1 1/2 inch die cast medallion of the Supreme Court seal in gleaming gold-tone. Seal may be removed from key chain for use as an emblem. (Item I-1) $13.00

Cuff-links featuring the original Supreme Court seal (circa 1789). Full color enamel seal with a white background. (Item F-1) Special sale price $10.00

Cloisonne jewelry, with multi-colored reproduction of the Supreme Court's original seal on a blue background. Ladies' Charm (Item H-1) $6.00, Stick-pin (Item H-2) $7.00

* * * * * * * * * * * * * * * * DESK ITEMS * * * * * * * * * * * * * * * *

Walnut Single Pen Set. Features 1 1/2inch gold-tone die cast medallion of the Supreme Court seal, with swivel base pen holder and Readyriter pen. Crafted in solid walnut, with bevelled edges, the pen base measures 7 1/2 inches by 3 1/2 by 1 1/2 inches and is a very handsome addition to any desk. Specially priced at $24.00 (Item J-1). NEW ITEM!

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Walnut memo tray and pen holder with full-color Society seal surrounded by gold braid. Set includes pen and a supply of paper. (Item M-1) $32.00

White Italian marble paperweight, measuring two by two inches, with a full-color cloisonne seal of the Society affixed. (Item O-1), $6.00

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Curtis *(continued from page four)*

rations were thrust into the mainstream of interstate commerce. The opinion Curtis wrote in the case of *Steamboat New World* v. *King* expanded federal jurisdiction to include inland rivers based on their navigability, rather than the ebb and flow of the ocean tide. The decision also updated the law by including steamboat carriers in negligence criteria, rather than restricting it to sailing vessels.

Curtis found many friends in Washington, numbering among them John Sargent who enjoyed his "simplicity, naturalness, and sincerity." All of his brethren on the Court seemed to admire and respect him, while many of the city's elite found him very charming. But Curtis found the living conditions in Washington less hospitable than those of Boston. In Washington, he lived in a room in a boarding house near the Capitol where the Court sat, while in Boston he had enjoyed a comfortable and gracious home with his family. As his duties as an associate justice also included presiding over the circuit courts in New England, he was forced to travel much of the time, finding housing in inns and taverns on the road.

For the first few terms, Curtis tried to bring his wife and family to Washington with him, but it was very difficult and he commented that it was "neither congenial or useful" to subject his family "to a kind of vagrant life in boarding-houses." His financial obligations at home included a home in Boston, a home in the Berkshires, as well as his wife and 12 children, and he found that his expenses quickly exceeded his income. His income from his practice in Boston had been much greater than the yearly salary of $4,500 which he received as an Associate Justice. Even though the salary was increased by one-third in 1855, it was not sufficient to meet his many needs. In 1854 he complained that "the salaries are so poor that not one judge on the bench can live upon what the government pays him." All the justices felt a similar financial strain and Senator Badger of North Carolina expressed his opinion that the members of the Court were hampered in fulfilling their duties by their "deficient support" and referred to them as "needy and half paid men." Curtis agreed to edit an edition of Supreme Court decisions to supplement his income.

Despite his efforts to economize and to earn additional money, Curtis found it necessary to use some of his savings each year to meet his obligations. Curtis found himself more and more disenchanted with his life as a public servant, despite his respect for the Supreme Court and its importance in American life.

In addition to these problems, perhaps for the first time in his life, Curtis found himself the target of public criticism. As part of his judicial duties, Curtis presided over the First Circuit which was comprised of Maine, Massachusetts, New Hampshire and Rhode Island. Many of the cases over which he presided questioned the constitutionality of the Fugitive Slave Act. This act was particularly unpopular in New England, and Curtis was attacked by the press and dubbed "The slave-catcher judge." Yet, Curtis felt that the law was the law, and that it must be upheld uniformly and impartially, and his decisions worked to that end. He particularly feared that violence would deprive people of their liberty and that concessions to the violent would compromise the government's position and make it the victim of the demands of the loudest and strongest elements. Curtis performed his circuit duties very ably, writing and reporting his decisions, shortening the length of proceedings and controlling the proceedings more uniformly, but none of these internal re-

—continued next page

The controversies surrounding the Dred Scott case reached far beyond the legal questions involved, pitting politicians against a divided Court, and threatening to rend the Nation's constitutional fabric. "The Political Quadrille," shown above, illustrates one satirist's view of the pervasive nature of this case in contemporary politics.

Curtis *(continued from page nine)*

forms offset the external criticism he received. He was particularly distressed by the attacks against him, as he felt that, as a defender and upholder of the Constitution, a Supreme Court Justice should be beyond that.

Much of the criticism he endured came from his own fellow New Englanders, many of whom had been his greatest supporters at the time of his nomination. He tried to ignore the attacks and wrote from Washington to his uncle that he had become "so tired of Massachusetts opinions and action on all public affairs, before I came here, that I have scarcely desired to see a Boston newspaper."

The political situation in the country was a great source of distress to him and left him concerned for the very survival of the Union. After the collapse of the Whig party which had sponsored his nomination to the Court, Curtis, a conservative, found himself without a party. He aligned himself, at least nominally, with the Democratic party, but he did not have great faith in that party either. All around him he saw growing confusion and turmoil as emotions began to run high over the slavery issue again. In a letter to his uncle, George Ticknor, Curtis commented "That the country is to go through a severe trial, and its institutions [will] be hardly [heavily] strained during the new few years, I have no doubt. If it depended on the virtue and wisdom of its public men, I should not have so much hope as fear." Curtis believed that "the frame of the government is so good, that it will work pretty well under great embarrassments, and will not stop without being first subjected to very violent shocks."

The Court was to encounter a violent shock in the 1856 term when it decided the case of *Scott* v. *Sandford*. Dred Scott, a Missouri slave, claimed that his sojourn on soil made free by the Missouri compromise, made him a free man. The case was argued in February of 1856. In May of 1856, the Court ordered the case to be reargued. The reargument took place in December of 1856, with Justice Curtis' brother acting as an attorney in the trial.

The case was not debated by the Court in conference until February 1857, an entire year after it was first argued. At the conference, the Court agreed that it would decide the case on the basis of state jurisdiction. It ruled that Scott's status was a matter to be determined by state law rather than the Supreme Court, thereby avoiding the issue of the constitutionality of the Missouri Compromise. Justice Nelson was assigned to write the majority opinion. But Curtis and McLean dissented and indicated that they would write opinions expressing their views that Congress did have the power to ban slavery from the territories.

The temptation to answer these comments was too great, and Chief Justice Taney was determined to write the majority opinion refuting these assertions. In addition to this natural desire to answer the charges Curtis would make against him, Taney was also influenced by public sentiment that the question of the legality of slavery in the territories must be resolved by the Court, as Congress had not been able to do so. President-Elect, Buchanan, also urged the Court to resolve the issue, and wrote Justices Catron and Grier urging them to make it a judicial question, and prodding them to make their decision prior to his inauguration day.

Owing to Taney's poor health, the announcement of the decision was delayed until March 1857 just after President Buchanan's inauguration. By that time, each Justice had determined to write his own separate opinion, even those voting with the majority, and the reading of the various opinions in Court took two days.

Taney's opinion ran in accordance with factional lines, declaring that blacks could not become citizens, that the Missouri compromise was unconstitutional, and that Congress could not prevent the spread of slavery. Each of the concurring Justices agreed with the basic premises, but each derived the answer through different reasoning.

Curtis' dissent contradicted several of Taney's findings, starting with the issue of whether blacks were citizens. While Taney held that under the Constitution blacks were not and could not be citizens, Curtis pointed out that in 1787 Negroes in five states were not only granted rights of citizenship, but enfranchisement as well. He continued by saying that federal compacts did not deny Negro citizens their citizenship, and that under the Articles of Confederation and the Constitution, citizens of a state were accorded privileges of citizenship in the United States, with all of its attendant rights and privileges. In particular, these rights guaranteed the right to sue in federal courts.

Attacking Taney's next point, Curtis argued that residence on free soil did entitle a slave to freedom, concluding that Congress did have the right to prohibit the spread of slavery under the Missouri Compromise. He argued that the language in Article IV of the Constitution granting Congress the power to make "all needful rules and regulations," encompassed rules that governed slavery, and that Congress had already exercised this right some fourteen times during the course of territorial expansion.

The Dred Scott decision was greeted with public outrage, and Curtis, the "slave-catcher" judge, was proclaimed a hero by Abolitionists. His relationship with his brethren of the Court, however, and Chief Justice Taney particularly, became very strained. This strain was created in part by the fact that Curtis had released his dissent for publication before any of the majority opinions were completed or published. Taney accused him of inflaming public opinion by presenting only one side of a heated partisan issue and attempting to influence public opinion against the majority's ruling before it could even be published. Curtis maintained that had not been his intention, and that Chief Justice Taney had been wrong in denying his request for a copy of the revised majority opinion.

Perhaps the breach might have been bridged had it been over a less weighty issue, but Curtis was convinced that he was right and that his brethren were wrong. The press praised him for his integrity and courage and attacked the Court for its partisan betrayal. On June 11, 1857, Taney wrote a scathing letter to Curtis saying that this was the first instance in the history of the Court when "the assault [on the Court] was commenced by the publication of the opinion of a dissenting Judge" and accusing him of violating "judicial decorum and propriety." Curtis began to dwell on the inconveniences and hardships of his judicial career.

On September 1, 1857, Curtis wrote a letter of resignation from the Supreme Court to President Buchanan. In explanation, he observed that his duties as a member of the Court were inconsistent with his personal duties. Curtis returned to the bar, resuming his legal practice in Boston. His career was filled with many triumphs and he argued more than 50 cases before the Supreme Court, including the first *Legal Tender* case. In addition, he argued 80 cases before the Supreme Judicial Court of Massachusetts.

In April 1868, the former Justice presented the opening argument for President Johnson's defense at the Senate's impeachment trial. Speaking for five hours, over two days, Curtis appealed to the judges stating that "Here party spirit, political schemes, foregone conclusions, outrageous biases can have no fit operation," further enjoining them to judge "upon the law and the facts, upon the judicial merits of the case." These instructions seem to sum up Curtis' views of proper judicial review. Johnson was acquitted of the charges against him, and Curtis returned to Boston. In appreciation of his defense of Johnson, Curtis was offered the position of Attorney General, but he did not wish to return to Washington public life.

Over the next few years, his health deteriorated and after the death of his oldest daughter in 1874, Curtis became very depressed. In March 1874, the Democratic party nearly elected Curtis to the United States Senate to fill the vacancy created by the death of Charles Sumner. But Curtis was not to survive his old opponent for very long. Later that summer, Curtis suffered a brain hemorrhage, and died on September 15, 1874, at the age of sixty-four.

Although Curtis' tenure on the Court was not very long, many scholars have held him in high esteem. Felix Frankfurter wrote in 1949 that no one could seriously study the federal reports without feeling "the impact of Curtis' qualities — short as was the term of his service." Curtis' biographer, Richard Leach, termed him a judicial misfit, but perhaps it is more accurate to say that Curtis was miscast as a justice. His personality and political perspective made him better suited to the role of advocate, rather than judge. Perhaps in a less tumultuous political setting he would have found it easier to fill the role in which he was temporarily cast. Then perhaps he, like William Howard Taft, would have considered the role of judges to "typify on earth what we shall meet hereafter in heaven under a just God."

Activities of Interest

Project '87, is a joint effort of the American Historical Association and the American Political Science Association for the Bicentennial of the Constitution. It is developing and implementing a program for the Bicentennial and offering resources for others planning Bicentennial events.

Its illustrated quarterly magazine, *This Constitution,* serves as a central source of information for the planners of Bicentennial programs. The magazine features articles on the Constitution, written by scholars for the public, as well as a wealth of information about Bicentennial programs developed by organizations across the country.

A major resource for high school teachers and students, *Lessons on the Constitution: Supplements to High School Courses in American History, Government and Civics* was published recently by Project '87. Publication follows an extensive period of development and evaluation supported by a grant from the National Endowment for the Humanities. This collection of sixty lessons is designed to supplement existing textbook treatments of the Constitution. It was written for Project '87 by curriculum specialists John J. Patrick and Richard C. Remy.

An additional resource for scholars, a volume to supplement Max Farrand's *Records of the Federal Convention,* will be published in 1987 by Yale University Press. Project '87 has provided support for the research for the volume, which was done by Leonard Rapport and James Hutson. The volume will be edited by Dr. Hutson.

A poster series will be available in 1986. The posters, suitable for display in libraries and schools, will highlight the Constitutional Convention and the history of the ratification of the document. They will be accompanied by a teachers' guide and reading materials. Project '87 plans to work with state humanities councils to distribute the posters in conjunction with lecture series and reading groups. The posters will be available for purchase at low cost to enable them to be used widely.

Two television-assisted instructional series are being developed in collaboration with organizations experienced in this field. With Project '87, the Agency for Instructional Technology is creating in-school television programming on the Constitution for seventh, eighth and ninth graders, in order to fill a gap in materials on the Constitution for this age group. Project '87 is also collaborating with the International University Consortium and the Maryland Center for Public Broadcasting to produce a television-assisted college course for distant learners.

Events are also on the program to mark a variety of anniversaries connected with the creation of the Constitution. The first of these, a conference to commemorate the Bicentennial of the Mount Vernon conference of 1785, has already been held. Project '87 and the Mount Vernon Ladies Association invited business executives, foundation officers and representatives of government agencies working on Bicentennial programs to George Washington's home on April 2, 1985. The agenda focused on the role of commerce in the creation of the Constitution and the ways in which the business community might participate in commemorating the Constitution's Bicentennial.

A series of Constitutional Forums, conducted with the League of Women Voters, will highlight significant dates in the Bicentennial era. The initial conference will mark the anniversary of the Annapolis Convention of 1785. With the cooperation of Independence National Historical Park, Project '87 will host a program in Philadelphia in May 1987, to celebrate the bicentennial of the opening of the Constitutional Convention.

To order publications or for additional information, write to Project '87, 1527 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Annual Meeting *(continued from page two)*

Cannon; J. Roderick Heller, III; Howard T. Markey; John C. Shepherd; and, Justin A. Stanley.

At the conclusion of the Board of Trustees meeting, the chairman recognized Governor Linwood Holton, the Society's President, who called the annual meeting of the membership to order. Governor Holton reviewed the Society's financial status which he described as "favorable" and pointed out the particular strides made in acquiring new members. He credited this progress in expanding the Society's membership base to Membership Committee Chairman Justin A. Stanley and his fellow committee members, Griffin B. Bell and J. Roderick Heller, III. The next item on the agenda was the nomination of trustees. Governor Holton called on Nominating Committee Chairwoman, Virginia Warren Daly. Those nominated for reelection to an additional three year term on the Board of Trustees were: Ralph E. Becker, Griffin B. Bell, William T. Coleman, William T. Gossett, Erwin N. Griswold, Jr., J. Roderick Heller, III, Joseph H. Hennage, Bruce E. Kiernat, Wade H. McCree, Jr., Dwight D. Opperman, E. Barrett Prettyman, Jr., Merlo J. Pusey, Fred Schwengel, and John C. Shepherd. Those nominated for a first term of three years were: Mac Asbill, Jr., Mark W. Cannon, Rex E. Lee, Howard T. Markey, Norman E. Murphy, and M. Truman Woodward, Jr. All of the candidates were unanimously elected.

Before he adjourned the meeting, Governor Holton commented that he felt it appropriate at the Society's annual meeting to remind members of one of the Society's missions — to broaden public interest in and understanding of the Court's history. Accordingly, he read some historical extracts from the life of Justice James C. McReynolds and especially Justice McReynolds' commentaries on the High Bench, which were known for their dry, often sardonic wit.

The Strolling Strings of the U.S. Army Band perform at this year's annual reception.

Subsequent to the adjournment approximately 240 members and their guests attended the Annual Reception and Dinner held in the Court's East and West Conference Rooms and the Great Hall. Entertainment for this black tie function was provided by the Singing Sergeants of the U.S. Air Force and the Strolling Strings of the U.S. Army Band.

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