



THE SUPREME COURT HISTORICAL SOCIETY

Quarterly

VOLUME XXV

NUMBER 4, 2004

PORTRAIT BUST OF JUSTICE MARSHALL UNVEILED AT THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

A special program held on October 28, 2004 marked the unveiling and presentation of a portrait bust of Justice Thurgood Marshall. Mrs. Marshall and members of the extended Marshall family joined other invited guests for the ceremony.

The Thurgood Marshall Federal Judiciary Building had been in service for several years before receiving its distinguished name. Referred to initially only as the Federal Judiciary Building, a number of possible names were discussed. But within a matter of days following the death of Justice Marshall in January 1993, legislation was introduced suggesting the building be named for Marshall. The bill passed in a unanimous vote.

Marshall's name seemed a natural choice to be associated with a judicial building, as he had a long and distinguished career in government. He was the first black judge on the Court of Appeals for the Second Circuit, the first black Solicitor General, and the first black Supreme Court Justice. He earned the title "Mr. Civil Rights" during his many years of service as chief of the NAACP's legal defense fund. In that capacity, he is especially remembered for his key role of attorney for the plaintiffs in the landmark case of *Brown v. Board of Education*.

To mark the fiftieth anniversary of the *Brown* decision, Leonidas Ralph Mecham, Director of the Administrative Offices of the US Courts, asked Laura Minor, one of his assistant directors, to chair a committee to explore the commissioning of a bust of Justice Marshall. Ms. Minor recruited the assistance of two associates, Iris Guerra and Linda Stanton, to assist in the task. After careful review, the committee selected Michael Curtis of Alexandria, Virginia to do the work. Mr. Curtis has been a sculptor for over two decades. His earlier commissions include portrait busts for the Library of Congress and the Supreme Court. He has taught art and art history, and is a frequent lecturer at the National Gallery of Art.

Mr. Curtis carefully measured the size and space where the statue would be displayed. He then conducted a detailed study of the Justice's life and personality. After these preparations, Curtis examined photographs and video clips



John Marshall and Mrs. Thurgood Marshall are shown here with John's daughter and wife at the unveiling of the Thurgood Marshall bust.

of the Justice and prepared a number of drawings before crafting a working model. Aware that this representation would be closely associated with the reputation and memory of the Justice, his goal was to produce a sculpture that would give an impression of not only the physical aspects of Marshall's appearance, but of the strength of character and commitment that motivated him to overcome tremendous obstacles and achieve success.

On October 28, Ms. Minor welcomed guests to the program and made prefatory remarks, and Director Mecham was introduced. He observed that Chief Justice Rehnquist had been scheduled originally as the principal speaker, but that illness prevented his participation in the program. He noted that the Chief Justice Rehnquist would surely have related some personal anecdotes and experiences since he and Marshall had served together on the Supreme Court for so long.

Continued on page 11

A Letter from the President



The work of our Society is quite varied. It encompasses many kinds of activities, including fundraising, membership recruitment, planning and execution of educational programs, organizing and producing special events, the production of publications, and the acquisition and

maintenance of special collections relating to the history and heritage of the Supreme Court. Many individuals contribute their time and talents to bring these projects to fruition, serving in a variety of ways. While it is somewhat of an oversimplification, I have noted that much of the work of the Society is conducted under the auspices of three important Committees: Acquisitions, Programs and Publications. My most recent letters to you have focused on the work of the first two committees, so it seems fitting to turn now to the work of the Publications Committee.

The Society's Publications Committee has been guided by its chairman, E. Barrett Prettyman, Jr., since 2001. Prior to that time, Kenneth Geller provided able leadership in that capacity. The current members of the committee serving under Barrett's capable stewardship are: Donald B. Ayer, Louis Cohen, Charles Cooper, James J. Kilpatrick, Lucas Morel, Luther T. Munford, David O'Brien, Carter G. Phillips, Teresa Roseborough, Michael Russ, D. Grier Stephenson, Jr., and Melvin I. Urofsky. They meet regularly four times a year by teleconference and special meetings are scheduled when needed.

The Committee oversees a robust publications program. Members will be most familiar with the **Journal of Supreme Court History**, the Society's flagship trimester publication that is mailed to you in March, July and November. As you know, the **Journal** features an interesting mix of scholarly articles about the history of the Court that are brought to life by photographs, cartoons and engravings. It also contains useful reviews of recently published books in a feature titled "The Judicial Bookshelf" which is written by longtime contributor D. Grier Stephenson, Jr., a professor of government at Franklin and Marshall College. Melvin I. Urofsky provides outstanding service as chairman of the Board of Editors of the **Journal**; the other members of the board are Lucas A. Powe, Kermit Hall, Craig Joyce, David O'Brien and Michael Parrish. The main function of the Board of Editors is to determine which unsolicited articles are appropriate for publication in the **Journal**. They also serve as judges for the

Hughes-Gossett Awards, prizes presented annually to honor the most outstanding article, and student-authored article published in the **Journal**.

The Committee has also overseen the development of several special topic books of general interest that were published by Congressional Quarterly (CQ) Press. **The Supreme Court Justices: Illustrated Biographies 1789-1995**, edited by Director of Publications Clare Cushman, is comprised of short illustrated biographies of the 108 Justices who have served on the Supreme Court up to this date. It was first published in 1993 and republished in 1995. It has gone through numerous printings and is relied upon by many as the classic reference guide to the lives of the Justices. The number and variety of illustrations contained in the volume continues to receive positive reviews. In 2000 Clare Cushman edited **Supreme Court Decisions and Women's Rights: Milestones to Equality**, the first reference work to present Supreme Court cases and issues involving women's rights in an understandable and accessible format. *Choice* hailed it as "An important resource for readers at all levels" and the *American Reference Book Annual* said: "This work is an important and readable study on the subject. It will serve as an excellent starting point for further research." That same year, the Society co-published **We the Students: Supreme Court Cases for and About High School Students** (2000), a high school textbook written by American University law professor Jamin B. Raskin. It has been very well received and has undergone many printings and even spawned a sequel. Most recently, in 2004 the Committee commissioned **Black, White and Brown: The Landmark School Desegregation Case in Retrospect**, a collection of essays edited by Clare Cushman and Melvin I. Urofsky to mark the 50th anniversary of the *Brown* case. I am proud to note that all active members of the Society received a complimentary copy of this book when it was published.

The Committee also oversees the Society's website and its forays into electronic publishing. Supremecourthistory.org is designed to satisfy the interest of web-surfers who want to find comprehensive biographical information about the justices, a general history of the Court, samples of great oral arguments, and curriculum materials for teachers. It also boasts trivia quizzes, past articles from the **Journal**, a section

describing how the Supreme Court operates, and an excellent section that provides information to researchers about where to locate information on any Supreme-Court related topic.

In 2003, thanks largely to a grant from the Hazen Polsky Foundation, the Committee authorized the development of a digital documentary, "FDR and the Court-Packing Episode of 1937." This ten-minute web documentary has been used in schools by high school, college and law school teachers, to great acclaim. Teachers appreciate it because students can watch it together on their laptops or it can be projected on an overhead screen. Building on its success, the Committee recently approved the development of a second web-based documentary. Titled "Five Justices and the Grand Commission; Deciding the Election of 1876" it follows the events surrounding the highly disputed 1876 election between Hayes and Tilden which was ultimately resolved by the junior Associate Justice of the Supreme Court. It will go live this spring on the Society's website.

While the Publications Committee is not charged with producing the *Quarterly* magazine, that is another publication of the Society. More casual in format and briefer in length, it is also plays a valuable part in the publications program. This periodical combines news of the Society and its activities, as

well as historical articles. Obviously, as I am writing this letter for inclusion in the magazine, I think it has an important role in our overall program and in communicating with the membership. Managing Editor Kathleen Shurtleff works with Assistant Editor and Trustee, Professor James B. O'Hara, to produce the magazines. Both write articles and perform editorial work and other production chores. In addition to writing book reviews and other articles, Professor O'Hara has authored several very popular Trivia Quizzes. Barrett Prettyman provides important input as well as superb proofreading assistance in the production of the magazine.

I should note that both the **Journal** and the *Quarterly* welcome contributions and suggestions from members, so if you have been thinking that you would like to write an article, please consider submitting your work to the appropriate publication. Indeed, this issue contains an article on Holmes' opinion of President Lincoln submitted by Society member Richard Wagner.

Frank Jones

WANTED

In the interest of preserving the valuable history of the highest court, The Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature and any other materials related to the history of the Court and its members. These items are often used in exhibits by the Court Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at the Society's headquarters, 224 East Capitol Street, N.E., Washington, D.C. 20003 or call (202) 543-0400. Donations to the Acquisitions fund would be welcome. You may also reach the Society through its website at www.supremecourthistory.org.

Special Event to Mark the Launch of the John Marshall Commemorative Coin

Wednesday, May 4, 2005 a brief ceremony will be held in the Upper Great Hall of the Supreme Court Building. The event will mark the production of the new John Marshall Commemorative Coin. Justice Breyer will host the program, accompanied by the Director of the U.S. Mint, Henrietta Holsman Fore. In addition, leaders of Congress, key leaders of the Society, and many of the dedicated Society members who worked tirelessly to obtain the legislation authorizing the coin will be present. The short program will provide an opportunity to celebrate the realization of this long-held dream.

Immediately following the ceremony, the coins will be available for purchase. Please refer to the article on page 16 for further details. Your support of the sales of this coin will enable provide vital funding to the Society to enable the continuance of our important educational programs and mission.

The Supreme Court Historical Society Quarterly

Published four times yearly in Spring, Summer, Fall, and Winter by the Supreme Court Historical Society, 224 E. Capitol Street, N.E., Washington, D.C. 20003. Tel. (202) 543-0400, www.supremecourthistory.org. Distributed to members of the Society, law libraries, interested individuals, and professional associations.

Managing Editor
Assistant Editor

Kathleen Shurtleff
James B. O'Hara

A Letter from the President



The work of our Society is quite varied. It encompasses many kinds of activities, including fundraising, membership recruitment, planning and execution of educational programs, organizing and producing special events, the production of publications, and the acquisition and

maintenance of special collections relating to the history and heritage of the Supreme Court. Many individuals contribute their time and talents to bring these projects to fruition, serving in a variety of ways. While it is somewhat of an oversimplification, I have noted that much of the work of the Society is conducted under the auspices of three important Committees: Acquisitions, Programs and Publications. My most recent letters to you have focused on the work of the first two committees, so it seems fitting to turn now to the work of the Publications Committee.

The Society's Publications Committee has been guided by its chairman, E. Barrett Prettyman, Jr., since 2001. Prior to that time, Kenneth Geller provided able leadership in that capacity. The current members of the committee serving under Barrett's capable stewardship are: Donald B. Ayer, Louis Cohen, Charles Cooper, James J. Kilpatrick, Lucas Morel, Luther T. Munford, David O'Brien, Carter G. Phillips, Teresa Roseborough, Michael Russ, D. Grier Stephenson, Jr., and Melvin I. Urofsky. They meet regularly four times a year by teleconference and special meetings are scheduled when needed.

The Committee oversees a robust publications program. Members will be most familiar with the **Journal of Supreme Court History**, the Society's flagship trimester publication that is mailed to you in March, July and November. As you know, the **Journal** features an interesting mix of scholarly articles about the history of the Court that are brought to life by photographs, cartoons and engravings. It also contains useful reviews of recently published books in a feature titled "The Judicial Bookshelf" which is written by longtime contributor D. Grier Stephenson, Jr., a professor of government at Franklin and Marshall College. Melvin I. Urofsky provides outstanding service as chairman of the Board of Editors of the **Journal**; the other members of the board are Lucas A. Powe, Kermit Hall, Craig Joyce, David O'Brien and Michael Parrish. The main function of the Board of Editors is to determine which unsolicited articles are appropriate for publication in the **Journal**. They also serve as judges for the

Hughes-Gossett Awards, prizes presented annually to honor the most outstanding article, and student-authored article published in the **Journal**.

The Committee has also overseen the development of several special topic books of general interest that were published by Congressional Quarterly (CQ) Press. **The Supreme Court Justices: Illustrated Biographies 1789-1995**, edited by Director of Publications Clare Cushman, is comprised of short illustrated biographies of the 108 Justices who have served on the Supreme Court up to this date. It was first published in 1993 and republished in 1995. It has gone through numerous printings and is relied upon by many as the classic reference guide to the lives of the Justices. The number and variety of illustrations contained in the volume continues to receive positive reviews. In 2000 Clare Cushman edited **Supreme Court Decisions and Women's Rights: Milestones to Equality**, the first reference work to present Supreme Court cases and issues involving women's rights in an understandable and accessible format. *Choice* hailed it as "An important resource for readers at all levels" and the *American Reference Book Annual* said: "This work is an important and readable study on the subject. It will serve as an excellent starting point for further research." That same year, the Society co-published **We the Students: Supreme Court Cases for and About High School Students** (2000), a high school textbook written by American University law professor Jamin B. Raskin. It has been very well received and has undergone many printings and even spawned a sequel. Most recently, in 2004 the Committee commissioned **Black White and Brown: The Landmark School Desegregation Case in Retrospect**, a collection of essays edited by Clare Cushman and Melvin I. Urofsky to mark the 50th anniversary of the *Brown* case. I am proud to note that all active members of the Society received a complimentary copy of this book when it was published.

The Committee also oversees the Society's website and its forays into electronic publishing. Supremecourthistory.org is designed to satisfy the interest of web-surfers who want to find comprehensive biographical information about the justices, a general history of the Court, samples of great oral arguments, and curriculum materials for teachers. It also boasts trivia quizzes, past articles from the **Journal**, a section

describing how the Supreme Court operates, and an excellent section that provides information to researchers about where to locate information on any Supreme-Court related topic.

In 2003, thanks largely to a grant from the Hazen Polsky Foundation, the Committee authorized the development of a digital documentary, "FDR and the Court-Packing Episode of 1937." This ten-minute web documentary has been used in schools by high school, college and law school teachers, to great acclaim. Teachers appreciate it because students can watch it together on their laptops or it can be projected on an overhead screen. Building on its success, the Committee recently approved the development of a second web-based documentary. Titled "Five Justices and the Grand Commission; Deciding the Election of 1876" it follows the events surrounding the highly disputed 1876 election between Hayes and Tilden which was ultimately resolved by the junior Associate Justice of the Supreme Court. It will go live this spring on the Society's website.

While the Publications Committee is not charged with producing the *Quarterly* magazine, that is another publication of the Society. More casual in format and briefer in length, it is also plays a valuable part in the publications program. This periodical combines news of the Society and its activities, as

well as historical articles. Obviously, as I am writing this letter for inclusion in the magazine, I think it has an important role in our overall program and in communicating with the membership. Managing Editor Kathleen Shurtleff works with Assistant Editor and Trustee, Professor James B. O'Hara, to produce the magazines. Both write articles and perform editorial work and other production chores. In addition to writing book reviews and other articles, Professor O'Hara has authored several very popular Trivia Quizzes. Barrett Prettyman provides important input as well as superb proofreading assistance in the production of the magazine.

I should note that both the **Journal** and the *Quarterly* welcome contributions and suggestions from members, so if you have been thinking that you would like to write an article, please consider submitting your work to the appropriate publication. Indeed, this issue contains an article on Holmes' opinion of President Lincoln submitted by Society member Richard Wagner.

Frank Jones

WANTED

In the interest of preserving the valuable history of the highest court, The Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature and any other materials related to the history of the Court and its members. These items are often used in exhibits by the Court Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at the Society's headquarters, 224 East Capitol Street, N.E., Washington, D.C. 20003 or call (202) 543-0400. Donations to the Acquisitions fund would be welcome. You may also reach the Society through its website at www.supremecourthistory.org.

Special Event to Mark the Launch of the John Marshall Commemorative Coin

Wednesday, May 4, 2005 a brief ceremony will be held in the Upper Great Hall of the Supreme Court Building. The event will mark the production of the new John Marshall Commemorative Coin. Justice Breyer will host the program, accompanied by the Director of the U.S. Mint, Henrietta Holsman Fore. In addition, leaders of Congress, key leaders of the Society, and many of the dedicated Society members who worked tirelessly to obtain the legislation authorizing the coin will be present. The short program will provide an opportunity to celebrate the realization of this long-held dream.

Immediately following the ceremony, the coins will be available for purchase. Please refer to the article on page 16 for further details. Your support of the sales of this coin will enable provide vital funding to the Society to enable the continuance of our important educational programs and mission.

The Supreme Court Historical Society Quarterly

Published four times yearly in Spring, Summer, Fall, and Winter by the Supreme Court Historical Society, 224 E. Capitol Street, N.E., Washington, D.C. 20003. Tel. (202) 543-0400, www.supremecourthistory.org. Distributed to members of the Society, law libraries, interested individuals, and professional associations.

Managing Editor
Assistant Editor

Kathleen Shurtleff
James B. O'Hara

THE REWARDING LIFE OF PUBLIC SERVICE

By Justice Sandra Day O'Connor*

Editor's note: Justice O'Connor delivered this address as the commencement speaker at Centre College in Danville, Kentucky in May 2004. This article is an abridgement of Justice O'Connor's remarks, and was originally printed in the Centrepiece magazine. It is reprinted here with permission.

Centre College graduates have a proud tradition of public service and dedication to the good of the nation. In fact, two of your alumni served my own institution with great success. Justice John Marshall Harlan sat on the Court for an astonishing 34 years from 1877 to 1911. And Fred Vinson served as our Chief Justice from 1946 to 1953. This week is a particularly fitting time to remember them because they were two of the key architects of the a special kind of bridge . . . the bridge that led to what some people call the most important decision of the modern Supreme Court—*Brown v. Board of Education*.

Fifty years and one week ago, on May 17, 1954, the Court held that the segregationist doctrine of "separate but equal" was unconstitutional as applied to public schoolchildren. It struck down the legal fiction that children of different races received the equal protection of the law even though they were forced to attend separate schools.

The first step towards *Brown* actually came 60 years earlier, when the Court first endorsed the doctrine of "separate but equal" in *Plessy v. Ferguson*. In Louisiana, white and black train passengers were separated [segregated] by law, but Mr. Plessy defied that law by refusing to move from a "white" rail car to a "colored" rail car. He claimed that Louisiana's law violated his rights under the 13th and 14th amendments to the Constitution, which abolished slavery and guaranteed citizens equal protection under law.

Unfortunately for Mr. Plessy, the Supreme Court upheld

Statute Within the Competency of the Louisiana Legislature and Railroads—Must Furnish Separate Cars for Whites and Blacks.

Mr. Justice Harlan announced a very vigorous dissent saying that he saw nothing but mischief in all such laws. In his view of the case, no power in the land had right to regulate the enjoyment of civil rights upon the basis of race. It would be just as reasonable and proper, he said, for states to pass laws requiring separate cars to be furnished for Catholic and Protestants, or for descendants of those of Teutonic race and those of Latin race.

This sub-headline from a contemporary newspaper reports the decision in *Plessy v. Ferguson*. The last paragraph of the story excerpted here commented on John Marshall Harlan's now-famous dissent.



John Marshall Harlan's dissent raised awareness of the inequity of the doctrine of "separate but equal."

his conviction, in an opinion full of sentiments that will, I hope, seem terrible and foreign to your young ears. It held that laws requiring the separation of the races "do not necessarily imply the inferiority of either race to the other" and were normally within the power of states to enact. As examples, the Court offered state laws segregating schools and forbidding interracial marriage—it thought that such laws were quite permissible under the Constitution.

The sole dissent came from Centre College's own John Marshall Harlan. Although it was only one of many dissents he would pen over the years, it is the most famous, and justly so. He said:

[I]n view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens.

There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.

Justice Harlan's famous dissent in *Plessy* was, of course, only the first of many important steps towards the decision in *Brown*. But by explaining the legal arguments that would

eventually win the day, Justice Harlan had laid the first stone in the bridge that all of us in this nation would eventually cross: the bridge from a nation plagued by the inequity of Jim Crow laws and segregated schools to the one in which we now live. Justice Harlan must have known that *Plessy* might outlive him, but he also knew that the struggle against it would continue. His dissent served the highest ideal of public service—it inspired those who came after him to dedicate their own lives to the service of others. Before *Brown*, Justice Harlan's immortal words stood as a beacon of hope to my late colleague Thurgood Marshall and countless others who struggled tirelessly for racial equality under law.

After Justice Harlan passed away, the Court suffered without a Centre College graduate for 35 long years. But our next arrival, Fred Vinson, continued the proud tradition of public service that Justice Harlan embodied.

Although Chief Justice Vinson was not a civil rights revolutionary, his cautious and incremental approach to the law helped build the bridge to *Brown* no less than Justice Harlan's ringing dissent. In fact, he authored three of the most significant opinions in the struggle for racial equality: *Shelley v. Kraemer* [racially restrictive real estate covenants], *McLaurin v. Oklahoma State Regents* [African-American students forced to sit separately from white students], and *Sweatt v. Painter* [the University of Texas creating a new law school in a Houston basement for an African-American student as a counterpart to its all-white law school in Austin].

While neither *Sweatt* nor *McLaurin* directly addressed the validity of the separate-but-equal regime, Chief Justice Vinson's opinions all but completed the bridge that Justice Harlan had begun in his *Plessy* dissent. Immediately after his victories in the two cases, Thurgood Marshall wrote to his NAACP supporters that *Sweatt* and *McLaurin* had "gutted" *Plessy*, and that the "end [was] in sight." Indeed, Justice Vinson narrowly missed the opportunity to be part of the momentous decision in *Brown*, after hearing initial arguments



During his brief tenure prior to his unexpected death, Chief Justice Fred Vinson authored three significant opinions in the struggle for racial equality.



By the time of Justice O'Connor's appointment to the Bench in 1981, state sponsored segregation had been declared unconstitutional in almost every aspect of life in America.

in the case, he ordered reargument, but suffered a heart attack before it could occur.

The lives of Justice Harlan and Chief Justice Vinson illustrate the sacrifice that is sometimes part of public service, and show that we cannot expect that our efforts will meet with immediate success. But the ever-present understanding that you are a part of something bigger than yourself, and that your efforts are paving the way for those who will follow, makes a life of public service worth the bumps along the way. Justice Harlan passed away before he could see his prophetic words become law, but if he had not taken up his pen against injustice, our nation might have taken a slower path to equality. And while it surprised me to discover that Chief Justice Vinson died a relatively poor man, he left behind a gift worth more than any gold: a bridge to freedom and equality under law.

A single generation of public servants cannot be expected to bridge the gaps of inequality and injustice, nor span the chasms of our nation's critical needs. The bridge to *Brown* was not built overnight, and *Brown* itself hardly eradicated radical injustice in our nation. But if we focus our energies on sharing ideas, finding solutions, and using what is right with America to remedy what is wrong with it, we can make a difference. Our nation needs bridges, and bridges are built only by those, like Justice Harlan and Chief Justice Vinson, who look to the future and dedicate themselves to helping others. Commit yourselves today, as you embark on your new life as a college graduate, to being bridge-builders. Our nation needs you, and those who cross the bridges you build will thank you.

*Justice Sandra Day O'Connor was appointed to the Supreme Court in 1981 by President Ronald Reagan. Prior to her historic appointment as the first woman to serve on the Court, she had served as a member of the Arizona state Senate and as the majority leader of that body. Following her service in the Senate, she was elected to a state judgeship, and subsequently, was appointed to the Arizona Court of Appeals. Throughout her career she has been an ardent supporter of educational programs and training.

Library of Congress US260-63820

There is a natural tendency to assume that people who we recognize as indisputably great were recognized as such by their contemporaries. However, as Justice Oliver Wendell Holmes' reflections on President Abraham Lincoln demonstrate, this assumption is not always valid. "In the war time like many other Bostonians I believed him a second rate politician." However, over time, Holmes came to see that Lincoln was a great man and was anxious to associate himself, even if in a small way, with his memory.

6

Some radicals in the South were against finding any compromise candidate. They believed that a split in the Democratic Party would give the election to the recently-formed Republican Party. The election of an anti-slavery Republican would pose an intolerable menace to the Southern way-of-life and would cause the "Cotton States" to exercise their "right" to secede from the Union.

When the Republicans gathered in Chicago, the front-runner was New York Senator William Seward but Seward did not have enough delegates to win on the first ballot. Several other candidates, including future Chief Justice Salmon Chase were also in the running. Lincoln was not a national figure. "Everywhere, except in Illinois and possibly Indiana, one or another [candidate] is preferred to me, but there is no positive objection," he wrote. Accordingly, Lincoln's political managers followed a strategy of persuading delegates who were committed to the other candidates to make Lincoln their second choice. In that way, when each contender realized that he did not have the votes to beat Seward and get the nomination, his supporters would shift to Lincoln.

Lincoln's campaign called for the prohibition of slavery in the new territories west of the Mississippi. He believed that slavery was an evil that had to be eradicated. However, he felt that it was not legal or practical to do so immediately in the states where slavery already existed. Instead, he envisioned an evolutionary process where slavery would gradually end in those states and the owners would be compensated for giving up their slaves. While this compromise position gained him enough votes to win in a four-way election, it did not endear him to large segments of the public.

Many people in the North felt that slavery was morally wrong. However, a substantial number of workers believed that if the slaves were freed, it would result in lower wages. It was believed that the freed blacks would be willing to work for low wages. In order to compete, white workers would have to follow suit. In addition, those industrialists who were

Nor were the northern abolitionists satisfied. To them, Lincoln was being too conciliatory to the slave owners. They wanted radical action now. If the Southerners wanted to leave, the North should let them go.

Holmes' enthusiasm for the cause led him to write essays with an abolitionist flavor and to include abolitionist articles in the *Harvard Magazine* of which he was one of the editors. In addition, Pen Hallowell and his brother persuaded Holmes to support the abolitionist agitator Wendell Phillips. After returning from giving the eulogy for John Brown, Phillips made a speech in Boston that so inflamed the unionists that there was a near-riot afterwards. Phillips was not intimidated and planned to make more speeches. Holmes, armed with a



Published by Elsevier & Sons (U.S. Number 20 71)

Continued on page 8

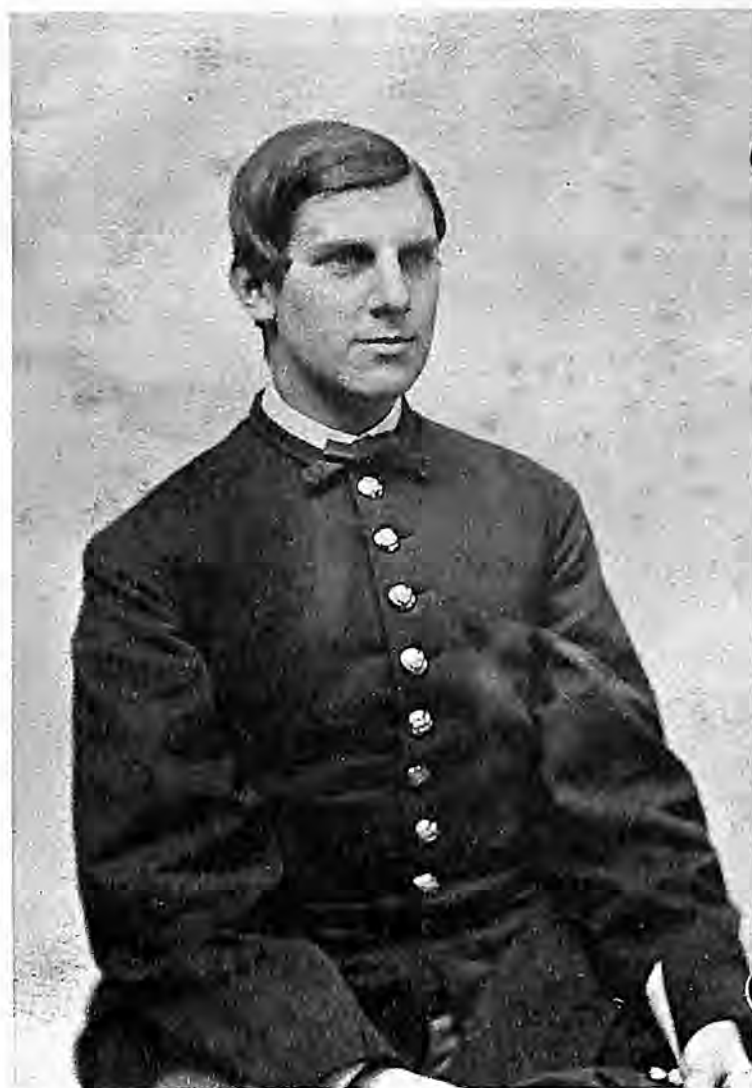
billy club, "was one of a little band intended to see Wendell Phillips through if there was a row after the meeting of the Anti-Slavery Society [at the Tremont Temple]." However, the mayor had ordered the building closed and Holmes' career as a bodyguard ended before it began.

On April 12, 1861, the South Carolina militia fired upon Fort Sumter. Lincoln's call for 75,000 volunteers met an enthusiastic response as the badly splintered North became galvanized behind the common cause of suppressing the rebellion. The 20-year-old Holmes dropped out of Harvard on April 25 without finishing his degree and enlisted as a private in the Fourth Massachusetts Battalion of Infantry "expecting when drilled to go south." However, instead of fighting the rebels he found himself guarding a cold fort in Boston harbor. In late May, the battalion was paraded through Boston and disbanded. Disappointed but undaunted, Holmes began to look for a commission in another regiment. In June, the Harvard faculty voted to inform him that he could still receive his degree if he returned to the college and took his examinations. Holmes did so but finished his college career in the bottom half of his class due to the fact that he had been absent from his classes for over a month. Dr. Holmes protested that the college was, in effect, penalizing his son for his patriotism but it did not seem to matter to Holmes because he had secured a commission as an officer of the Massachusetts 20th Volunteer Regiment.

Holmes felt he was embarking on a modern day "Christian crusade" against the corrupt power that controlled the South. "We believed that it was most desirable that the North should win; we believed in the principle that the Union is indissoluble; we, or many of us, at least, also believed that the conflict was inevitable and that slavery had lasted long enough." Holmes' mother wrote: "I only hope and pray that the war may go on till every slave is free, and that my child will always be ready to defend and struggle for humanity."

The 20th Massachusetts was known as the "Harvard regiment" and its officers came from the best families in Boston. Holmes found only tepid support for Lincoln in the 20th. The more committed abolitionists thought he was not forceful enough. At the same time, many of the soldiers thought that Lincoln was an extremist and that the war was a mistake. This faction included Holmes' close friend Henry Abbott who left a deep impression on Holmes. At Fredericksburg, Abbot was ordered to lead his men in a suicidal attack on a Confederate position. When that attack failed with appalling casualties, he returned to the Union line and then led his remaining men forward. Holmes remembered Abbott's cool behavior as the height of heroism. "The end was distant only a few seconds; but if you had seen him with his indifferent carriage, and sword swinging from his finger like a cane, you never would have suspected that he was doing more than conducting a company drill on the parade ground. He was little more than a boy, but the grizzled corps commanders knew and admired him . . ."

Perhaps as a result of Abbott's influence or perhaps because of the horrors of the fighting that he endured, Holmes



Oliver Wendell Holmes, Jr. dropped out of Harvard to join the Union Army. He served in the 20th Massachusetts Regiment, frequently referred to as the "Harvard regiment."

became disillusioned with the abolitionists. He did not doubt that slavery was evil. However, his deep aversion to people who were "cock-sure" that their views were right and who sought to impose those views on others can be traced back to his revised view of the abolitionists. "The abolitionists had a stock phrase that a man was either a knave or a fool who did not act as they (the abolitionists) *knew* to be right. . . . When you know that you know persecution comes easy." "I am glad I encountered that sort of thing early as it taught me a lesson." Indeed, Holmes' judicial philosophy including his toleration of reform measures that he did not personally agree with can be traced to the skepticism that replaced the absolute certainty with which he entered the war. "I don't care to boss my neighbors and to require them to want something different from that they do—even when, as frequently, I think their wishes more or less suicidal."

Holmes still felt that it was his duty to fight. However, the duty was not to a political cause. He wrote home that he no longer believed that the Army could subjugate the South. "The Army is tired with its hard, & terrible experience & still more with its mismanagement." But the Army had reinforced in him "the high feelings and self-sacrifice of the chivalrous

gentleman" -- another concept that his mother had sown the seeds for before the war when she gave him a life of Sir Phillip Sidney. As he described it later: "But in the midst of doubt, in the collapse of creeds, there is one thing I do not doubt, that no man who lives in the same world with most of us can doubt, and that is the faith is true and adorable which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a plan of campaign of which he has no notion, under such tactics of which he does not see the use."

The war did not go well for the North. Although it had a smaller population and no industry, the South seemingly could not be subdued. Lincoln, a small town lawyer, strove to learn the complexities of military strategy and of foreign relations. Everywhere he ran into large egos and conflicting opinions. With incredible patience he attempted to persuade the assembled talent to work together to save the union. For his pains, he was often made a figure of fun in the press and, as Holmes noted, "all the indecent stories [were] attributed to Lincoln."

Holmes and the 20th Massachusetts were "in the thickest part of all the famous battles of the Army of the Potomac" including the battles of Antietam, the Seven Days, and the Wilderness. He was wounded three times and nearly all of the officers he had known when he began were killed or wounded. In fact, the 20th Massachusetts suffered one of the highest casualty rates in the Union Army. By May 1864, Holmes had achieved the rank of brevet Lieutenant Colonel but he had had enough. He wrote his parents that "I am not the same man (may not have quite the same ideas & certainly am not so elastic as I was and I *will not acknowledge the same claims upon me under those circumstances* as existed formerly." In addition: "I started this thing as a boy. I am now a man and I have been coming to the conclusion for the last six months that my duty has changed -- I can do a disagreeable thing or face a great danger coolly enough when I *know* it is a duty -- but a doubt demoralizes me as it does any nervous man -- and now I honestly think the duty of fighting has ceased for me -- ceased because I have laboriously and with much suffering of mind and body *earned* the right which I denied to Willy Everett to decide for myself how I can best do my duty to myself, to the country and, if you choose to God." Accordingly, despite his parents' urging that he stay with the Army until the war ended, Holmes decided not to reenlist when the 20th Massachusetts finished its three-year commitment and was disbanded in late July 1864.

Holmes was not the only Northerner who was tired of the war in 1864. The tremendous casualties and the federal government's seeming inability to subdue the rebel states had caused much discontent in the North. Most people blamed Lincoln for the country's failures. In August, Lincoln wrote: "This morning, as for some days past, it seems exceedingly probable that this administration will not be re-elected."

The Democrats had nominated General George B. McClellan who, although he had been ineffective as commander of the Army of the Potomac, was very popular with

the troops. McClellan had been more cautious and less willing to incur casualties than the Army's current commander, Ulysses S. Grant. Consequently, as a result of the heavy fighting in Virginia during the Spring of 1864, Holmes noted, "the feeling for McClellan has grown during this campaign." In contrast, the Army's attitude toward Lincoln in those days is reflected in an incident he recalled later: "When I was leaving the army talking with General Lowell (soon after killed in the [Shenandoah] Valley) as to who would be remembered, he mentioned Lincoln, but I think we both smiled."

With Admiral David Farragut's victory at Mobile Bay, Alabama, General William Tecumseh Sherman's capture of the City of Atlanta, and General Phillip Sheridan's victories in the Shenandoah Valley, public opinion about the conduct of the war changed. As a result, Lincoln handily won a second term in November 1864.

After Lincoln's assassination in April 1865, Lincoln's public reputation began to grow and recognition of Lincoln's achievements became more widespread. At first, Holmes thought "that I was watching the growth of a myth." While he hated "to recur to Civil War times" and "hate[d] to read of those times," he would occasionally read books about the war that were given to him by friends. As a result, "I saw and



Lincoln ran for reelection in 1864 with Andrew Johnson as his running mate. Many of his earlier supporters were disillusioned with the length and heavy casualties of the War.

Continued on page 10

Holmes' View of Lincoln—continued from page 9
read things [about Lincoln] that convinced me that I was wrong." In particular, "Lincoln's corrections in Seward's dispatches," he wrote "convinced me that Lincoln was a great man."

Holmes' correspondence does not disclose what he discovered about Lincoln that made him change his mind and conclude that Lincoln was a great man. However, his youthful opinions were heavily influenced by others such as Emerson, his mother, and the Hallowells. After his war time experiences, his opinions were much more his own. The fact that Lincoln was not an ideologue and his pragmatic approach to preserving the Union and to achieving emancipation when all the world was chaos would clearly have appealed to the mature Holmes. In short, the very qualities that had led the young Holmes to scoff at Lincoln, he late applauded.

Holmes had only limited opportunities for personal contact with Lincoln. When he was recuperating from the wound he received at the battle of Ball's Bluff (October 1861), Holmes and a friend visited Washington. They hired a "ramshackle vehicle" with an old horse and driver "which both went to sleep whenever we stopped." Holmes said that he wanted to see the White House. Much to Holmes' surprise, the driver turned the disreputable looking wagon into the White House drive way and drove the tourists by the front door. In those days, the White House was open to the public and a private citizen could walk in and demand to see the President. The absence of any mention in Holmes' diary leads one to conclude that Holmes made no such demand.

The most celebrated tale of Holmes and Lincoln concerns an incident that allegedly occurred near the end of Holmes' military service in July 1864. As General Grant closed in on the Confederate capital at Richmond, Robert E. Lee ordered Confederate General Jubal A. Early to proceed through the Shenandoah Valley and threaten Washington D.C. Although Washington was protected by a string of fortresses, the city was thrown into near-panic when Early's troops came within sight of the Capitol dome. In order to reinforce the capital, Grant sent troops including Holmes' 20th Massachusetts Volunteers to Washington. On July 11 and 12, Lincoln went to Fort Stevens to observe the fighting. Lincoln's secretary, John Hay, noted in his diary that Lincoln told him afterwards that while he was standing on the parapet, a soldier "roughly" told Lincoln to get down. The story has come down that the soldier was Holmes who, without recognizing the tall civilian, told him: "Get down, you damn fool, before you get shot."

When he was on the Supreme Court, Holmes liked to take visitors, especially female friends, to the ruins of Fort Stevens. Holmes called it his "private show" - - "a hidden spot that few know. . . ." "It is an old earth work hidden behind houses, but rather interesting for a last survivor to take a dame to." Holmes explained that Fort Stevens was "where I saw Lincoln when the big guns were firing and our skirmishers going up the opposite slope and the enemy got their nearest to Washington."

While Holmes' correspondence with his friends Harold



Already standing head and shoulders taller than many of his contemporaries, Lincoln in a top hat would have made an easy target on the battlefield.

Laski and Lewis Einstein clearly place Holmes at Fort Stevens at the time of Lincoln's visit, several of Holmes' biographers have expressed skepticism about whether Holmes was the soldier who spoke to Lincoln. They point out that while Holmes supposedly told Laski, Felix Frankfurter and Alger Hiss, who was one of Holmes' law secretaries, that he was the soldier in question, he did not tell the story to many of the other friends and law secretaries that he took to his private show. In addition, despite several references in his correspondence to seeing Lincoln at Fort Stevens, Holmes never wrote that he spoke to Lincoln. They also contend that it is unlikely that Holmes would not have recognized the distinctive President. This has led biographer Sheldon M. Novick to speculate that Holmes may have heard the story and as an old man added it to "his repertoire" when speaking to young people of whom he was fond. However, as Professor Novick notes, it would have been uncharacteristic for Holmes to fabricate such a story.

Regardless of whether Holmes was the soldier who spoke to Lincoln, the Fort Stevens incident underscores how much Holmes' opinion of Lincoln had changed by his second decade on the Court - - the period when the references to the Fort Stevens incident primarily appear in his correspondence. Since his boyhood when famous writers such as Emerson and Henry Wadsworth Longfellow came to visit his father, Holmes had been surrounded by great men. Indeed, his father was an internationally famous poet and essayist. During

Marshall Bust—continued from page 1



This photograph of Justice Marshall is one used by artist Michael Curtis when creating the portrait bust.

Following Meham's remarks, there was a video presentation consisting of interviews with employees working in the Thurgood Marshall Building. Many commented on the courage exhibited by Marshall in his battle to end segregation in the United States and to bring the protection of the law and equal opportunity to all American citizens. A number of those interviewed commented that they and their children enjoyed the products of Marshall's contributions on a daily basis.

The bust was unveiled by Cecilia Marshall, the Justice's widow, with assistance from Director Meham and Mr. Curtis. The statue is a half-length portrait bust, cast in bronze, and rests on a marble column. The artist depicted Marshall wearing his judicial robes and added a replica of his characteristic eyeglasses.

After the unveiling, Justice Marshall's son, John, spoke on behalf of his family. He expressed gratitude and appreciation for this touching gesture of recognition. He also, with a smile, expressed his personal relief that his mother so obviously approved of the completed product, since he had worked with the artist and the members of the committee. In conclusion, Marshall thanked all connected with the project.



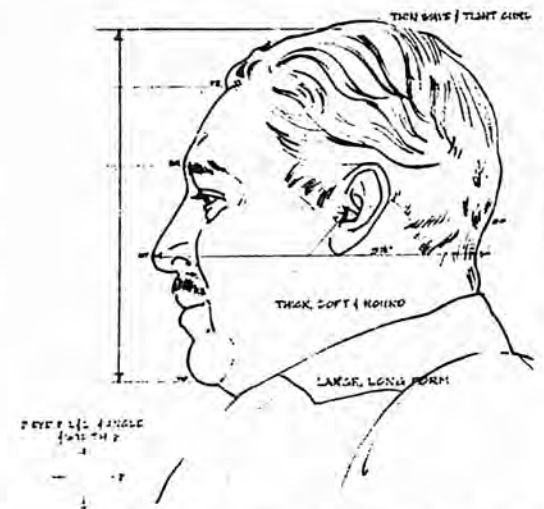
Mrs. Marshall applauds the statue of her husband immediately following the unveiling.

He also expressed the warm appreciation of his family to those present and extended best wishes to the Chief Justice for his prompt recovery.

A choir comprised of employees of the Administrative Offices provided special musical numbers during the program, opening the event with a beautiful rendition of "Battle Hymn of the Republic." The closing number was "From a Distance," and conveyed a message Justice Marshall would have found particularly appropriate. The music added a very personal aspect to the program. Indeed, it seemed more like a group of friends and family honoring a revered associate rather than an official and formal event.

At the conclusion of the program, a short video presentation about the construction of the bust was shown. The film documented milestones in the creative process, and showed the artist at work in his studio, and included interviews with artisans who assisted with the final sculpture in the foundry.

The statue is now displayed at the entrance of the building's atrium. It is a fitting memorial to one of the greatest legal figures in our country's history.



This drawing by Curtis, shows notations on design elements for the portrait bust.

Holmes' View of Lincoln—continued from page 11

his career, he knew and/or worked with many more great men including statesmen such as Theodore Roosevelt, several British Prime Ministers, as well as numerous leading jurists. As a result, he was not easily starstruck. Yet, at a time when he was an established member of the nation's highest court and his own greatness was beginning to be recognized, his opinion of Lincoln was such that he felt that the mere fact that he had seen Lincoln was significant and that that fact would impress his friends.

*Richard Wagner is an attorney in New York state. His avocation is history, and he has written a number of historical articles on Justice Holmes and other topics. He is the editor of *The Log*, the journal of the Navy League Council of New York.

THE SUPREME COURT HISTORICAL SOCIETY AND THE ROBERT H. JACKSON CENTER

**Cordially Invites you to Attend
Special Events Commemorating
The 50th Anniversary of *Brown v. Board of Education II***

**A 50th Anniversary Reconsideration of
*Brown V. Board II (1955)***

Tuesday, May 17, 2005

**“Segregation in South Carolina,”
A presentation by Ophelia DeLaine Gona
7 PM in the Jackson Center’s Carl Cappa Theater Free of Charge**

Wednesday, May 18, 2005

**10:30 AM: A Roundtable discussion of Brown II with
Four Attorneys who served as Law Clerks
During the Supreme Court October Term 1954
Elizabeth S. Lenna Hall, Chataqua Institution Free of Charge**

The 50th anniversary examination of the Supreme Court’s decision defining the remedy for unconstitutional school segregation, is cosponsored by the Supreme Court Historical Society and the Robert H. Jackson Center.

**6:00 PM: Dinner honoring the Brown II Event Guests
Speaker: William T. Coleman, Jr.
Former Secretary of Transportation and
former NAACP Legal Defense &
Education Fund Inc. Attorney
Athenaeum Hotel, Chautauqua Institution
A fee will be charged for the dinner**

Society members will receive a formal invitation approximately three to four weeks prior to these events.

NEW MEMBERSHIPS OCTOBER 1, 2004 THROUGH DECEMBER 31, 2004

ALABAMA
Valerie L. Acoff, McCalla
Kevin Clark, Hoover
Gregory R. Jones, Daphne

ALASKA
Lloyd B. Miller, Anchorage
Jimmy E. White, Anchorage

ARIZONA
Karen Rushing, Phoenix

CALIFORNIA
Chris E. Calderone, Stockton
Guy DeLong, Downey
Donald A. English, San Diego
Rose Marie Gallegos, Whittier
Don Hernandez, La Canada
Laila Jacobsma, La Habra
Paul Kronenberg, Sacramento
Jay Krumholtz, Riverside
Dianne Lumsdaine, Downey
Octavia T. Parker, San Diego
Thomas S. Patterson, San Francisco
Maria Puente-Porras, Cypress
Donna Schule, Woodland Hills
Mark D. Segelman, San Francisco
Megan Mari Smith, San Francisco
Nancy Spector, San Diego
Eva G. Steward, Costa Mesa
Edward L. Stoliker, Victorville
Pat Sullivan, La Jolla
Ron Tasso, Encino
Ronald Wenkart, Anaheim

COLORADO
Noel C. Lindenmuth, Boulder
James R. Walker, Denver

CONNECTICUT
James and Barbara Lukaszewski, Danbury
Douglas Milan, Greenwich
Christopher C. York, Old Greenwich

DISTRICT OF COLUMBIA
Linda Bishai
Alan L. Briggs
Carole H. Hanlon
Richard A. Hauser
Oren Kerr
Edwin S. Kneedler
Kim Knight
Sprigg Lynn
Meghan H. Magrude
Rakesh H. Mehta
Dan Myers
Susan O'Malley
Gene C. Schaerr
Terry Seale
Edward Sisson
Mari Tonn
J. Brent Walker
Todd C. Zubler

FLORIDA
Steve Abernathy, Tallahassee
Jeffrey Bowden, Ponte Vedra Beach
Scott Neil Brown, Aventura
Claude Du Pont, West Palm Beach
W. Guy McKenzie, Tallahassee
Evelyn Moya, Sarasota
Richard C. Poland, St. Augustine
Joel Stewart, Fort Lauderdale
Christopher J. Wilson, Tallahassee

GEORGIA
Thomas C. Arthur, Atlanta
Jack K. Berry, Savannah
Dorothy Bjork, Roswell
A. Todd Merolla, Atlanta
Charles E. Taylor, Atlanta

ILLINOIS
Barry Chafetz, Chicago
Debra Damon, Batavia
Debra D. Dotson, Chicago
David R. Herndon, East St. Louis
Anne Rea, Chicago
Mark W. Salkeld, Naperville
Drusilla Sanberg, Batavia

INDIANA
Paul Martin Lake, Marion
Douglas B. Morton, Rochester
Hudnell P. Pfeiffer, Indianapolis
Daniel Wilson, Fishers

MAINE
Teresa M. Cloutier, Portland
Terence D. Garmey, Saco

MARYLAND
Terry A. Berger, Westminster
Philip T. Edgerly, Crofton
Brian M. Fish, Edgewater
Reva G. Levinstein, Pikesville
Arthur T. Monheit, Baltimore
John S. Pontius, Rockville
Nancy Nagelhout, Bethesda
Luke Wilbur, Bethesda

MASSACHUSETTS
Samuel Adams, Boston
Charles K. Bergin Jr., Springfield
Thomas F. Burke, Dartmouth
James M. Campbell, Boston
Richard P. Campbell, Boston
Martin S. Cosgrove, Quincy
Philip J. Crowe Jr., Boston
William J. Dailey Jr., Boston
Suzanne V. Del Vecchio, Hingham
Lewis C. Eisenberg, Quincy
Patricia Freeman – Ford, Tewksbury
Michael J. Harris, Boston
Robyn Honig, Haverhill
Joseph L. Kociubes, Boston
Joan A. Lukey, Boston
Elizabeth N. Mulvey, Boston
Anne Peters, Boston

John P. Ryan, Boston
David W. Suchecki, Boston

MICHIGAN
Cindy Casey, Okemos
Michael Lind, Battle Creek

MISSOURI
Jerilee Hendrich, Kansas City

NEVADA
George T. Bochanis, Las Vegas
Mark Brandenburg, Las Vegas
Eric Brent Bryson, Las Vegas
Megan K. Dorsey, Las Vegas
Kirk M. Harrison, Las Vegas
Robert J. Johnston, Las Vegas
Paul S. Lychuk, Las Vegas
Nancy Quon, Las Vegas
W. Leslie Sully Jr., Las Vegas

NEW HAMPSHIRE
Michael R. Callahan, Concord
Bruce W. Felmy, Manchester
Cathy J. Green, Manchester

NEW JERSEY
Louis F. Duffy, New Providence
Eric C. Francis, Short Hills
Christopher J. Hanlon, Freehold
Barbara A. Hopkinson Kelly, Newark
John A. Lawler, New Providence

NEW YORK
Paul A. Engelmayer, New York
Michael Hart, Mt. Vernon
Edward J. Mitchell, Bayport
Alyssa Kate Ogawa, Binghamton
Emile Simone, Queens Village
James Peter Tunkey, Forest Hills
Robin D. Weaver, New York

NORTH CAROLINA
Bill Ives, Chapel Hill

OHIO
Louis Andreozzi, Miamisburg
Ruth Link Gelles, Cleveland
Christopher L. Muzzo, Cincinnati
Elaine Crisp Poppe, Wapakoneta
Matt Shuler, Cincinnati
Robert E. Whitlatch, Lima

OREGON
Patty Feola, Creswell
Diarmuid F. O'Scannlain, Portland

PENNSYLVANIA
William S. Bahr, Towanda
Michael Krimmel, Lititz
Lowell A. Reed Jr., Philadelphia

TENNESSEE
Timothy Batchelor, Memphis
Thomas L. Moore, Dresden

Continued on page 15

CONGRESSMAN JOHN LEWIS DELIVERS TWELFTH NATIONAL HERITAGE LECTURE THE 40TH ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964

The Naval Heritage Center was the setting for the Twelfth Annual National Heritage Lecture held on November 30, 2004. The Honorable John Lewis delivered the lecture, and was introduced by the Honorable Tom Foley, former Speaker of the House and Ambassador to Japan. Conceived as an annual event co-sponsored by the historical organizations representing each of the three branches of government, the lecture rotates each year between the Supreme Court Historical Society, the US Capitol Historical Society and the White House Historical Association.

Under the direction of the US Capitol Historical Society for the year 2004, the lecture honored the 40th anniversary of the passage of the Civil Rights Act of 1964. Both speakers were eloquent in their comments about the Civil Rights Movement in general, and in particular, about the events leading up to the passage of the Civil Rights Act of 1964 and its companion legislation, the Voting Rights Act of 1965.

Foley focused his remarks on the major aspects of the Civil Rights Movement, and on work involving people across the nation that preceded and led up to the movement. In an overview of Lewis' childhood in Alabama and his subsequent accomplishments, he referred to him as a man of "quiet dignity and enormous courage," and even as a "hero of this Movement."

Indeed, the word "courage" is a word commonly used by others in describing John Lewis. He has been called "one of the most courageous persons the Civil Rights Movement ever produced." And Senator John McCain of Arizona said of Lewis: "I've seen courage in action on many occasions. I can't say I've seen anyone possess more of it and use it for any better purpose and to any greater effect, than John Lewis." *Roll Call* magazine referred to Lewis as "... a genuine American hero and moral leader who commands widespread respect. . . ."

Born the son of sharecroppers on February 21, 1940, outside of Troy, Alabama, he grew up on a small farm, attending public schools in Pike County, Alabama. In his youth, he saw the examples of activism surrounding the Montgomery Bus Boycott and was inspired by the words of Rev. Martin Luther King. In those early years, he determined to become a part of the Civil Rights Movement. As a member of Congress, his primary focal point has been the protection of human rights, the securing of civil liberties, and building what he refers to as "The Beloved Community" in America.

In his talk, Lewis began by discussing his childhood in rural Alabama. His father was able to buy his own land. In addition to raising crops, they raised chickens. When visiting the local towns near their farm, Lewis would see signs designating "White" and "Colored" and questioned not only what it meant, but why it was the way of life. Lewis reported that his parents would reply to his questions "[t]hat's the way it is—don't get in the way." This was advice Lewis did not take. As a teenager and young adult he participated in a number of activities that called attention to himself and "bucked" the



Congressman John Lewis was actively involved in the Civil Rights Movement. He was a key organizer of the "March on Washington" in 1963.

system. Perhaps his first experience of "getting in the way" was when he attempted to have the local library issue library cards to him and his siblings. His interest and participation in the Civil Rights Movement was galvanized when he met Dr. Martin Luther King and Reverend Ralph Abernathy in Montgomery in 1958.

Through this connection, Lewis became involved in many of the principal aspects of the Civil Rights Movement. While a student at Fisk University, Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, TN. In May 1961, he participated in the Freedom Rides. These "Rides" consisted of a group of white and black activists riding buses from Washington, DC to Mississippi to test a recent Supreme Court ruling overturning segregation on public transportation. Lewis risked his life on those Rides by simply sitting in seats allocated for white patrons. He recounted that he and his associates were arrested, beaten, incarcerated and the buses burned in retribution for their audacity in challenging Jim Crow segregation in the South. Indeed, Lewis was imprisoned in the Mississippi State Penitentiary for his participation in the protest.

Upon his release, Lewis resumed and expanded his participation in the Movement, expanding his work to both the states of Georgia and Alabama. In 1963 he became chairman of the Student Non-Violent Coordinating

Committee, and in that capacity, he and other leaders met with President John F. Kennedy in the Oval Office. In 1963, at the age of 23, he helped organize the massive March on Washington. This March attracted to the ground of the Lincoln Memorial, one of the largest and most historic demonstrations in all of American history. The focus, of course, was a demand to strike down segregation in American society. Lewis himself was a speaker at the event. President Kennedy lent his support to the March and greeted the leaders in the White House at the end of the day.

In 1964, with the passage of the Civil Rights Act, Lewis noted that a "climate. . . [was] created in the heart of the South. . . by these young people. . . standing up," for what was right. He characterized the Act as providing "a stamp of approval of what the Movement had been demanding for so long" and further, as a "nonviolent revolution in America—a revolution of values, a revolution of ideas under the rule of law." Lewis observed that the South has changed as a result of this Act. The transformation is in some cases difficult to identify, but he said that as a result, there is now more hope. Some of the more easily identified victories include not only desegregation of public transportation, eating places, hotels, schools and organizations, but also the fact that Lewis himself was elected to Congress as a representative of Georgia's Fifth District.

Throughout a lifetime of experience and dedication to the cause of equality, Lewis has persevered in spite of more than "40 arrests, physical attacks and serious injuries." He was, and has remained, an impassioned advocate of



Congressman Lewis was photographed with officers of the US Capitol Historical Society on the evening of the National Heritage Lecture.

nonviolence.

Responding to those who tell him that nothing has really changed, Lewis says, "Come and walk in my shoes, and I'll show you it's a different nation. We live in a different world." In his closing remarks, Lewis challenged the group: "Don't give up. Don't give in. Keep the faith. Keep your eyes on the prize. Walk with the wind. Let the spirit and history of our country be your guide."

**The Editors wish to thank the staff of the US Capitol Historical Society for their assistance in preparing this article.*

New Memberships—continued from Pg 13

Juliana M. Newton, Nashville
Douglas Trant, Knoxville

TEXAS

Mark K. Durham, Dallas
Kevin Hicks, Houston
Wynn B. McCloskey, Houston
Brian D. Melton, Dallas
Erie Nye, Dallas
Alan Sagar, Austin
Benjamin K. Sanchez, Houston
William F. Walton, Dallas
Jacob Williams, Austin

VERMONT

John J. Zawistoski, Rutland

VIRGINIA

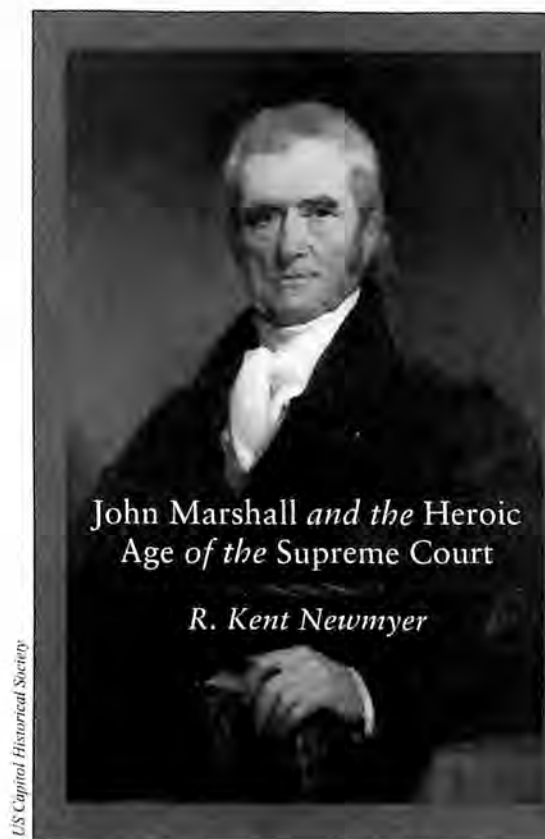
Rae Ellen Best, Vienna
Stephen L. Hoffman, Alexandria
Vance H. Morrison, Alexandria
Catherine A. Ruffing, Sterling
Michele Schoeppe, Alexandria
Robert P. Stenzhorn, Hampton

WASHINGTON

Brad Cook, Renton

WEST VIRGINIA

Herman G. Canady, Jr.,
Charleston



John Marshall and the Heroic Age of the Supreme Court

R. Kent Newmyer

John Marshall and the Heroic Age of the Supreme Court By R. Kent Newmyer

John Marshall was arguably the most important judicial figure in American history. Drawing on a new and definitive edition of Marshall's papers, the author combines engaging narrative with new historiographical insights in a fresh interpretation of John Marshall's life in the law.

Item #127018 \$42.95
Members \$34.36

**A SUPREME HONOR
2005 CHIEF JUSTICE JOHN MARSHALL SILVER DOLLAR**



The 2005 commemorative silver dollar honoring Chief Justice John Marshall is now available for sale through the U.S. Mint. This coin commemorates the 250th anniversary of the birth of John Marshall and is the first coin ever issued to honor a Supreme Court Justice. The obverse is a portrait of Marshall based on a sketch by Charles de Saint-Memim, while the reverse shows the Restored Supreme Court Chamber designed by Benjamin Latrobe located in the US Capitol Building. Marshall presided over sessions of the Court in that chamber.

You can support the Society and be a part of history by purchasing coins. The Society will receive a portion of the sales price for every coin sold. For information about the

coins and ordering, contact U.S. Mint Customer Service at 800 USA Mint (872-6468), or go to www.usmint.gov. Reduced pre-issue prices are currently available.

If you prefer, orders can also be placed through the Society's Gift Shop by calling (202) 554-8300, (800) 539-4438, or by faxing orders to (202) 554-8619. Please be advised that the pricing of the coins is set by the Mint in conformance with their requirements, and as a result, we cannot offer the customary member discount. However, members will be able to purchase coins from the Gift Shop at the reduced pre-issue price throughout the sale of the coin. Please take advantage of this unique opportunity to support the Society and participate in this once-in-a-lifetime endeavor.

Supreme Court Historical Society
224 East Capitol Street, N.E.
Washington, D.C. 20003
www.supremecourthistory.org

NON PROFIT ORG.
US POSTAGE
PAID
WASHINGTON, DC
Permit No. 8232