



THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

VOLUME XXVIII

NUMBER 3, 2007

SUPREME COURT BAR PUBLISHES MEMORIALS TO WILLIAM H. REHNQUIST

Following a time-honored tradition, a special session of the Supreme Court Bar and Officers of the Court was convened on June 15, 2006 to honor the memory of the late Chief Justice William H. Rehnquist. Following the meeting of the Bar, the resolutions adopted were presented in a special session of the Court itself. The Justice Department recently published and distributed the proceedings of those memorial sessions.

Under the direction of Solicitor General Paul Clement, Ron Tempas chaired the special session of the Supreme Court Bar. Mr. Tempas observed that the Committee had attempted to capture "... in an hour of remarks and a resolution, the life and work of a towering figure in American law. . ." As lofty a goal as that was, the speakers also sought to describe the late Chief Justice as a person, considering the way he interacted in professional and personal roles. Commenting that Rehnquist's story was more than just the history of an important legal figure, Tempas said that "... William Rehnquist's life and work is

what was, at the time, a relatively sleepy city in the southwest, William Rehnquist through hard work and some natural inborn

brilliance came to the attention of our national leadership. This resulted first in an appointment to a senior Justice Department post, and then to this Court.

He went on to serve as a Justice for 33 years and 8 months, the seventh-longest tenure of any Justice, with nearly 19 years as Chief. He authored nearly 1,000 opinions. He led the judiciary as an outspoken defender of the Court's important role in our constitutional scheme. Yet—for those gathered here today—his success as a husband, a father, mentor, colleague and friend, are at least as important as what will live on in the United States Reports."

The second speaker was Allen Snyder, a clerk to then-Associate Justice Rehnquist when he first joined the Court in 1971. Mr. Snyder focused his remarks on Rehnquist's "extraordinary personal qualities," commenting "than everyone who knew Bill Rehnquist quickly noted his remarkable combination of astonishing intellect with

genuine humility and unpretentiousness. In a city filled with outsized egos. . . Chief Justice Rehnquist never took himself—or others—too seriously. . . Bill Rehnquist genuinely liked to chat with people, regardless of their station in life or whether

Photo by Steve Petteway, Collection of the Supreme Court of the United States



James Rehnquist gave a tribute to his father at a session of the Supreme Court Bar. In this photo he stands in front of his father's official portrait.

also a quintessentially American story, one that reflects an optimism about our country and its possibilities. Raised in Wisconsin, William Rehnquist was no son of privilege. A war veteran who took advantage of the GI bill, a practitioner in

Continued on page 4

A Letter from the President



Many current members of the Supreme Court Historical Society know little about how the organization came into being. Perhaps a brief explanation will be of interest.

The Society was incorporated in November 1974 but the preparatory work began some three years earlier. Chief Justice Warren E. Burger was primarily responsible for the creation of the Society. He believed that there was a need for an organization to preserve the history of the Supreme Court and he assembled an Advisory Committee of legal scholars, historians, archivists, museum and gallery administrators, and interested laymen to provide advice and assistance.

The first book that was published was the Supreme Court Historical Society *Yearbook*, 1976. In an introduction, Chief Justice Burger described the Society's development and outlined some of the goals and aspirations of the incorporators. He explained that the Society was designed along the lines of existing organizations devoted to the history and functioning of the White House and the Capitol. He noted that the Supreme Court Historical Society had a more difficult task because relatively few non-lawyer citizens had any clear understanding of what goes on in the courts generally, and in the Supreme Court in particular, as contrasted with the two other branches of government.

He stated:

"...the courts, like the other branches of government, ultimately belong to the American people, serving the individual and the general public interest through time proven legal processes. An independent and disinterested judiciary need not be a mysterious area of government or appear to be an occult priesthood..."

Many of the first efforts of the Society were associated with the newly-created office of the Curator of the Court. It was envisioned that these two entities would work closely together in the creation of exhibits, and the collection and care of artifacts and memorabilia related directly to the Court. Publications of the Society were foreseen as another important way to achieve the objective of interpreting the history of the third branch of the government, by publishing articles about pivotal cases, and providing interesting accounts of the Court's history and important individuals associated with the Court.

The Chief Justice observed that "[a]s the Society grows in numbers and resources, other undertakings will doubtless become appropriate...". This has indeed been the case as increased membership and financial support have afforded us the opportunity to produce regular lecture series, to sponsor educational symposia and teacher training, and generally to broaden the mission of the Society.

The Society has made great strides in fulfilling the objectives and aspirations that were contemplated in 1974. In a successor article in the next issue of *The Quarterly*, I will pay tribute to some of the individuals who have been most responsible for what has been accomplished.

Paul Jones

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
Advisory Editor

Kathleen Shurtleff
James B. O'Hara

SOCIETY TO HELP PRESERVE CHIEF JUSTICE JOHN MARSHALL'S ROBE

The Supreme Court Historical Society is proud to announce that it will make a contribution from funds generated by the sale of the John Marshall Commemorative Coin to support a very important project: the preservation of the judicial robe of Chief Justice John Marshall. The robe is the second oldest Supreme Court robe known to exist, after those of John Jay held by the Smithsonian Institution.

The Marshall robe has been on view at the John Marshall House in Richmond, Virginia, for many decades and shows the strain of this long-term exhibition. The house and its contents are owned by APVA Preservation Virginia which has contracted with Loreen Finkelstein of The Textile and Costume Conservatory, LLC, to make the necessary repairs. Ms. Finkelstein has done conservation work for institutions such as the Colonial Williamsburg Foundation, Mount Vernon, and Monticello and will perform all conservation work including,

- completely documenting the robe, both its original state and all previous conservation work performed on it
- creating a silk lining for the robe to support the original fabric and prevent further losses
- designing and fabricating a conservation-safe passive support system that will provide a permanent home for the robe and allow limited display and study without further handling and damage

Catherine E. Dean, Curator of Collections for APVA Preservation Virginia, will oversee all other aspects of this project, while Mark Hutter, Tailor at the Colonial Williamsburg Foundation, will use his years of expertise studying and reproducing 18th century clothing to pattern and reproduce the robe using appropriate materials and methods for the period. Reproductions of the robe will be made for the APVA, Colonial Williamsburg and the Society.

As one can imagine, a project of this nature is a costly undertaking, and the APVA has estimated it will take approximately \$65,000 to complete. They have initiated a fund-raising campaign targeted solely for this project. Should interested Society members wish to contribute to this worthwhile project, please contact Catherine Dean at the APVA by calling 804-648-1889 x313 or e-mailing cdean@apva.org.

The effort to preserve John Marshall's robe for future generations has led the Court Curator's staff to renew its efforts to identify how many robes of the early Justices have survived. Over twenty Justices joined the nation's highest court between 1789 and 1836, but only the robes of Jay and Marshall are documented. While the ravages of time may have claimed some of these robes, the staff hopes to locate, or determine what happened to, as many as possible. Anyone with any information about the location of early judicial robes is encouraged to contact Associate Curator Matthew Hofstedt at curator@supremecourt.gov or 202-479-3298. Of course, information on robes from later periods would also be welcome.



The John Marshall robe on exhibit in the Supreme Court Building in 1973.

Collection of the Supreme Court of the United States

Rehnquist Memorials—continued from page 1
 their views were diametrically opposed to his. He could discuss the most difficult or sensitive legal issues with people with whom he strongly disagreed, and explain his views thoughtfully and respectfully without in any way demeaning those who had different views. . . .

"Bill Rehnquist was someone who took his work very seriously, but believed strongly in maintaining a healthy balance between work and other interests, especially his family. . . . He jealously guarded his time with family, and always found time to be there for family dinners, for the kids' activities, and for family vacations. He treated his law clerks much like extended family, too, staying in close touch with us. . . .

"For a man who was viewed by the public as austere, another remarkable aspect of Bill Rehnquist was his genuinely clever sense of humor—both wry and whimsical. . . . He also greatly enjoyed games. . . . And there was no subject, from sports to the weather, on which he was not prepared to propose a tiny wager with his friends, to enliven conversation."

In his remarks, James C. Rehnquist, son of the late Chief Justice, said that his father had given some thought "during his life to the idea of being remembered. This was not because he was self-important, but rather because he loved history. . . . I think a large part of how my father would want to be remembered was how he was before he came to the Supreme Court, and I think a large part of that is that he was a lawyer. . . . As much as he loved this Court and as much as its work sustained and interested him for most of his adult life, he never forgot his roots as a practicing lawyer, both the 16 years he spent in private practice in Phoenix and the 4 years he spent in the Office of General Counsel in the Department of Justice. He often called his stint at Justice, "the best job he ever had."

Mr. Rehnquist commented that his father had observed to him that whatever profession one chose, he would interact frequently both professionally and socially, with work colleagues. "He said he had known a lot of people from other professions and that you could do a lot worse than hanging around with lawyers." Mr. Rehnquist said that his father had been disappointed to read contemporary reports of dissatisfaction many young lawyers experience in the practice of law. One thing "I know he liked about the American legal profession was that he believed it to be largely a meritocracy, unlike some other professions and unlike the legal profession as he understood it to exist in other countries. . . . I remember as a first-year law student grumbling about how one's professional options seemed to be largely dictated by law school grades, and he replied simply, "[I]s there a fairer way to do it?"

A law clerk to Robert H. Jackson in the 1952 Term,



Maureen Mahoney is shown here in a drawing by a Courtroom artist during an oral argument before the Supreme Court.

William Rehnquist admired the Justice and acknowledged that he had been deeply influenced by that association. James Rehnquist said he saw a parallel between the two men, and that he thought his father exhibited many of the traits he had found praiseworthy in Justice Jackson. To explicate, he quoted from a lecture William Rehnquist had given about Robert Jackson in 1979. On that occasion, Chief Justice Rehnquist said that he thought Jackson would be most remembered for two attributes. The first was, . . . "the ability to profit from experience, yet at the same time to maintain a sturdy independence of view." The second trait Rehnquist described as a composite of sheer ability; not only "analytical ability. . . . [or the] "ability to charm an audience or to add zest to an otherwise dull opinion by a pithy phrase. . . . This trait also contained " . . . an element of doggedness—the doggedness. . . which insisted that no matter how overwhelming the weight of authority behind a doctrine or how prestigious the signatories on a petition were, both doctrine and petition would be weighed, in part at least, with a measure of . . . common sense and with a view to the value of the . . . environs where he spent the first . . . years of his life." James Rehnquist concluded that he thought this description fitted his father's accomplishments and philosophy expressing his opinion that the late Chief Justice would like to be remembered in a similar manner.

Maureen Mahoney offered her tribute "derived from my front row seat in his Chambers where I served as one of his law clerks and in his Courtroom where I stood as an advocate looking up at him." She commented that "[I]like others here, I was surprised to see a Supreme Court Justice who wore Hush

Puppies with his suit and tie, but I soon learned that he was unassuming, relaxed, and not the least bit concerned that others might regard his footwear or his philosophy as unfashionable. He was quite an independent thinker."

" . . . As an advocate, I saw a Chief Justice who presided over arguments with legendary efficiency, withering questions, and witty quips. When asked by a reporter whether he could tell if attorneys were nervous during oral argument, he replied, 'I assume they are all nervous—they should be.' Ms. Mahoney referred to Rehnquist's strict limitations on time for counsel presenting oral argument and said that it was not motivated by a desire to embarrass or to exert authority, but rather that in "the Chief's view, if counsel could not make a point within 30 minutes, it simply was not worth hearing."

Ms. Mahoney commented on Rehnquist's publishing endeavors observing that "I also saw a highly gifted intellectual dedicated to the study of our Nation's history, saying that [h]e used our heritage as a cornerstone of his jurisprudence. . . . [T]he Chief Justice repeatedly turned to our history and traditions to give content to the meaning of the Constitution so that judges could not simply impose their own moral code on the Nation and so that in his words, 'the motive power for change in our society would come not from the courts, but from the politically elected branches.' . . . Ms. Mahoney expressed her opinion that [f]or centuries to come, lawyers, historians, and jurists will employ the masterful body of work he left behind."

In conclusion, she observed that she had seen " . . . a Chief Justice who used his position to help propel women to the highest ranks of this profession. I know that this bird's eye view of the man diverges rather wildly from the one that was popularized by some of the opponents of his confirmation in 1986. . . . [but] I think we need to set the record straight. William Rehnquist's refusal to read civil rights laws and the Constitution to give remedies unmoored from the text was based on his own conception of the proper judicial function. It was not chauvinism. The only reason I am standing here today is because he used his authority and position as Chief Justice to appoint me to argue my first case before the Supreme Court in 1988, and he mentioned me throughout my career. . . ."

The next speaker was Courtney Elwood, also former clerk to Chief Justice Rehnquist. She commented that as Ms. Mahoney had alluded, [t]he Chief saw a limited role for

the judiciary within the Federal Government, for the Federal Government in relation to the States, and for the government in general with respect to the people. He also saw a limited role for the Chief Justice. . . . The authority of the Chief Justice 'is not earthshaking' he once said. With his usual modesty and humor, he told people that being Chief entailed 'simply calling the name of the case' and 'telling people to sit down when their time had expired.' He understood that the Justices were 'totally independent' of him and of each other, once describing them as 'hogs on ice.' He did not rely on his position as Chief Justice to persuade, nor in his mind could he. That is not to say that he did not use the powers that came with his position. He did. He said his 'strongest power' was the authority to assign the opinion when he voted with the majority. The Chief was both utterly fair and shrewd in exercising that

prerogative. My co-clerks and I spent hours predicting who would be assigned which opinion. We were never right, but we always concluded that the Chief's decisions made perfect sense in retrospect. He did not give himself substantially more of the plum cases than he gave to each of the others. When he did give himself a good assignment, it was often because he thought his authorship was the best way to ensure an opinion for the Court. He certainly did not assign good cases as a reward or bad cases as a reprimand—although he once joked that, any Justice who revealed the Court's confidential deliberations would 'be writing tax cases for a long time.' The Chief Justice believed that the Supreme Court works best when its members get along. . .

He took steps to ensure that on his Court relations remained cordial. For instance, he kept the conferences short. It was not that he was not interested in the ideas or arguments of his colleagues. Rather, he understood that the more they dwelt over disagreement, the more acrimonious things would become. . . ."

Ms. Elwood recounted that in 2004, the Chief Justice was interviewed by a reporter who asked Rehnquist what he thought people would say about his legacy. After trying to shrug off the question, he finally said, " . . . I like to think that the court over which I have presided has been a relatively smooth functioning court, where . . . members of the court have been treated fairly, by me, and where . . . my views have prevailed a fair amount of the time, though certainly not all the time, and that I will turn over to my successor the most



Solicitor General Paul Clement presented the formal Resolutions honoring William H. Rehnquist to the Supreme Court in a special session.

Continued on page 16

JUDICIAL EXCELLENCE IN ARIZONA

by Cari Gerchick*



Sandra Day O'Connor displays a plaque presented to her at a tribute dinner honoring her outstanding service to the Supreme Court of the United States.

It's not often that all three branches of Arizona State Government agree on anything — and it took honoring two beloved Arizonans and Stanford University Law Grads to do just that.

The late Chief Justice William H. Rehnquist and retired Associate Justice Sandra Day O'Connor were formally honored at a tribute dinner on September 8, 2006 for their historic contributions to the U.S. Supreme Court and Arizona by Governor Janet Napolitano, then-Senate President Ken Bennett, Speaker of the House Jim Weiers, and Arizona Supreme Court Chief Justice Ruth V. McGregor, along with their respective colleagues. The Arizona Foundation for Legal Services and Education coordinated the event.



The Rehnquist children, (left to right) Nancy, James and Janet, represented the late Chief Justice Rehnquist at the tribute dinner honoring his service to the Court.

Representing Chief Justice Rehnquist were his children James, Nancy, and Janet, and their children. The Rehnquist family had not all been to Arizona together since their father was named Assistant U.S. Attorney General and moved the family to Washington, D.C. in 1969. Justice O'Connor attended with her husband John O'Connor, their children Scott, Brian and Jay and their grandchildren.

More than 500 judges, elected officials, lawyers, educators, family and friends attended the dinner.

Governor Napolitano was quick to point out that when she argued a case in front of the U.S. Supreme Court as Arizona's Attorney General she may have lost the case, but Chief Justice Rehnquist and Justice O'Connor were the only dissenters (*Ring v. Arizona*).

United States District Court Judge David Campbell, who clerked for Chief Justice Rehnquist in 1981, shared some of



John O'Connor accompanied his wife Sandra Day O'Connor to the tribute dinner honoring her outstanding judicial career.

his memories working for the late Justice before introducing a tribute video and the Rehnquist children who spoke of their father.

In the video Rehnquist's daughter Janet said, "(My father) had a reserved public persona. He didn't lead by personality, yet out of public view he was fun, witty, charming and interested in many, many things."

Arizona Supreme Court Chief Justice McGregor, who clerked for Justice O'Connor during that historic first term in 1981, reflected on her past with Justice O'Connor, her longtime mentor and friend. She also introduced a video that showed an overview of Justice O'Connor's life and then presented her with an award.

The evening ended just as Chief Justice Rehnquist would have liked it, with a sing-a-long of "America the Beautiful" led by Justice O'Connor and State Historian Marshall Trimble.

*Ms Gerchick is the Communications Director of the Arizona Supreme Court

CLERKS' CORNER SOCIETY CO-SPONSORS A ROUNDTABLE DISCUSSION OF SUPREME COURT CLERKS OCTOBER TERM, 1951

On May 16, 2007, the Supreme Court Historical Society cosponsored a Roundtable Discussion of Supreme Court Clerks who served during the October Term 1951. The program was sponsored jointly by the Supreme Court Historical Society, the Robert H. Jackson Center and Chautauqua Institution. The session was held in an auditorium at the Chautauqua Institute and five former Supreme Court clerks participated in the forum. All of the panel participants had served in the Supreme Court during the 1951 Term. The participants were: Charles C. Hileman III, a 1950-51 law clerk to Justice Harold M. Burton; Judge Abner J. Mikva, then a clerk to Justice Sherman Minton; James C. N. Paul, then a law clerk to Chief Justice Fred M. Vinson; Neal P. Rutledge, then a law clerk to Justice Hugo L. Black; and Marshall L. Small, then the law clerk to Justice William O. Douglas.

The discussion centered on notable aspects of each attorney's service as a law clerk and the Court's decisions fifty-five years ago. Much of the discussion focused on *Youngstown Sheet & Tube Co. v. Sawyer*; (commonly referred to as the Steel Seizure Case.) The case declared President Truman's seizure of the nation's steel mills during the Korean War to be unconstitutional. That 6-3 decision is, of course, one of the most important Supreme Court decisions with regard to the scope of presidential powers.

Moderators for the discussion were Professor John Q. Barrett of St. John's University and Professor Ken Gormley of Duquesne University. Following the roundtable, the former law clerks were honored at a dinner at the Athenaeum Hotel where they fielded questions from more than 200 attendees.

Society Vice President E. Barrett Prettyman, Jr., a former clerk to Justices Robert H. Jackson, Felix Frankfurter and John M. Harlan, represented the Society and participated in the dinner forum.

The 1951 Roundtable Discussion was the fourth program

the Society has cosponsored with the Robert Jackson Center, and the second that included participation by former clerks to Supreme Court Justices. Previous programs included the first, a lecture given by Senator Christopher Dodd discussing his father's experiences with Justice Jackson at Nuremburg, and a panel discussion focusing on the landmark case, *Barnette v. West Virginia*. Articles on past programs appear in previous issues of the *Quarterly*.

The Justices and their Law Clerks October 1, 1951-June 9, 1952

Chief Justice Fred M. Vinson. Commissioned June 21, 1946

Law Clerks: Howard J. Trienens, Newton N. Minow and James N. Paul

Justice Hugo L. Black, Commissioned August 18, 1937
Law Clerks: C. Sam Daniel* and Neal P. Rutledge

Justice Stanley Reed, Commissioned January 27, 1938
Law Clerks: John D. Calhoun* and Lewis C. Green*

Justice Felix Frankfurter, Commissioned January 20, 1939
Law Clerks: Abram J. Chayes* and Vincent L. McKusick

Justice William O. Douglas, Commissioned April 15, 1939
Law Clerk: Marshall L. Small

Justice Robert H. Jackson, Commissioned July 11, 1941
Law Clerks: C. George Niebank Jr.*, and William H. Rehnquist*

Justice Harold H. Burton, Commissioned September 22, 1945
Law Clerks: John W. Douglas and Charles C. Hileman, III

Justice Tom C. Clark, Commissioned August 19, 1949
Law Clerks: Stuart W. Thayer* and C. Richard Walker*

Justice Sherman Minton, Commissioned October 5, 1949
Law Clerks: Raymond W. Gray, Jr. and Abner J. Mikva

*Deceased

Roundtable Participants, left to right: Ken Gormley, Marshall Small, Neal Rutledge, Charles Hileman, James Paul, Abner Mikva and John Barrett.



THE CASE FOR LOVE—PART II

By Natalie Wexler*

Editors' Note: This is the second half of an essay originally published in the Summer 2006 issue of The American Scholar, written by Natalie Wexler, a former associate editor of The Documentary History of the Supreme Court of the United States, 1789-1800. While working on the Documentary History project, Ms. Wexler became intrigued by the private lives of two of the early Justices, James Iredell and James Wilson, and of their respective wives, both named Hannah. Earlier this year, Ms. Wexler published a novel based on the intertwined lives of these four historical figures, incorporating excerpts from actual letters to, from, and about them.

The book, titled A More Obedient Wife: A Novel of the Early Supreme Court, has been awarded a bronze medal in the historical fiction category of the 2007 Independent Publisher Book Awards.

In this essay, Ms. Wexler details the facts behind the novel and describes the combination of imagination and educated guesswork that went into the creation of her story.

The career of James Wilson is one of the great unsung tragedies of American history. One of only six men who signed both the Declaration of Independence and the Constitution—and a major architect of the latter document—Wilson was, in the 1770s and 1780s, the foremost exponent of America's developing legal system. Most likely, he

James Wilson's great service as an architect of the Constitution, was overshadowed by his financial difficulties in his later life.

the nation's first Chief Justice, were it not for one thing, his apparently insatiable appetite for buying land, which had already, in 1789, plunged him into debt. By the mid 1790s, things had gotten to the point where he was borrowing money in order to pay the interest on old loans—while still buying up thousands and thousands more acres in the unsettled, and largely unmapped, western frontier. Wilson was convinced that if he could only hang onto his lands long enough, he would make a killing—and, of course, with the advantage of hindsight, we can see that in a way he was right. But his creditors were growing increasingly impatient, especially as the economy took a downward turn. And, in an era when there

was no federal bankruptcy law and state laws usually provided relief only for small debtors, the threat of debtors' prison loomed. When James Iredell arrived in Philadelphia for the February 1797 sitting of the Supreme Court, he reported to his wife, "The misfortunes of Judge Wilson throw an unfortunate gloom over his house, though I have been there two or three times, and have experienced all their former kindness."

Wilson had already failed to attend a couple of circuit courts—causing their adjournment for lack of a quorum—apparently because he feared arrest by creditors in those states.

Now he decided it would be in his best interest to get out of Philadelphia, where his hometown creditors were becoming ever more troublesome. In June 1797, he and Mrs. Wilson holed up in Bethlehem, Pennsylvania—far enough from Philadelphia to escape the reach of creditors, but close enough so that Bird could make periodic visits to keep Wilson apprised of the state of his affairs. When the Supreme Court met in Philadelphia in August, Wilson didn't dare venture back to attend it. "All the Judges are here but Wilson," Iredell wrote to his wife, "who unfortunately is in a manner absconding from his creditors—his Wife with him—the rest of the Family here! What a situation! It is supposed his object is to wait until he can make a more favorable adjustment of his affairs than he could in a state of arrest."

In fact, Mrs. Wilson may no longer have been with her husband. At some point in the summer or fall of 1797, she went home to Boston. Was this just a visit with her mother and sisters? Or had there been some quarrel in the cramped quarters of a Bethlehem tavern that led to the Wilsons' separation? Was Mrs. Wilson having second thoughts about a marriage that was turning out to be not at all what she had expected? Certainly the relative calm of life in Boston must have looked attractive. But while she was there something happened to break that calm: her sister Lucy's husband, of whom Mrs. Wilson herself was very fond, suddenly died. Perhaps the sight of Lucy's wifely grief led Mrs. Wilson to

feel some regret, or at least guilt, about her abandonment of her own husband.

In any event, by early November Mrs. Wilson had put whatever doubts she may have had behind her. She wrote to Bird about her eagerness to return to Philadelphia, asking him to come and get her or, failing that, to send her money for the trip. "Have you yet hear[d] from your papa Bird?" She asks. "I am very anxious to hear." Wilson's failure to write to her seems to have been characteristic: the only letter from him to her that has survived is the one in which he begs for an answer to his proposal of marriage. Although he surely must have written others, it seems that Hannah Wilson was often kept in the dark about her husband's plans and financial affairs.

What Mrs. Wilson may not have known in this instance—and what her husband may not have been eager to tell her—was that he had been imprisoned for debt in Burlington, New Jersey, a town that he apparently had simply been attempting to pass through. In early September 1797 Wilson wrote to Bird from the Burlington jail, expressing his "Astonishment" that his son had not yet come to bail him out, and instructing him to bring at least \$600 and "some Shirts and Stockings—I want them exceedingly." Wilson's disgrace was becoming ever more public. A Philadelphia lawyer named Thomas Shippen recorded in his diary, "What shall we come to? One [member] of the highest Court in the United States. . . in a Jersey Gaol!"

By the time Mrs. Wilson made it back to Philadelphia in late 1797, her husband had already gone off to ride the southern circuit—apparently concluding that the Carolinas and Georgia were safer for him than the Philadelphia area. In fact, Wilson ultimately decided that it was best for him to lay low in the South indefinitely, and by January 1798 he had taken up temporary residence in—of all places—Edenton, North Carolina, the home of the Iredells. From there, Wilson fired off angry letters to Bird and to his lawyer, Joseph Thomas, demanding information about settlement negotiations with his creditors. At the same time, he was begging his lawyer to send funds so that he could buy yet more land.

Meanwhile, back in Philadelphia, Mrs. Wilson and her two stepdaughters were trying to support themselves with money from selling their needlework, supplemented by whatever income Bird could bring in through a small legal practice. When Mr. Iredell arrived in Philadelphia for the February 1798 sitting of the Supreme Court, he immediately went to call on

Mrs. Wilson. "She was very well," he wrote to Mrs. Iredell, "but extremely affected in seeing me" and finding Mr. Wilson was not coming, she burst into tears." Among other things, she may have been concerned that Wilson's continuing neglect of his judicial duties would result in impeachment and the loss of his salary. And Wilson's nonappearance certainly signaled that he was not yet ready to come to the kind of settlement that his creditors would have accepted—a settlement that would have required him to turn over all of his lands to them. It was beginning to seem that there was no way out of the morass into which the family had sunk.

For reasons that are unclear, Mrs. Wilson, traveling in the company of Mr. Iredell, decided to leave the rest of the family and join her husband in Edenton. Iredell may have told her that Wilson was ill—a contemporary reported that Wilson's "poor

Wife gives it out that he is sick in Carolina." In fact Wilson's troubles, at this point, were probably more psychological than physical in nature; certainly his letters reflect a mind that was losing touch with reality. Perhaps Mrs. Wilson felt pangs of love for her distracted husband: perhaps she felt only a sense of duty; perhaps it was some combination, or something in between. What is clear is that she was distraught and in

need of comfort. And Mr. Iredell—her escort on a difficult winter journey that would easily have taken two weeks, maybe more—was kind, sensitive, and concerned for her welfare, all the things her own husband was not. Who can say what might have happened between Philadelphia and Edenton, when these two attractive people (who, as their later correspondence shows, were clearly fond of one another) were thrown together against a background of intense emotional distress? It's not hard to imagine a scene in which a sobbing Mrs. Wilson leans her head on Mr. Iredell's sympathetic shoulder, and one thing leads to another.

That's not to say, however, that they lost their heads and fell madly, and permanently, in love. Perhaps Mrs. Wilson allowed herself a moment's fantasy of what life would have been like if she'd married a relatively modest and reliable type like Mr. Iredell instead of a great man who lusted after wealth and glory and who was now, as a result, reduced to a shabby and near delusional shadow of his former self. And maybe, Mr. Iredell wistfully imagined himself with a wife who sparkled in a crowd instead of shrinking. But when they reached Edenton, the travelers returned to their respective spouses. Iredell was presumably as glad to see his family as



Justice Iredell held Court in the Chowan County Courthouse in Edenton, NC when he rode circuit. Hornblow's Tavern (where Wilson died) stood to the left of the Courthouse.

Continued on page 10

ever—he was sometimes so agitated at parting from them that he felt physically ill—although one wonders if Mrs. Iredell was less than thrilled to see young, beautiful Mrs. Wilson leaning delicately on Mr. Iredell's arm. Did she suspect that something had transpired between them on the journey?

As for Mrs. Wilson, she might well have been shocked to see the transformation in a husband from whom she'd been parted for six or more months. And, despite the comforting presence of Mr. Iredell, life in Edenton was no picnic. The Wilsons' room and board at Hornblow's tavern, a modest establishment just down the street from the Iredells, was expensive, their clothes were growing threadbare, and, as spring turned into summer, the coastal climate became hot and humid. Mrs. Wilson's letters to Bird show that she was homesick, that she worried about the gossip back in Philadelphia ("write me what

people say to our not coming home, you need not be afraid of distressing me, as I can hear nothing worse than I expect"); and that there was tension resulting from her unsuccessful attempts to convince Wilson to compromise with his creditors ("it is a subject that he never wishes to be mentioned, he says that he knows his own affairs best"). Perhaps, as well, Mrs. Wilson detected a certain coolness, even hostility, on the part of the taciturn Mrs. Iredell. It's certainly understandable that when Mr. Iredell prepared to depart for Philadelphia in late July for the August sitting of the Supreme Court, Mrs. Wilson was tempted to leave her husband and go with him.

But she didn't, and, as she wrote to Bird later, "I never should have forgiven myself if I had left him." At just around the time Iredell would have been beginning his journey northward, Wilson really did become physically ill—with malaria, which was so endemic to the Edenton climate that one visitor expressed surprise that any child who lived there managed to survive to adulthood. His condition fluctuated for about a month, but on August 21, 1798—just hours after Iredell returned from the Supreme Court—James Wilson died. In a way, this development must have come as a relief. Wilson would certainly have suffered the disgrace of impeachment if he had lived and continued to neglect his judicial duties; and now Wilson's heirs were at last free to reach an agreement with his creditors. But the only relief Hannah Wilson appears to have felt was that her husband's suffering was "at an end"—"his mind had been in such a state for the last six months,"

she wrote to Bird, "harassed and perplexed, that it was more than he could possibly bear."

Not only was Mrs. Wilson's grief genuine, her devotion to her husband in his final, delirious days and hours was nearly superhuman. "When he was sensible he took so much pleasure in seeing me by him," she wrote to Bird, "and requested me not to leave him, but that was not five minutes at a time, I had not my cloaths [sic] off, for three days and nights, nor left him til the evening of his death, when I could not bear the scene any longer." Mr. Iredell confirmed this account, although he had not witnessed the ordeal at first hand: "What she underwent for some days previous to the unfortunate event [Wilson's death] of anxiety, trouble [handwriting unclear], and distress, I believe no language could paint."

What accounts for this display of wifely self-sacrifice toward a husband who seems to have done little to deserve it? My own theory is that what drew Mrs. Wilson to her husband initially was not simply the allure of wealth and power. More than that, it was the thought that this great man, before whom people bowed and scraped, was prostrate at her feet—that he needed her desperately. Her affection for him may have waned as he neglected her and seemed to need her less, but now, at last, though no longer a great man, he needed her desperately again. And her love for him—or her need to be needed, or whatever you care to call it—was rekindled.

What happened next is particularly tantalizing in the context of the narrative I have constructed: Mrs. Wilson, broken in spirit and health and penniless to boot, moved in with the Iredells. "Mr. Iredell has been kind beyond every thing," Mrs. Wilson wrote to Bird. "He has watched by me night and day." And how did Mrs. Iredell view her husband's solicitousness toward their guest? Was she softened and reassured by Mrs. Wilson's admirable behavior at her husband's deathbed? I like to think that the two women—outwardly so dissimilar, and perhaps even hostile to one another—found some common ground in the hours they spent together. Perhaps Mrs. Wilson came to realize that, beneath Mrs. Iredell's reticence, there was a lively mind and a good heart. Perhaps they talked of the trials and tribulations of their respective marriages, the way each of them had been led by her husband down a path she herself would not have chosen—or the wrenching loss of a first child.



Hannah Grey Wilson was only 19 when she married James Wilson, aged 51. Following his death, she became Mrs. Thomas Bartlett. She and her husband lived in England until her premature death at the age of 34.



Approximately 100 years after his death and burial in Edenton, Wilson's body was exhumed for reburial in Philadelphia. The members of the Supreme Court and other dignitaries are shown in this photo in the cemetery in Edenton.

which they had both suffered. Perhaps, in the end, what Mr. Iredell wrote to Bird Wilson was true: "Whenever the time arrives when Mrs. Iredell must part with [Mrs. Wilson] she will regret it most painfully."

Mrs. Wilson remained with the Iredells until it was time for Mr. Iredell to travel back to Philadelphia for the February sitting of the Supreme Court, at which point she accompanied him. Let's assume, to round out our story, that this return trip was an entirely chaste one, now that emotions were more subdued and Mrs. Wilson had formed a bond of mutual respect with Mrs. Iredell. And yet the two of them, Mrs. Wilson and Mr. Iredell, clearly remained close friends. Iredell stayed in the Philadelphia area until late May, holding various circuit courts, and his letters indicate that he saw Mrs. Wilson frequently—she even chose some muslin that Mr. Iredell brought back for his wife. He also made Mrs. Wilson a present of a book of poems—James Thomson's *Seasons*—writing in an accompanying note that he hoped "that it may sometimes be the means of recalling to your recollection the person who presented it." He added, rather charmingly, "You will, I flatter myself, forgive this selfish motive . . . in consideration of the earnest wish I naturally feel to live with some esteem in your memory as long as I possibly can." Mrs. Wilson—apparently staying not with her stepchildren, who seem to have dropped out of the picture, but with some wealthy friends—wrote him at least two letters that were long and chatty. ("It is with writing as with talking," she wrote gaily at the end of one of them, "when a woman once begins, she never knows when to leave off.") She also expressed her extreme disappointment that Mr. Iredell did not attend the August 1799 sitting of the Supreme Court because he was ill. This may have been the last correspondence between them: James Iredell died in Edenton two months later.

Hannah Wilson went on to marry again, to have another child, and to take up residence in London, where she died in

1808 at the age of 34. Perhaps she kept Thomson's *Seasons* with her to the end; perhaps from time to time, she would leaf through it and, as Mr. Iredell had hoped, fondly remember the man who had given it to her. Perhaps without realizing it, she smiled, and her second husband wondered why.

It's quite possible, of course, that things didn't unfold in this way—that the relationship between Mr. Iredell and Mrs. Wilson was nothing more than a courtly 18th-century friendship, that Mrs. Iredell never felt anything but admiration for Mrs. Wilson. But I like to think that, in the hours I've spent reading these letters and filling in the gaps between them, I've at least been able to grasp the essential character of the people who wrote them. Even if they didn't do exactly the things I've ascribed to them, they *could* have. And in trying to imagine what they might have done or thought or said, I've had to find parts of myself that correspond to things like Hannah Iredell's shyness, Hannah Wilson's need to be needed, James Iredell's wistful yearning for a spouse who better matched his own personality, and even James Wilson's stubborn persistence on a path that led to ruin. I may not have hit the bull's eye on historical truth, but I feel I've gained something else: a direct and immediate connection to people who lived long ago, in a world very distant from my own. And, in a way, it's their very distance—a distance that has forced me to slip into their skin in order to solve the mysteries they left behind—that has enabled me to achieve that sense of closeness.

* Natalie Wexler was an associate editor of *The Documentary History of the Supreme Court of the United States 1789-1800* for many years. The project was concluded recently, and Ms. Wexler is currently a freelance writer.

IN MEMORIAM: PETER KNOWLES AND HIS JOURNEY INTO AFRICA

Editors' Note: When we originally planned this article, it was intended to be an update on life-after Trusteeship for the Society. However, as events transpired, it is now a Memoriam to Peter Knowles who passed away in late October. We express our sympathy to his family and mourn the loss of a dedicated colleague.

By profession, Peter A. Knowles was a banker. Through his work at a prominent Washington area bank, he developed an association with Vincent C. Burke II who served as legal counsel for the bank. Mr. Burke was also one of the original Trustees of the Society and served as its Treasurer for a period before serving as a Vice President, and now as a Trustee Emeritus. While working for the bank, Mr. Burke introduced Mr. Knowles to the Society, enlisting his assistance as the Assistant Treasurer. When Mr. Burke became a Vice President of the Society, Mr. Knowles became Treasurer of the Society, a position he held for 16 years.

Upon retirement from his professional career, Peter and his wife Christina moved to Naples, Florida. Sadly, they did not enjoy the retirement years together they had planned as Mrs. Knowles became ill with cancer shortly after their arrival. Following her death, Peter embarked upon a new phase of his life when at the age of 75 he climbed Mount Kilimanjaro.

With three volcanic cones, Kilimanjaro is defined by scientists as a stratovolcano, and though inactive, gas is emitted from fumaroles on the main summit of Kibo. It is approximately 24 miles wide, rising some 15,100 feet from the plains of Africa. It includes the highest peak in Africa, Uhuru Peak, at an elevation of 19,340 feet. Ernest Hemingway wrote that Kilimanjaro was "as wide as all the world, great, high, and unbelievably white in the sun." Because the mountain is located near the equator with such an immense elevation, climbers experience virtually every climate type known on earth during a journey to the top. Mr. Knowles' trek to 18,200 feet required six days to complete.

In the process of that journey, Peter raised \$20,000 to

benefit the stroke center of the hospital in Naples where his wife had received treatments. While both his physical and fundraising accomplishments were significant, they were perhaps overshadowed by the personal change he experienced. On the inhospitable slopes of the mountain he encountered families living in squalor, their lives beset with malaria, AIDS and with a general inability to support and sustain themselves. The obstacles these people faced seemed to Knowles even more formidable than scaling the massive peak itself. He was moved greatly by what he saw there. In an interview conducted in early 2007 Knowles said, "[t]hat mountain was a magnet, I had to go back."

His experiences motivated Knowles to embark upon a new journey, that of establishing a charitable organization to assist the people existing on the slopes of the great mountain. He established a small charitable enterprise dedicated to providing relief and assistance to those suffering great privation. Following its creation, Peter traveled to Tanzania twice a year to administer the fledgling organization he called "Hearts Helping Hands." The organization was named for his late wife, Christina Hart. It has a small advisory board comprised of Floridians, five international directors and a Tanzanian team. Its mission is to teach poor families how to sustain themselves

through bio-intensive and non-chemical farming.

Providing training and farming tools to the people of Tanzania, "Hearts" supplements the work of a larger foundation, Sibusiso Foundation. That organization is dedicated to providing homes and care for handicapped children. Thus far, Hearts Helping Hands (HHH) has provided instruction and assistance to more than 500 families. Many of the families had been banished to the foothills of Kilimanjaro because they had handicaps or illnesses. In that remote and difficult environment they were eking out only a meager existence. With training and assistance from HHH, that has been turned around. "It's a chance [for them] to break out of poverty," Knowles said. All of this has been accomplished

on a very modest annual budget of only \$25,000 per year.

One of the greatest challenges in most areas of Africa is the scarcity of water. This part of Tanzania is no different. Last year, "Hearts" built a fresh-water tank that now supplies hundreds of gallons of water to families near Mount Meru.

"That was the sweetest water I've ever tasted," said Knowles. "I never thought it could be done. The entire hamlet was digging." The population of the area has grown from the original group of 30 families to 100 families since the water tank was built.

Another triumph occurred last September when a similar project was completed for a secondary school in Kikwe. The tiny school housed 187 children. Prior to the construction of the tank, the nearest source of fresh water had been half a mile away. When HHH successfully completed the project adjacent to the school, the celebration was televised nationally.

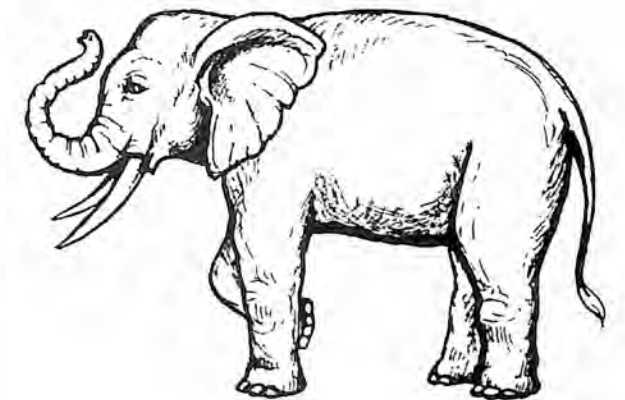
In a conversation with Knowles in early 2007, he indicated he planned to travel out to Africa again in the summer. The organization's mission of education and improvement projects has now been expanded to include the creation of seed banks—perhaps a logical development for an organization started by a banker. In spite of significant health challenges and age, Knowles did not plan to slow down. "I feel almost guilty, it's so much satisfaction," he said. "It's my life's calling." Knowles reiterated that feeling of dedication and commitment to "Hearts" in a conversation he held with Society staff in the late spring of 2007. He spoke lovingly of his trips to Africa and of the opportunity he had had to share his experiences firsthand when his son and his family came to visit him in

Tanzania, describing the excitement of his young grandson experiencing and discovering Africa with his grandfather.

Mr. Knowles died on October 23, 2007. His foundation continues to provide desperately needed assistance to the people on the slopes of Mount Kilimanjaro where his compassion and concern will be remembered and honored for many years to come.



Peter A. Knowles was photographed in his living room in early 2007. On the wall behind him is artwork he collected in Africa.



Shortly after his trek up Mt. Kilimanjaro, Peter Knowles delivered a lecture as a fundraising event. This African elephant artwork was used on the invitation to his lecture.

Courtesy of family of Peter A. Knowles

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.

NEW SUPREME COURT HISTORICAL SOCIETY MEMBERSHIPS **JULY 1, 2007 – SEPTEMBER 30, 2007**

ALABAMA

Diana Bragdon, Birmingham
 Jacob S. Cooke, Mobile
 Wendy McGowan, Birmingham
 H. Harold Stephens, Huntsville

ALASKA

Bruce E. Gagnon, Anchorage

ARIZONA

Lindsay Schafer, Phoenix
 Lonnie J. Williams Jr., Phoenix

CALIFORNIA

Laurence Beyer, Chino Hills
 Daniel Chan, Los Angeles
 Susan Cleary, Santa Monica
 Mark Connely, San Luis Obispo
 Alexander Sam Essalat, Hillsborough
 Shawn T. Jass, Alta Loma
 Ken K. Kawaguchi, Huntington Beach
 Donald Kilmer, San Jose
 Erin F. Kinder, Costa Mesa
 Robert L. Lieff, San Francisco
 Martin Macy, San Francisco
 Diane L. McGimsey, Santa Monica
 Maria Rosa Meza Moreno, Chula Vista
 Charles E. Reidelbach Jr., San Diego
 Angelina Robertson, Fullerton
 Ambra Roth, Newport Beach
 Lori Sandoval, San Lorenzo
 Friedrich W. Seitz, Los Angeles
 K. John Shaffer, Pasadena
 Maria Shih, San Diego
 Audrey A. Sigala, Belmont
 Susan L. S. Sterger, Palo Alto
 Rochelle Harry Swanson, Davis
 Zachariah R. Tomlin, La Jolla
 Judy A. Wise, Clovis

COLORADO

Conrad T. Swanson, Wellington

CONNECTICUT

Brian M. O'Connell, West Hartford
 Stanley A. Twardy Jr., Stamford

DISTRICT of COLUMBIA

Terry Adamson
 Douglas W. Baruch
 Charles Battles
 Edward Capers Jr.
 Neal Christie
 Monica Fennell
 Jeremy Holden
 Christophe Lorrain
 Dale Lubkeman
 Carlo Mosoni
 Aohai Ying Tao
 Spencer K. Turnbull
 Raymond J. Wyrsh

FLORIDA

Elaine E. Abbott, Miami
 Jacqueline Elizabeth Cannavan, Hollywood
 Judith Covey, Tarpon Springs
 Marcia T. Dunn, Miami
 Jean Fortin, Sanford
 William R. Garrett, Panama City
 David V. Kerns, Tallahassee
 Alvaro Lugo, Aventura
 Anthony Perea, Coral Gables
 Annette Pitts, Tallahassee
 Gary Lee Printy, Tallahassee
 Rolando Silva, Lake Worth

GEORGIA

Herbert Adams Jr., Atlanta
 Holly Hempel, Atlanta
 Kara Litwin, Marietta
 Teri Plummer McClure, Atlanta
 Robert G. Wellon, Atlanta

HAWAII

Patrick Wong, Wailuku

IDAHO

R. D. Watson, Couer d'Alene

ILLINOIS

Dominic J. Buttitta, Roselle
 Lorie Cristofaro, Boling Brook
 Owen P. Quinn, Chicago
 Monica Maria Tynan, Chicago

INDIANA

Kathy Osborn, Indianapolis
 Thomas Pitman, Indianapolis
 Robert D. Truitt, South Bend
 James H. Voyles, Indianapolis

KENTUCKY

Joshua R. Eldridge, Lexington

LOUISIANA

William B. Gaudet, New Orleans
 Joseph Ryan Hugg, New Orleans
 Louisiana Center, Baton Rouge

MAINE

Heather Staples, Portland

MARYLAND

Donavin Bentley, Parkville
 Jessica Berner, Annapolis
 Kena Goins, Baltimore
 Leslie Johns, Charlotte Hall
 Michelle Pettit, Germantown
 Jonathan Siafa Johnson, Silver Spring
 Brian Wenk, Glen Burnie
 Melissa Willett, LaPlata
 Wanda Wright, Forestville

MASSACHUSETTS

John P. Ryan, Boston

MICHIGAN

Charles Chamberlain Jr., Grand Rapids
 Michael A. Westendorf, Midland

MINNESOTA

Dan Louismet, White Bear Lake
 William R. Pederson, Minneapolis
 Brian Vander Pol, Minneapolis

MISSISSIPPI

Bruce Longest M. D., Bruce
 William E. Ready Sr., Meridian

MISSOURI

John E. Dunsford, St. Louis
 Maury B. Poscover, St. Louis

NEVADA

Robert M. Adams, North Las Vegas
 Alexander Ritchie, Las Vegas
 James E. Ritchie, Las Vegas

NEW HAMPSHIRE

Deborah J. Allen, Plaistow

NEW JERSEY

Ricky Brown MD, New Brunswick
 Lois B. Erwin, Waldwick
 Todd M. Galante, Newark
 Victor A. Rotolo, Lebanon
 Brittany Schmelz, Monmouth Beach
 John Tomasello, Mantua
 Sheldon M. Wallerstein, Lanoka Harbor

NEW MEXICO

Lauren Bernstein, Las Cruces

NEW YORK

Robert G. Bogle, Valley Stream
 Noel Brennan, New York
 James D'Angelo, Holtsville
 Frank R. Fioramonti, New York
 Christopher V. Roberts, New York
 Joseph J. Tock, Carmel

NORTH CAROLINA

Roger A. Parham, Charlotte
 Ron Zellar, West End

OHIO

David A. Bernatowicz, Garfield Heights
 Stephen J. Habash, Columbus
 Michael Wesley Hawkins, Cincinnati
 Leon L. Wolf, Cincinnati

OKLAHOMA

M. Joe Crosthwait Jr., Midwest City
 John R. Olson, Broken Arrow

OREGON

Graham Miller, Bend

PENNSYLVANIA

Charlie Datz, Greensburg
 Guido A. De Angelis, Pittsburgh

PENNSYLVANIA

William Elder Jr., King of Prussia
 Everett Gillison, Philadelphia
 William J. Winning, Philadelphia

TENNESSEE

Pamela B. Hamrin, Memphis
 Travis R. McDonough, Chattanooga
 Ricky Wilkins, Memphis

TEXAS

Phillip Arrien, Waco
 Joel C. Elliott, Canton
 David T. Harvin, Houston
 James E. Hellums, Austin
 Kristine D. Horn, Plano
 Terri Jagers, Montgomery
 Keith McFarland, Spring
 Susan Roshto, Dallas
 Roger Stewart, Sunray
 Roger D. Townsend, Houston

UTAH

Blaine Burnett, Ogden

VERMONT

John N. Bilinski, Rutland
 A. Jay Kenlan, Rutland

VIRGINIA

Yeda L. Baker, Arlington
 Matthew Patrick Brandon, Arlington
 Fred Brunstetter, Spotsylvania
 Ann Farris, Alexandria
 Robert T. Hall, Reston
 Anne-Marie Halley, Keswick
 Ryan Hawes, Arlington
 Steven Hicks, Sterling
 Danielle M. Hohos, Arlington
 Timothy R. Hughes, Falls Church
 Irv Katz, Centreville
 Madeline Kemp, Arlington
 Douglas Larsen, Arlington
 Karl W. Lohwater, Williamsburg
 Michelle Lyttle, Alexandria
 Craig Huseman Metz, Vienna
 Elizabeth Ashley Miller, Virginia Beach
 Vincent Ourso, Hardyville
 Lynette Russo, Alexandria
 Matthew Smilowitz, Arlington
 Ernest J. White, Alexandria
 Todd Willis, Falls Church
 Evan A. Young, Arlington

WASHINGTON

Greg Harris, Seattle
 Joe R. Larson, Olympia

WEST VIRGINIA

C. David Morrison, Clarksburg
 Joanna I. Tabit, Charleston
 Norman White, Madison

WISCONSIN

Lauren N. Engel, Big Bend
 Bret Reese, Mequon
 Jon W. Sanfilippo J. D., Milwaukee

WYOMING

Joseph B. Bluemel, Kemmerer
 Curt A. Haws, Pinedale
 Jeffrey C. Parrott, Jackson

INTERNATIONAL

SINGAPORE

Audrey Phua Siyu, Singapore

U. S. Virgin Islands

Douglas C. Beach, St. Thomas

JOHN MARSHALL FAMILY DESCENDANT DONATES HISTORIC PHOTO OF THE SUPREME COURT BUILDING

Although the building was constructed long after the death of his famous ancestor Chief Justice John Marshall, Nelson A. Marshall had a sense of connection when he photographed the newly constructed Supreme Court Building in 1936. Everett W. Oliver, Nelson Marshall's grandson, discovered the photograph tucked away in a box and decided that after 70 years it deserved to have a little more visibility.

The photograph was taken on August 5, 1936 when Nelson and Catherine Marshall toured Washington. Their son Jack reported that he and his parents started to go up into or onto the dome of the US Capitol Building. But he and his mother were afraid of heights, so Mr. Marshall ascended to the dome alone. The lower portion of the photograph is obscured by the edge of a marble railing the camera was placed on when the photo was taken, making it appear that the building is set on the edge of a river, but it is only an illusion.

We are indebted to the Oliver and Marshall families for this fascinating addition to our collection.



Rehnquist Memorials—continued from page 5

important institution in the third branch of government, which is the Supreme Court.”

The final speaker was James C. Duff who served as Administrative Assistant to the Chief Justice. Mr. Duff commented on Rehnquist’s contributions as Chief Justice of the United States and his administration of the federal judiciary. He observed that Rehnquist “. . . was a masterful manager of time. He had a great sense of what was important and what did not require as much attention. He made significant improvements in the operation of the Judicial Conference of the United States.” One extremely significant change involved the committees of the conference in substantive decision-making, assigning more work of the Conference to its Committees. These changes decreased the amount of time needed for the conferences, and by rotating the membership on the Committees, allowed the judges to make greater contributions and to feel more sense of connection.

Duff further observed that “[h]e was a careful steward of the Third Branch’s independence. . . . He was straightforward and honest with the other branches of government. He enjoyed returning unused funds from the Court to the U.S. Treasury at the end of each year. He did not hesitate to admonish the Senate—regardless of which party was in the majority or in the White House—when it delayed voting on nominees to the Judiciary. . . . He in turn, respected their roles. . . . “[W]hen he was called upon to fulfill his Constitutional role as the presiding officer of a Presidential impeachment trial, he thus entered the trial well regarded by members of the Senate and left the trial all the more so afterward. . . . At the end of trial,

he was praised by both parties for the manner in which he presided over it.”

Duff related a story the Chief Justice liked to tell about a time when he had been in New Orleans on business. He attended church there. It was the custom of the minister in the church to ask visitors about themselves. In response to the minister’s questions about his identity, the Chief Justice responded that he was “Bill Rehnquist from Washington, DC.” When asked what he did in Washington, he said, “I’m a government lawyer.” Duff observed that his final visit to the Chief Justice came only a week and a half before his death. Rehnquist was busily engaged in his routine work, his mind and focus sharp and disciplined. Duff concluded that “[h]e was an extraordinary public servant. He served our country—a government lawyer—to his dying day.”

At the conclusion of the proceedings, the Bar adopted formal Resolutions prepared by a special Committee tasked with commemorating the career of William Rehnquist. In a special session, the Resolutions were presented by Solicitor General Paul Clement, where they were officially accepted by the Court. The text of the Memorial Resolutions are now a part of the official records of the Court. Assistant Deputy Attorney General McNulty presented comments on behalf of the Justice Department, after which Chief Justice John Roberts made a statement honoring the career and contributions of his predecessor. The text of his remarks will appear in their entirety in the next issue of the *Quarterly* and appears on the Society’s website, supremecourthistory.org.