



THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

VOLUME XXXV

NUMBER 3, 2013

The Main Event: Thirty-Eighth Annual Meeting June 3, 2013

The 38th Annual Meeting of the Society was held on Monday, June 3, 2013 at the United States Supreme Court. As usual, the first event was the Annual Lecture, presented this year by Justice Antonin Scalia and Professor Bryan A. Garner. The Justice and his colleague are coauthors of the recent: **Reading Law: The Interpretation of Legal Texts**.

The lecture highlighted major themes from the book. A large and enthusiastic audience attended in the Supreme Court Chamber.

Society President Gregory P. Joseph introduced the speakers, observing that this was the third time that Justice Scalia has presented the Annual Lecture. His first appearance, in 1985, was before his appointment to the Supreme Court. At that time, then-Judge Scalia was serving on the Court of Appeals for the District of Columbia. His talk was not given in the Supreme Court Building but rather in the Old Supreme Court Chamber in the basement of the Capitol. That venue was the setting of the Annual Lecture in the early days of the Society. The growth of the Society has necessitated the relocation of the event to the larger Supreme Court Chamber. In 1986, only a year after giving the lecture, Judge Scalia was nominated to serve in his present position. He is now the longest-serving member of the current Court. The Society owes a sincere debt of gratitude to Justice Scalia for his support. He has been a generous and frequent

supporter of the Society's programs, and has hosted dinners and lectures, and assisted in many other ways with his insight and suggestions.

Joining the Justice on June 3rd was his co-author and collaborator, Professor Bryan A. Garner. Professor Garner is a Distinguished Research Professor of Law at Southern

Methodist University School of Law and is President of Lawprose Inc., which specializes in providing CLE training in legal writing. He is well known in the legal community as an author and speaker. In addition to his present book with Justice Scalia, he also coauthored an earlier book with the Justice: **Making Your Case, the Art of Persuading Judges**. Among lawyers Professor Garner is well known as the editor in chief of recent editions of the famous **Black's Law Dictionary**.

Justice Scalia and Professor Garner each

addressed elements of the book, frequently responding to one another's comments. The normal lecture format was discarded and instead there was a lively and engaging forum with fascinating, insightful, and at times humorous, comments by both speakers. Audience members came to understand that the language of a legal opinion or a legal brief must often be carefully examined to discern the precision of its meaning. As is customary, an article based



Justice Scalia was joined by Professor Bryan Garner (right) for the Annual Lecture. It marked the third time Justice Scalia has given the Annual Lecture.

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A Letter from the President



Changes in the leadership of the Society are a natural and recurring feature. At each Annual Meeting elections are held that result in new persons joining the leadership and others changing their roles. But June 2013 marked a change of such significance that it can be characterized as a true turning point. On

June 3rd, Leon Silverman moved from a position of active leadership to become Chairman of the Board Emeritus. This signals the end of nearly 30 years of continuing, active service to the Society by Leon.

For many of us, Leon Silverman provided our introduction to the Supreme Court Historical Society. His name was all but synonymous with the Society for many people for many years. Leon has a gift for motivating others to become involved in the projects that have captured his interest, and this has produced many leaders of the Society over the past 30 years. When he became President in 1991 he had already been a driving force in the Society's fledgling endowment campaign instituted by Justin Stanley. Long-time staff members recall his first days in the office when he perused legal directories of lawyers and began calling or writing his many friends and acquaintances to encourage them, quite strongly, to participate in the Society. Not only did membership numbers swell under his Presidency, but vital financial support was obtained as well.

With an expanded and more stable stream of financial support and refreshed leadership team, he turned to developing a plan for expanding the Society's outreach, in light of the goals outlined by the incorporators of the Society. In particular, he focused on programs that would help the Society achieve the educational mission outlined in the By-

Laws. His vision became the blueprint for the Society's growth in the fields of publications and programs ever since.

During Leon's 11-year tenure as President, a tenure unequaled in the history of the Society, he initiated the lecture series that now bears his name. He oversaw the expansion of the flagship publication, the **Journal of Supreme Court History** from one to three issues annually. The Summer Institute for Teachers was inaugurated. He raised the funds essential to allow the Society to complete the work on the multi-volume **Documentary History** of the Court's first decade. The publications expanded to include special volumes, such as the very popular **Illustrated Biographies of the Supreme Court Justices**; now in its third edition; **Brown, Black and White**, the story of the landmark school desegregation cases; **Supreme Court Decisions & Women's Rights**; and other valuable and popular volumes.

Leon also led the drive to purchase and renovate the Society's very handsome headquarters at Opperman

House on East Capitol Street. The dedication of the building in 1999 marked the culmination of a dream to find a permanent location to serve as the base of operations for Society activities, house our outstanding library, and provide space for Society meetings and for the use of members while they are on Capitol Hill.

Leon's dedication to the Society and his endearing, outgoing ways earned him the respect and admiration of those with whom he worked. He visited Washington frequently and developed personal friendships with Society staff members, officers and staff members of the Court, as well as the Justices, most of whom knew him on a first name basis.

Under his leadership, recognition of the Society blossomed and membership grew. Of the Society's many successes over the past two decades and more, there are few that cannot trace their roots

to Leon's imagination and drive. Although he has taken Chairman Emeritus Status, he will always be an integral part of the Society. We salute him for his many outstanding contributions and for his visionary leadership. We are all beneficiaries of his legacy, and as we move forward, we will continue to build upon the firm foundation he laid.



**Leon Silverman, President 1991-2002
Chair of the Board of Trustees 2002-2013**

Craig P. Joseph

Annual Meeting continued from page 1

on the Annual Lecture will appear in a future issue of the **Journal of Supreme Court History**.

Following the lecture, Society members and guests toured the building. This optional tour was also available prior to the lecture, under the direction of the Office of the Curator of the Court. By offering two separate time slots for tours, many more members have been able to visit, learning about



Ralph I. Lancaster was photographed with his wife and friends shortly after his election as Chair of the Board of Trustees. Those pictured from left to right are: **Laura Heery**, **Mr. Lancaster**, **Mary Lou Lancaster**, and **Andrew Prozes**.

the history and construction of the building, and other interesting historical insights. In addition to being led by knowledgeable guides, the tours provide an opportunity for guests to see portions of the building that are not usually open to the public. The Society is grateful to the Curator of the Court, **Catherine Fitts**, and to **Erin Huckle** and **Megan Jones** for their assistance.

At 6 PM, members of the Board of Trustees gathered in the Supreme Court Chamber to hold the Annual Meeting of the Board. President Joseph opened the meeting, welcoming Trustees and their guests and identifying other officers present: **Philip Kessler**, Secretary of the Society and Chair of the Nominating Committee; **Robert Juceam**, General Counsel; Vice Presidents, **Vincent Burke III**, **Dorothy Goldman**, and **Jerome Libin**; Treasurer **Sheldon Cohen**; President Emeritus **Ralph Lancaster**; and Vice President Emeritus, **Barrett Prettyman, Jr.**

Mr. Joseph presented a brief summary, highlighting some of the Society's accomplishments over the past fiscal year. Turning first to the program activities, he mentioned the outstanding Annual Lecture given earlier in the day. He then mentioned other important programs given under the direction of the Society's Program Committee chaired by **Kenneth Geller**. The most recent was the Frank C. Jones Reenactment given in May at which time the baseball antitrust case *Flood v. Kuhn* was reconsidered. **Justice Sonia Sotomayor** "presided" over the oral argument which was presented by noted advocates **Pamela Karlan**

and **Roy Englert, Jr.** Professor **Brad Snyder**, author of a biography of Flood, provided an informative overview and then returned to the podium following the oral argument to talk about Flood's life after the decision was rendered. The "argument" was masterful and all three participants provided an outstanding program. Audience members were unanimous in their assessment that the event was "a home run."

President Joseph commented that two wonderful lecture programs had already been presented as part of the 2013 Leon Silverman Lecture series. Subsequent to the Annual Meeting, the two remaining lectures were given in the Fall. The theme of the series was Litigants in Landmark Supreme Court Civil Rights Cases of the 20th Century. The lectures were presented to large and appreciative audiences, a testament to the great attention and thought put into planning and executing the programs.

Sessions of the Summer Institute for Teachers were held in June. Mr. Joseph expressed his pleasure that the Society was in a position to sponsor two sessions. This outstanding



Justice Alito presented an award to Trustee **Leon Polsky** (left) in recognition of his support of the Society.

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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 **Kathleen Shurtleff**
Advisory Editor **James B. O'Hara**
Advisory Editor **Frank D. Wagner**



Trustee Jeffrey E. Stone (left) of McDermott Will and Emory was photographed with Justice Alito on June 3.

professional training program continues to garner high praise from participants and to provide online resource materials available to all teachers with some portions also available to students.

The publications program was very active during the year. Three issues of the highly respected **Journal of Supreme Court History** were produced, as well as four issues of the *Quarterly* newsletter. Chairman **James O'Hara** continued to direct the Committee. Two titles, **Courtwatchers** and **Chef Supreme**, both of which were published by the Society in FY 2012, continue to garner strong sales and praise. Currently, the Publications Committee is involved with the production of a one-volume history of the federal judiciary. The Society has partnered with the Federal Judicial Center's (FJC) Office of History to provide this volume. It is being written by a team of nationally recognized legal scholars, **Peter Hoffer, N.E.H. Hull, and William James Hoffer**. The authors have worked diligently on the manuscript, and currently are ahead of schedule. The anticipated publication date of the volume is 2015 or perhaps early 2016. The Society is proud to sponsor this work that will provide a much-needed concise history of the federal courts.

The collection of artifacts and memorabilia of historical significance to the history of the Court continues to grow under the direction of Society Vice President **Dorothy Goldman**. Working closely with **Catherine Fitts**, Curator of the Court, they work to identify and obtain items of particular significance to the Court and the individuals who have served on it and worked there. Many of the items in the collection are utilized in temporary displays enjoyed by the hundreds of thousands of visitors who tour the building annually. Other items, such as portraits and busts of past members of the Court, are displayed on a more permanent basis. The Society recently bolstered its commitment to the Office of the Curator to provide for purchases of appropriate furnishings and items.

Vincent C. Burke III chairs the Gift Shop Committee of

the Court. The Gift Shop offers visitors and on-line customers a wide range of quality items, including publications relating to the Court and gift items. This year books written by Justices have been especially popular. Justice Sotomayor's autobiography and books written by Justices Scalia, Breyer, Stevens, and O'Connor have sold well. All profits from sales at the gift shop are utilized to fund the operations of the Society. Mr. Joseph encouraged all present to support the Society through purchases which are discounted for Society members.

The National Membership Campaign was spearheaded again by **Christy Jones**, of Mississippi. She assembled a wonderful team of volunteer state chairs who reached out to invite their colleagues and friends to join the Society. Mr. Joseph mentioned that several successful chairs would be recognized later in the meeting for achieving their goals, thereby bolstering the ranks of Society membership.

Following the overview of activities, Mr. Joseph turned to the business portion of the meeting. He called upon **Philip Kessler**, Secretary of the Society and Chair of the Nominating Committee, to present candidates for election to the Board of Trustees and other offices. The following persons were nominated to serve an initial three-year term on the Board of Trustees: **Laurie Webb Daniel, Paul C. Hilal, Deanne E. Maynard, William G. McGuinness, Michael H. Park, Abraham C. Reich** and **Tal M. Weberg**.

Mr. Kessler presented a second list of nominees proposed for election to an additional three-year term as a member of the Board of Trustees. Those individuals were: **J. Bruce Alverson, Hilarie Bass, David Beck, Leonora Burger, Evan Chesler, Michael Cooper, Steve Cozen, Brackett Denniston, James Goldman, A. E. Dick Howard, Philip Allen Lacovara, Teri McClure, Ted Mirvis, Steven Molo, Lucas Morel, Gary Naftalis, Ronald Olson, Barry Ostrager, Carter Phillips, Leon B. Polsky, Stephen Shapiro, Mathew Staver, Cathleen Douglas Stone, Stephen Susman, Anton R. Valukas, Seth P. Waxman, W. Foster Wollen** and **Dean Ziehl**.



Marlene Trestman was awarded the Hughes-Gossett Literary Prize by Justice Alito for her article on the career of Bessie Margolin.



Trustee James Haynes (left) posed with Justice Alito when he was recognized for his support of the Society.

The Committee further nominated **Thomas Monaghan** and **Arnie Wellman** to be elected as Trustees Emeritus.

The third and final list of candidates included nominations for election as officers and members At-Large of the Executive Committee. The following were nominated to serve in the offices indicated: **Ralph I. Lancaster Jr.** to election as Chairman of the Board; **Leon Silverman** as Chairman Emeritus; and **Chilton D. Varner** to serve as a Vice President for a three-year term. In addition, the following individuals were nominated to fill a one-year term as a member At-Large of the Executive Committee: **Charles J. Cooper, Kenneth S. Geller, Maureen E. Mahoney, Teri P. McClure, James W. Morris, John M. Nannes, James B. O'Hara, Theodore B. Olson, Leon B. Polsky, Richard (Doc) Schneider** and **Seth P. Waxman**.

Prior to calling for a vote, Mr. Joseph made a few remarks about the proposed change in the office of Chair of the Board of Trustees. He observed that “[to] many, including myself, our outgoing Chairman Leon Silverman has been synonymous with the Supreme Court Historical Society. [Mr. Joseph’s Letter of the President in this issue of the magazine pays special tribute to Leon’s many contributions and long service to the society, so the remarks he made at the Annual Meeting do not appear here.]

Another important figure in the development and history of the Society is **Ralph Lancaster**, who was nominated to succeed Leon as Chair of the Board of Trustees. “Ralph did not ask to come out of retirement, but once he was indirectly “volunteered,” he graciously accepted nomination as Chair.” Prior to his service for three years as President of the Society, Ralph had served as a very successful national membership chair and had spear-headed an arduous two-year campaign to secure passage of the John Marshall Coin Bill. Proceeds from the sales of that coin roughly doubled the Society’s endowment fund, making a very significant and lasting contribution to the continued well being of the Society.

As President, Ralph raised the funds to build the Society’s elegant gift shop. The renovation of this space contributed significantly to the architectural fabric of the Supreme Court Building and is a wonderful reflection on the Society and its goals of supporting the Court in any appropriate way.

At the conclusion of his remarks, Mr. Joseph called for a motion to elect the individuals as presented to the positions indicated in the Report of the Nominating Committee. A motion was made, seconded and a vote was taken. All persons were elected to the positions and for the terms as outlined by the Nominating Committee.

The elections concluded the business of the Annual Meeting of the Board of Trustees, and Mr. Joseph then turned to conducting the annual awards ceremony. He announced that Justice **Samuel Alito, Jr.** would assist in presenting awards to those recognized. On behalf of the Society, he expressed gratitude to Justice Alito for his wonderful support to the Society and asked the Justice to join him at the podium.

The first awards presented were literary prizes associated with the **Journal of Supreme Court History**. The Hughes-Gossett Literary Prizes recognize the accomplishments of authors whose literary contributions make a meaningful contribution to the scholarship on the Supreme Court. The first prize awarded that evening was in recognition of the best published submission written by an academic, legal practitioner or other author. The recipient of the “Academic Prize” was **Marlene Trestman**, who was recognized for her article *Fair Labor: The Remarkable Life and Legal Career of Bessie Margolin (1909-1996.)* Currently, Ms. Trestman is the special assistant to the Attorney General of Maryland but is on leave to complete a full-length biography of Margolin



Vice President Emeritus Barrett Prettyman, Jr. (left) is pictured with Chief Justice Roberts during the reception. Mr. Prettyman introduced the Chief Justice to the Society when the Chief Justice practiced law at Hogan Hartson (now Hogan Lovells).

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to be published by Louisiana State University Press. The second prize was awarded to recognize the outstanding article authored by an individual who was a student at the time the article was written. The recipient of the 2013 prize was **Daniel J. Wisniewski**, for his article *Heating Up a Case Gone Cold: Revisiting the Charges of Bribery and Official Misconduct made against Supreme Court Justice Robert Cooper Grier in 1854-55.* The paper was written at the time Mr. Wisniewski was a law student at George Mason School of Law, from which he graduated in 2012. Cash awards associated with the Hughes Gossett Prizes were distributed separately.

Mr. Joseph announced that the next awards would be made to recognize the work of successful state chairs. Prior to making those awards, he recognized the hard work and dedication of **Christy Jones**, National Membership Chair who had accepted the daunting task of recruiting and organizing 50-plus state and regional chairs to carry out a national membership campaign. Mr. Joseph said that Ms. Jones had worked hard to fulfill her tasks and he thanked her for her efforts in absentia.

In her absence, Mr. Joseph announced the names of the four state chairs present to be recognized for their efforts. They were: **Judge Deborah Daniel of Missouri; Francis Devine III of Pennsylvania; Stephen Gwinn of Texas, and John Houlihan of Connecticut.** Justice Alito assisted in making presentations to those successful chairs.

Mr. Joseph then asked **David Leitch**, Chair of the Development Committee, to announce the awards to be presented recognizing many of the Society's most faithful and generous contributors. He thanked Mr. Leitch for his efforts to secure the financial support necessary to sustain the Society's operations. Tasked with a number of fundraising efforts that range from the Annual Fund to Corporate and Foundation



Trustee Robert A. Long (left) of Covington Burling received an award from Justice Alito on June 3.

giving, Mr. Leitch has demonstrated great leadership and ability. This role was expanded in the fiscal year to include a new initiative to conduct a fund-raising gala in New York. The enormously successful event provided approximately \$650,000 in revenue that will support the many programs and missions of the Society. The honorees for the Gala were Ted Ulyot, the outgoing general counsel of Facebook, and Time-Warner General Counsel, Paul Cappuccio. Vice President Dorothy Goldman topped off the evening by exhibiting her very rare printing of the Constitution which was on view throughout the event. Before ceding the podium to Mr. Leitch, Mr. Joseph expressed particular gratitude to three Society Vice Presidents who have consistently gone above and beyond the call of duty in terms of generosity and support. They are: **Vincent Burke, Dorothy Goldman and Jerome Libin.**



(Left to right) Mrs. Virginia Thomas, Trustee Charles Cooper, Mrs. Martha Ann Alito and Deborah Cooper renewed friendships during the Reception.

Mr. Leitch asked Justice Alito to assist in presenting the awards. Mr. Leitch noted that some of those receiving awards were recognized for personal contributions, while others represented organizations and foundations providing vital support the Society. Those present to be recognized were: **Vincent C. Burke III, The Clark-Winchcole Foundation; Sheldon S. Cohen, The Marshall Coyne Foundation; Charles J. Cooper, Cooper Kirk; Dorothy Goldman; Gregory P. Joseph, Law Office of Gregory P. Joseph; Jerome B. Libin, The Park Foundation; Philip J. Kessler, Thompson and Knight; Dennis J. Maggi, American College of Trial Lawyers; Joseph R. Moderow; Gary P. Naftalis, Kramer Levin Naftalis and Frankel; Carter G. Phillips, Sidley Austin; Leon B. Polsky, The Hazen Polsky Foundation; Richard A. Schneider, King and Spalding; Jay Sekulow, American Center for Law and Justice; Kelly J. Shackelford, Liberty Institute; Mathew D. Staver, Liberty University; Jeffrey E. Stone, McDermott Will and Emory; Thomas H. Tongue; Alan**



Dr. Erik Jones (foreground) conducted the Master Singers of Virginia in a wonderful after-dinner concert on June 3rd.

B. Vickery; and David Weinstein.

At the conclusion of the ceremony Mr. Joseph thanked all those present, offering thanks again to Justice Alito for his assistance, after which he adjourned the meeting.

The traditional black tie reception and dinner started at 7 PM with the East and West Conference Rooms as the setting for the reception. The Annual Dinner was held in the Great Hall. When dinner was convened, Mr. Joseph gave a brief greeting and thanked the members of the Court for their participation. The members of the Court who attended

that evening were: Chief Justice Roberts, Justice Scalia, Justice Kennedy, Justice Thomas, Justice Ginsburg, Justice Breyer and Justice Alito. After recognizing the members of the Court present, Mr. Joseph called upon Chief Justice Roberts to deliver the traditional toast to the President of the United States.

At the conclusion of dinner, Annual Meeting Chair **Richard (Doc) Schneider**, thanked all who had participated for their support and offered thanks for the outstanding assistance of Marshal **Pamela Talkin** and the members of her staff who coordinate all of the physical arrangements in the building necessary to make the evening successful.

Mr. Schneider then introduced the musical program for the evening which was given by a premier acapella group from Northern Virginia, **The Master Singers**. This group is an auditioned, volunteer ensemble comprised of 28 singers. June marked the conclusion of the group's 18th season. The ensemble was founded by and continues to perform, under the leadership of Dr. Erik Jones. The purpose of the ensemble is to enrich, educate and entertain audiences by providing high quality artistic programs in Northern Virginia and beyond. The group affords an opportunity for residents of the area and beyond, to hear and enjoy beautiful and challenging choral music. The rich harmonies and sound of the group filled the marble Great Hall providing a beautiful musical conclusion to the day's program.

Remembering the 10th Annual Lecture

The once and future colleagues were photographed on May 13, 1985, when then-Judge Antonin Scalia delivered the Society's 10th Annual Lecture. The photograph includes him (center) with then-Judge Ruth Bader Ginsburg and Linwood Holton (right) who was President of the Society.



On May 13, 1985, then-Judge Antonin Scalia of the Court of Appeals for the DC Circuit presented the Society's Annual Lecture in the Restored Supreme Court Chamber located on the ground floor of the US Capitol Building. The "Judge" was accompanied that day by his colleague from the Court of Appeals, Judge Ruth Bader Ginsburg. Judge Scalia was nominated to the Supreme Court of the United States the following year and took the judicial oath of office on Sept. 26, 1986. Judge Ruth Bader Ginsburg was nominated to the Supreme Court in 1993 and assumed her seat on August 10, 1993.

STREETLAW Summer Institute 2013 by Street Law, Inc.

In June, 60 dedicated educators from across the nation came to Washington, D.C., to participate in the Supreme Court Summer Institute, an annual professional development program sponsored by Street Law, Inc. and the Supreme Court Historical Society. The participants, who hailed from 33 states, will all be teaching middle school, high school or community college courses related to history, U.S. government, or law in the upcoming school year. This year, the Institute served teachers and students from 18 urban school districts and 15 rural districts. Over a third of the participants teach at schools with significant racial or ethnic diversity.

The goal of the Institute is to enable participants to teach students and other educators effectively about the Supreme Court, the cases it hears, and its role in the justice system. In turn, their students will gain familiarity with the judicial branch and be inspired to engage in community and civic participation as they become adults. The Supreme Court Summer Institute gives participants the opportunity to learn



Jennifer J. Clark, an associate at Sidley, shares her insights with teachers on clerking for Associate Justice Ruth Bader Ginsburg.

style and her obvious expertise on the inner workings of the Supreme Court, Judge Millet struck one teacher as “full of energy and knowledge.” She exemplified the quality of the resource people who lend their time and proficiency to the Institute to ensure that its participants are fully prepared to instruct their students on the judicial branch. The teachers did not take the caliber of their instructors for granted. As one teacher said, “What has been the most impressive and best part of this Institute is the consistently excellent ORPs (outside resource people)... They are actual participants in the topics, rather than the more typical scholars.”

Another notable session included the lesson on nominating a Justice to the Court, which featured panelists Kristi Remington, a principal at Blank Rome Government Relations LLC., who previously worked with the White House Counsel’s Office in the selection and vetting of



Pritak A. Shah, Assistant to the Solicitor General, leads the teachers in discussion of the DOMA cases before the Court.

about the Supreme Court from those who know it best, including attorneys who have argued before the nine justices, former clerks to the justices, and journalists who cover the Supreme Court “beat.” These dynamic outside resource people walked the teachers through sessions on diverse topics such as the certiorari process, judicial nominations, the history of the Fourteenth Amendment, media coverage of the Court, the influence of interest groups, constitutional interpretation, and selected cases from the 2012 – 2013 term.

Participants knew they were in for a treat from the very first introductory session led by Patricia A. Millet, recently confirmed as a Judge of the United States Court of Appeals for the District of Columbia. With her engaging presentation



Teachers prepping for the Moot Court in *Florida v. Jardines*.



Teachers working on the Deliberation methodology for leading conversations about difficult topics.

judicial nominees, and Susan Davies, counsel at Kirkland & Ellis and former deputy counsel to President Obama. The teachers were not only impressed by their knowledge, but also by their politically balanced presentation of the material. The lessons on media coverage of the Supreme Court introduced the participants to renowned journalists Lyle Denniston, dean of the Supreme Court press corps and SCOTUSblog correspondent, and Adam Liptak, Supreme Court correspondent for the New York Times. The teachers were not only amazed to meet the individuals whose names appear below some of the nation's biggest headlines, but also to get a humanizing understanding of the Supreme Court Justices. Mr. Denniston, who many participants described as "a national treasure" and "living history," awed the teachers with anecdotes and wisdom yielded by more than 50 years reporting on the Court.

The Summer Institute featured not only a great variety of expert resource people, but also an exciting array of interactive activities for teachers to enjoy and implement in their own classrooms. With the help of Pratik Shah, Assistant to the Solicitor General, and Irv Gornstein, Executive Director of the Supreme Court Institute at Georgetown Law Center,



Sarah E. Harrington, an attorney in the Justice Department, discusses the Voting Rights Act with the teachers.

they deliberated the momentous and controversial same sex marriage cases. Inside Georgetown Law School's beautiful replica courtroom, the teachers also participated in their own moot court, acting as petitioners, respondents, and justices in a simulation of *Florida v. Jardines*. On a particularly exciting day for the teachers, they attended a Supreme Court session



The "Justices" deliberate after the Moot Court.

and heard the Justices hand down decisions on some of the term's most noteworthy cases. Later in the day, they enjoyed an informal question and answer session with several former Supreme Court law clerks. To conclude the week, Chief Justice John Roberts and Justice Ruth Bader Ginsburg each hosted a reception for the teachers at the Court.

Without these adept resource people, the Supreme Court Summer Institute would not be the highly respected professional development session that it is. Their contributions, for which both Street Law and the institute participants are deeply grateful, will be taken back to schools across the nation, where they will enrich the learning experience of thousands of students.



Ishan Bhabha, an associate at Jenner and Block, shares his experiences clerking for Associate Justice Anthony Kennedy with the teachers.

Legal Affinity Group Provides Opportunities for Cooperative Programs

By Kathleen Shurtleff*

The educational mission of the Society includes varied formats, including publications, lectures, reenactments and teacher-training programs. Each of these vehicles have proven to be effective tools for providing educational outreach about the Supreme Court of the United States and the federal judiciary. The Society devotes many of its assets to these activities, but given the limited staff and resources available, collaborative efforts carried out with historical organizations tasked with similar missions provide an attractive way to increase the outreach while minimizing the outlay of resources.

Over the last fifteen years, the Society has partnered with historical societies for State Supreme Courts, Circuit Courts, and other organizations. Partnership with the Historical Society of the Courts of New York has resulted in wonderful programs, such as the Oct. 25, 2013 program “Learned in the Law: The Role of the Solicitor General of the United States.” The Society has also partnered with the Robert Jackson Center, and the Ohio Judicial Center to sponsor excellent programs.

Many of these opportunities have materialized due to the connections forged through a legal history group that meets annually as an affinity group of the American Association of State and Local History (AASLH). The group was created to provide a forum and network for those working to preserve and promote legal and court history around the nation. Its members include university professors, state and federal court historians and educators, law librarians, archivists, researchers, judicial assistants, members of the US Supreme Court Curator’s Office, and independent legal historical societies. The group has been meeting at the conference for more than a decade to share information, offer assistance to one another and to foster communication among those within the network.

In September 2013, the legal history group met in Birmingham, AL, to attend the AASLH annual meeting. The theme for the annual meeting, “Turning Points: Ordinary People, Extraordinary Change,” focused on the civil rights period of the 1960s when Birmingham was a crucible for change. The Legal History Affinity Group sponsored a session at the conference, “*Creating Your Own Courtroom Drama: Using Legal Documents in Exhibits and Programming.*” Because courtrooms provided the setting for many civil rights struggles and battles in the 1950s and 1960s, documents relating to these proceedings, and the people involved, provide an important way of telling the story. Many documents found their way into museums and historic sites and offer vast possibilities for effective displays and program development.

The panel presentation included three experts, Mike

Lesperance, a principal in an exhibit design firm, who provided ideas about the effective development of exhibits from the content side of the problem. Bruce Ragsdale, Director of the Federal Judicial History Office discussed identifying, accessing and using the papers of federal and state judges when doing research or creating exhibits. These primary source documents are often overlooked but can provide a rich source of supplemental information that can be utilized in exhibits and narrative material for museums and other institutions. Dan Holt, also of the Federal Judicial History Office, presented for Michael Hussey of the National Archives and Records Administration (NARA), who was unable to travel. This presentation provided insight on how to access and utilize legal case files in exhibits and publications.

The legal history group sponsored a luncheon speaker, Anne S. Emanuel, who authored a biography of **Elbert Parr Tuttle: Chief Jurist of the Civil Rights Revolution**. Tuttle was one of a group that came to be known as the “Fifth Circuit



The conference commemorated the 50th Anniversary of the Birmingham Civil Rights Movement. Attendees visited the 18th Street Baptist Church which became a focal point of the movement after a bombing that killed four young girls.

Four.” This group of Judges included Tuttle, John Minor Wisdom, John Robert Brown and Richard Rives. Anthony Lewis, a former columnist of the *New York Times*, described Tuttle’s importance and role in bringing integration to pass in his review of Ms. Emanuel’s book: “As chief judge of the United States Court of Appeals of the Fifth Circuit, covering the Deep South, he rejected all the state legal dodges, [and] the recalcitrance of judges and governors. Anne Emanuel has written a thrilling portrait of this man of conscience and courage.” Ms. Emmanuel’s talk described the process of writing the book, as well as highlighting some of the significant incidents of Tuttle’s career. Prof. Emmanuel clerked for the Judge, and her talk and book provide personal insight into this man. During his remarkable life, he fought in World War I, enlisted at the age of 45 in World War II, and was no stranger to physical or other dangers. His courageous and capable leadership helped to make the promises of the Civil Rights Act a reality in the South. Tuttle was awarded the Presidential Medal of Freedom in 1981 in recognition of his contributions to the advancement of Civil Rights.

The following day the affinity group held a session in the Hugo L. Black Court House. Professor Tony Freyer of the University of Alabama School of Law addressed the group. He shared his experiences about writing histories of federal courts. He discussed the process of gathering materials for such projects, and identified a number of less obvious research sources that had proven to be valuable in his work. He entertained questions and provided an outline of how to get started on writing a history.

Between yearly meetings, members of the group exchange information and sources, pose questions, and offer suggestions and solutions to common problems via a list serve. This forum provides an easy and inexpensive way for participants to exchange ideas on an on-going basis, and to receive assistance from others working in similar fields.

From associations made through this affinity group, some outstanding partnerships and opportunities have developed. Partnering with other organizations offers rich opportunities to share in the work of developing important programs with a minimal financial investment.

Another example of collaborative efforts is the recent joint opportunity for publishing with Scotusblog. This popular website focuses primarily on the current work of the Supreme Court of the United States, but as the result of a partnership with the Society, they are now publishing on an occasional basis 600-word essays of an historical nature that provide a look back at important events in the Court’s history. The entries are written by scholars associated with the **Journal of Supreme Court History**. The article that follows on page 12 of this issue of the *Quarterly* is a recent example of an entry. It also discusses the 1963 Birmingham Civil Rights Protests.



This sculpture is part of a memorial to the four girls killed in 1963. It is located in the Kelly Ingram Park which is across the street from the 18th Street Baptist Church where they died.

The group will host a session in St. Paul, MN at the 2014 Annual Meeting of AASLH. Further information about the group is available by accessing the AASLH website and clicking on the “Tools” box on the left side of the opening screen, which will lead you to the listing of affinity groups. Alternatively, please contact the Historical Society at (202) 543-0400, or by sending an inquiry through the website at supremecourthistory.org.

**Kathleen Shurtleff is the Assistant Executive Director for the Supreme Court Historical Society and Managing Editor for the Quarterly*

The Good Friday Parade: Birmingham April 12, 1963

By: Deborah A. Roy*

*This year marks the 50th Anniversary of the Birmingham civil rights protests, which led to the passage of the Civil Rights Act of 1964 and gave rise to two little-known Supreme Court cases that deserve to be better known. A more detailed narrative of these cases will appear in the **Journal of Supreme Court History** in December 2013.*

Fifty years ago, segregation was the rule of law in almost all public facilities in the City of Birmingham. Since the mid-1950s, Reverend Fred Shuttlesworth, pastor of the Bethel Baptist Church, had been waging a war against segregation. Due to his efforts, he may hold the distinction of being a named petitioner in more Supreme Court cases than any other person.

On April 2, 1963, Dr. Martin Luther King, Jr. arrived in Birmingham to join Shuttlesworth in a direct action campaign to end segregation. Non-violent marches were one of the key tactics that the organizers of the Birmingham Campaign sought to employ. A city ordinance, however, required a permit for parades or public demonstrations.

On April 3, Shuttlesworth sent Lola Hendricks, the secretary of a local civil rights organization, and the Reverend Ambus Hill of the Lily Grove Baptist Church, to the office of City Commissioner Bull Connor to request a permit to parade or demonstrate on the sidewalks of Birmingham. Connor, an avowed segregationist, responded, "No, you will not get a permit in Birmingham, Alabama to picket. I will picket you over to the City Jail." Undeterred, the Birmingham Campaign launched with sit-ins and marches; participants were arrested for parading without a permit.

A week later, the City of Birmingham obtained a court injunction prohibiting the leaders of the Campaign from parading without a permit. Dr. King had planned a Good Friday march, however, he had never violated a court injunction. Believing that a decision not to march would end the Campaign, Dr. King, Reverend Shuttlesworth, and 50 other persons marched on Good Friday and were arrested. During the week that he spent in jail, Dr. King expressed the principle of non-violent direct action to counter pervasive injustice in his "Letter from a Birmingham Jail."

Rev. Wyatt T. Walker, Dr. King, Rev. Shuttlesworth, and other leaders were convicted of violating the court injunction. Shuttlesworth was also convicted of violating the Birmingham Parade Ordinance. After appeals had slowly proceeded through the Alabama state courts, the two cases were heard by the United States Supreme Court.

In *Walker v. City of Birmingham*, decided in 1967, the Supreme Court, in a 5-4 decision, upheld the convictions of eight ministers for violating the injunction, finding that they should have applied to the Alabama courts to have the

injunction modified or dissolved, not willfully violate it. Chief Justice Earl Warren filed a dissent, writing, "there is only one apparent reason why the city sought this injunction and why the court issued it; to make it possible to punish petitioners for contempt rather than for violating the ordinance, and thus to immunize the unconstitutional statute and its unconstitutional application from any attack. I regret that this strategy has been so successful." Rev. Walker, Dr. King, Rev. Shuttlesworth, and five other ministers returned to Birmingham to serve their sentences for violating the injunction.



Rev. Fred Shuttlesworth, accompanied by Martin Luther King and Ralph Abernathy, leads a march for voter registration in Selma, AL. The march was part of the legal or the overall plan to try and win legal victories to end segregation.

Two years later, in *Shuttlesworth v. City of Birmingham*, a unanimous court overturned Shuttlesworth's conviction for parading without a permit on Good Friday, agreeing with Warren that the Birmingham Parade Ordinance in 1963 as written and applied was unconstitutional. Four of the Justices, who had been in the majority in *Walker*, gave less deference to a legislative ordinance than a court order. The fifth justice in the *Walker* majority, Tom C. Clark, had been replaced by Thurgood Marshall, the first African-American to join the Court, but Marshall took no part in the *Shuttlesworth* decision.

**Deborah Roy is a Trial Attorney, Antitrust Division, United States Department of Justice. The views expressed are not purported to reflect those of the United States Department of Justice. This article first appeared on SCOTUSblog.*

Recent Acquisitions: Anna Wroe Curtis Letters

By Lauren Van Dyke*

The Supreme Court of the United States recently acquired a collection of 23 letters written by Anna Wroe Curtis, second wife of Justice Benjamin R. Curtis. The letters were donated by William Low and Kathryn Graff Low, along with several books belonging to Justice Curtis.

Benjamin Curtis married Anna Wroe Curtis, the daughter of his law partner Charles Pelham Curtis, on January 5, 1846. In addition to the three children they had together, Anna also cared for Curtis' three surviving children from his first marriage. Their lives were dramatically changed on October 10, 1851, when Benjamin Curtis, a prominent lawyer in Boston, joined the Supreme Court. His family relocated to Washington D.C. each winter for the Supreme Court's Term, often renting a house in the city before returning to Massachusetts for the summers.

Justice Curtis' six years of service on the Court are perhaps best remembered for his dissent in the infamous *Dred Scott* decision, which contributed to his resignation in 1857. After leaving the Court, Curtis and his family returned to Boston where he resumed his prosperous legal practice. The couple remained happily married until Anna's sudden death on April 24, 1860.

The collection of letters written by Anna Curtis highlights the Curtis' time in Washington D.C., bringing to life the political and social events of the city in the 1850s. Writing to her family at home in Massachusetts, Anna details the everyday events of a young mother and wife of a Supreme Court Justice in antebellum Washington. Juxtaposing tales of her children learning to walk with dinners at the White House, she provides a unique perspective on the concerns and events of the day.

Anna's letters candidly comment on popular culture and the personalities present in the Washington D.C. political

scene. She discusses the recent publication of *Uncle Tom's Cabin*, dramatically recalls President Franklin Pierce's 1853 Inauguration (see inset), and gossips about Attorney General William Crittenden's recent marriage. Her descriptions

of political figures such as President Milliard Fillmore and members of the Court, including Justices Peter V. Daniel, John Catron, and James M. Wayne, paint an unseen picture of these prominent men.

"The old chief (Roger B. Taney) is as pleasant & chatty as he is ugly & that is saying much. He said he took his family to P[oin]t Comfort last summer & had more time with his family than he had for thirty years. I asked him if his family liked him as they became

better acquainted with him & he said he thought they did that one of his daughters asked him once to go to walk which he thought showed that he was agreeable."

Anna's fresh voice also illuminates daily life in the 1850s, highlighting the challenges in establishing and managing a household in a new city, while raising her children and supporting her husband in social engagements. Her personal reflections on motherhood and family life are honest and timeless. She writes of her youngest daughter:

"Dinkie has acquired the use of scissors & she was so much delighted to find she could cut, that I bought her a pair with round ends. Last week I found a good slice taken from Mrs. Ingerham's tablecloth & yesterday a slice into a new mantilla belonging to Nannie's doll. I told her the scissors would disappear if I found any more."

**Lauren Van Dyke is the Curatorial Assistant for the Curator in the Supreme Court. For more information about this collection, please contact the Office of the Curator.*



Anna W. Curtis described the political scene in Washington. This drawing depicts the Inauguration of President Franklin Pierce, 1853. When it appeared the caption read "One man supported himself affectionately on Ben's shoulders notwithstanding the gown, until Ben turned round and requested him to take his hand off his shoulder."

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