



THE SUPREME COURT  
HISTORICAL SOCIETY

# Quarterly

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## Investiture of Justice Gorsuch

Following a time-honored tradition, the public investiture of Neil M. Gorsuch was held on Thursday June 15, 2017. Chief Justice Roberts noted in brief remarks of welcome during the event that Justice Gorsuch is the 101<sup>st</sup> Associate Justice of the Supreme Court of the United States. He was appointed to fill the vacancy that was created by the death of Justice Antonin Scalia in February 2016.

Justice Gorsuch was nominated to the Supreme Court by President Trump and was confirmed by the Senate on April 7, 2017. He took the required oaths of office at the Supreme Court and the White House on April 10, 2017. Following those events, he took his place on the Bench and participated in the remaining oral argument sessions for the Term. He issued his first signed opinion in the case of *Henson v. Santander Consumer USA* on June 12, 2017.

Justice Gorsuch was born on August 29, 1967 in Denver, Colorado. As a teenager, he lived in Washington, D.C. while his mother, Anne Gorsuch Burford, served as head of the Environmental Protection Agency. He attended Georgetown Preparatory School at that time, and received a B.A. from Columbia University. His law degree is from Harvard Law School. He clerked for Judge David B. Sentelle of the U.S.

Court of Appeals for the District of Columbia Circuit, and later served concurrently as a clerk for Retired Justice Byron White and Justice Anthony M. Kennedy.

Gorsuch joined the law firm of Kellogg Huber after leaving his clerkship, but deferred his employment there for a year to attend Oxford University on a Marshall Scholarship. He received a Doctorate of Philosophy from Oxford after which he entered into private practice at Kellogg Huber where he worked from 1995-2005. He was appointed Principal Deputy Associate Attorney General at the U.S. Department of Justice by President George W. Bush and served in that capacity from 2005-2006. Gorsuch left the Justice Department after receiving an appointment to the United States Court of Appeals for the Tenth Circuit in 2006.

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Justice Neil M. Gorsuch took his seat on April 10, 2017.

During his service on the Tenth Circuit, Gorsuch served on the Standing Committee on Rules for Practice and Procedure of the U.S. Judicial Conference, and as chairman of the Advisory Committee on Rules of Appellate Procedure. He also taught courses in legal ethics and antitrust law at the University of Colorado Law School.

Gorsuch commenced his service on the Supreme Court

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## A Letter from the President



The 42<sup>nd</sup> Annual Meeting on June 5, 2017 brought celebration as well as change. After six years of exemplary service, Gregory Joseph stepped down from his position as President of the Society. I was honored to be elected to succeed him. Following in Greg's footsteps is intimidating, but it is both a privilege and a responsibility I embrace with enthusiasm. I look forward to continuing the outstanding programs,

publications and other activities that the Society conducts and to being part of our collaborative process of developing new projects and carrying out the ambitious goals of our founders.

Of course, other changes occurred at the Annual Meeting, and a story discussing those events will appear in the next issue of the *Quarterly*. I can assure you that the business of the Society is in good hands and is managed carefully and with great care.

I would be remiss if I did not take this opportunity to express my personal gratitude, and that of the Society membership at large, to Greg for his extraordinary

leadership during his six years as President. At the Annual Meeting of the Board of Trustees, we were able to pay a measure of tribute to Greg: Chief Justice Roberts presented Greg with the award that is reserved for those who have made outstanding contributions to the Society, a seal of the Court mounted on velvet that was once used in the Supreme Court Chamber.

Greg assumed the Presidency of the Society as the full impact of what we now refer to as the Great Recession of 2008 was being sharply felt. Charitable organizations like the Society were working hard to maintain equilibrium. The effects of the recession impacted every aspect of American society, including the legal community. Many firms curtailed or decreased donations to organizations like the Society. Endowment investment income declined with the rest of the stock market and sales at the Gift Shop dropped dramatically as tourism decreased.

In preference to curtailing programs and laying off staff, Greg suggested a bold plan to initiate a new fund-raising

activity—a Gala to be held in New York City. As a result of his hard work and connections, and assisted by other dedicated Trustees of the Society, the first Gala held in 2013 produced over \$600,000 in funding for the Society. The Gala has now become an important institution of the Society. The fourth event will be held on March 14, 2018.

The creation of this fund-raising initiative is just one example of Greg's extraordinary commitment to his

role as President of the Society. On June 5 he was elected to the office of President Emeritus. We are fortunate that Greg has agreed to continue to play a vigorous role in the work of the Society. We count on his superb judgment as the Society continues to move forward.

I pledge commitment to continuing the work done so well by my predecessors. I have previously been actively involved as a Trustee and as a Vice President of the Society. I admire the Society's many accomplishments, and I am aware of the many opportunities that lie ahead. We have in the past established a well-deserved reputation for offering outstanding publications, programs and events. It is my goal



**Gregory Joseph and Chilton Varner were photographed shortly before Mr. Joseph was elected President Emeritus, and Mrs. Varner President of the Society.**

## Quarterly

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Managing Editor Kathleen Shurtleff  
Advisory Editor James B. O'Hara



**Chief Justice John G. Roberts, Jr.(left) assisted in recognizing Gregory Joseph for his outstanding service as President of the Society for six years. The marble seal of the Court is mounted on velvet fabric once used in the interior of the Supreme Court chamber.**

and intention to be faithful to that tradition.

Other on-going activities include the digitization of the library's collection. This unique collection of materials about the Supreme Court and its Justices includes many rare and delicate books. A number of the titles were the product of short print runs, and many have been out of print for some time. Digitization is on-going, and is dependent upon available funding, but it is a worthy goal we will continue to pursue.

Building on the great success of **Chef Supreme**, and the *Legal Eats* program at the Smithsonian, work is underway on the production of a new cook book. The book will contain recipes used by members of the Court and their families, anecdotes about food



**Barbara Joseph and Greg Joseph were photographed following the meeting of the Board of Trustees.**

traditions at the Court, and a number of photographs. The book will be available in the late Fall, in time for holiday giving, so I hope you will keep it in mind for your holiday shopping.

There are many other facets of the Society's work, including lectures, historical reenactments and publications. All of these continue to enjoy our efforts and financial support. This magazine includes reports on several Society-sponsored activities that occurred earlier in the year. You will also find the schedule for the 2017 Leon Silverman Lecture Series on page 12 of this issue. The program topics are engaging, the scholars who will be present are knowledgeable and well-respected, and the presentations will be informative and bring new insight. Please plan to attend as many programs as your schedule will allow.

As we move forward into this new fiscal year which began on July 1, we can look forward to excellent events and publications. The members of the Society play an indispensable role in our continuing success in outreach and contributions. I look forward to working with you to ensure the success of our efforts. When you renew your dues, please consider making a gift to the annual fund so that we may continue our work with the vigor and energy that has made us a primary resource in assuring that history is important to the future.

*Chilton D. Varner*



**Justice Gorsuch and Chief Justice Roberts posed on the front steps of the Supreme Court Building following the investiture ceremony for Justice Gorsuch on June 15, 2017.**

Bench in April at which time he joined his previous boss, Justice Anthony M. Kennedy, as a colleague. While Justice Gorsuch is not the first former Supreme Court clerk to be appointed at a later date to the Court, he is the first to serve contemporaneously with the Justice for whom he clerked. The first former clerk appointed to the Supreme Court was Justice Byron R. White, the other Justice for whom Gorsuch clerked, connecting Gorsuch directly to two unique circumstances.

Justice Gorsuch brings a wealth of experience to his new position as evidenced by the diversity of his career. While on the Tenth Circuit, commentators complimented his strong writing skills. In an article appearing on Scotusblog in January 2017, columnist Eric Citron assessed Gorsuch’s writing skills as being “. . . in a class with Scalia’s. . . . Gorsuch’s opinions are exceptionally clear and routinely entertaining; he is an unusual pleasure to read, and it is always plain exactly what he thinks and why.”

In his first months on the Supreme Court, Justice Gorsuch has participated

in oral arguments, reviewed and voted on prospective cases for future review, posed questions from the Bench during argument and authored his first unanimous opinion. His experience on the Tenth Circuit Court and his familiarity with the way the Court operates has helped him to make the transition, but it is a very challenging adjustment. In that first unanimous Supreme Court opinion, Gorsuch exemplified his traditional approach to considering cases. In the opening sentences of the opinion, Gorsuch writes that “[w}e begin, as we must, with a careful examination of the statutory text. . . .” Eric Citron characterized the Justice’s writing style in that opinion as narrative, further noting that it utilizes “colorful” language.

The Investiture Ceremony held on June 15, 2017 was ceremonial in nature and followed the traditional pattern. Although it is common for the investiture event to be held prior to a Justice assuming work, it is not a required element of a Justice’s formal ascension to the Court. President Donald Trump and First Lady Melania

Trump attended the ceremony and were seated in the section of the well reserved for special guests. Prior to the ceremony, the President and First Lady visited with the members of



**The Court posed for the traditional formal group portrait in the spring of 2017. (Front row, left to right) Justices Ginsburg, Kennedy, Chief Justice Roberts, Justices Thomas and Breyer. (Back row, left to right) Justices Kagan, Alito, Sotomayor and Gorsuch.**



**The President and First Lady posed with the members of the Court and Mrs. Gorsuch prior to the Investiture Ceremony on June 15. (Left to right: Justices Kagan, Alito, Ginsburg, Kennedy, Chief Justice Roberts, The President and First Lady, Justice Gorsuch, Mrs. Gorsuch, Justices Thomas, Breyer and Sotomayor.**

the Court and signed the guestbook for dignitaries. Members of the Gorsuch family, including his wife Louise and their daughters and other personal guests, joined government dignitaries from Congress and the Department of Justice for the occasion. Retired Justice John Paul Stevens was present and the First Lady was seated next to him. Also seated in the Court Room were family members and special guests of the other Justices of the Court.

In the opening minutes of the ceremony, the Justice was seated in the well on a mahogany chair located close to the Clerk of the Court. The chair adds a special poignance to the occasion since it once belonged to Chief Justice John Marshall. In recent investiture proceedings it has been used for the new Justice prior to being invited to take his or her seat on the Bench. Marshal Pamela Talkin convened the special session of the Court in the customary manner, after which the Chief Justice recognized Deputy Attorney General Rod Rosenstein to present the formal commission of appointment to the Court. Clerk of the Court Scott Harris then read the commission aloud, after which Deputy Clerk Danny Bickell escorted Justice Gorsuch to the Bench where he shook hands with each of his eight colleagues. Standing next to the Center Chair, Chief Justice Roberts administered

the judicial oath to Gorsuch, with Mr. Harris holding the Bible. Justice Gorsuch repeated the words of the oath adding special emphasis to the closing phrase, “So help me God.” At the completion of his oath, Gorsuch took his seat at the end of the Bench.

Following the administration of the oath, the Chief Justice offered a few words of welcome to his newest colleague: “[O]n behalf of all of the members of the Court, it is my pleasure to extend to you a very warm welcome as the 101st Associate Justice of the Supreme Court of the United States. We wish for you a long and happy career in our common calling.”

Justice Gorsuch responded: “Mr. Chief Justice, I want to thank all of my colleagues and all of those who serve in this remarkable institution for the warm welcome I’ve received. Thank you.”

At the conclusion of the ceremony and after removing their robes, Chief Justice Roberts and Justice Gorsuch took the traditional walk down the front steps of the Court where they posed for photographs. Justice Gorsuch was joined there by his wife Louise and they also posed for a few photographs before going into the building to attend a reception honoring the new Justice.

## Chief Justice Roberts speaks at the University of Kentucky

Chief Justice John G. Roberts, Jr., visited the campus of the University of Kentucky on February 1, 2017, to participate in the newly established John G. Heyburn, II Initiative for Excellence in the Federal Judiciary. The program honors the late Judge Heyburn, who served nearly 23 years on the U.S. District Court for the Western District of Kentucky until his death in 2015.

Chief Justice Roberts was the Heyburn Initiative's inaugural keynote speaker. Dean David A. Brennan of the University's College of Law welcomed the Chief Justice and explained that the new program was designed to provide law students the opportunity "to hear firsthand from some of our nation's leaders in law." The University generously reserved a number of seats for guests of the Supreme Court Historical Society, providing an exciting opportunity for the Society's members in Kentucky to attend an event with the Chief Justice in their home state.

A panel discussion entitled "Judicial Courage" preceded the presentation by the Chief Justice. Judge Jeremy D. Fogel, Director of the Federal Judicial Center, moderated the program with two panelists: Chief Judge Carl E. Stewart of the U.S. Court of Appeals for the Fifth Circuit, and Professor Pamela Brandwein of the Department of Political Science at the University of Michigan.

The Chief Justice spoke before a large audience in the Kincaid Auditorium on the UK campus. Accompanied by a series of historical images projected on the auditorium's large screen, he surveyed key biographical details of the ten Justices of the Supreme Court who were born, appointed from, or lived for a significant period in the state of Kentucky. Remarkably, these Justices together served for a 150-year period in which Kentucky was represented on the Supreme Court, beginning with the appointment of Justice Thomas Todd in 1807 and concluding with the retirement of Justice Stanley Reed in 1957. The group included well known Associate Justices John Marshall Harlan and Louis Brandeis, as well as Chief Justice Fred M. Vinson.

Chief Justice Roberts observed in his remarks that Harlan brought honor to his home state by casting the sole dissenting vote in *Plessy v. Ferguson* in 1896. The Court's *Plessy* decision famously established the doctrine of "separate but equal." In perhaps the most famous Supreme Court dissent, Justice Harlan criticized segregation laws. He wrote: "Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law."

Although Justice Horace Lurton is not as well known as the first Justice Harlan, the two served briefly together on the Court. Chief Justice Roberts recounted that this made for a rather different association than Harlan and Lurton had experienced decades earlier. Both were Civil War veterans from Kentucky, although they fought on opposite sides—Harlan was a colonel in the Union infantry and Lurton was a Sgt. Major in the Confederate cavalry.

During their time on the bench together, they determined that Colonel Harlan may have aimed his cannons at Private Lurton's cavalry from federal garrisons in Tennessee. Recounting the story, the Chief Justice noted that he was unaware of any other Justice having shot at a colleague.

Following his presentation, Chief Justice Roberts was interviewed by James C. Duff, director of the Administrative Office of the U.S. Courts. Director Duff, a graduate of the University of Kentucky, played on the school's 1971-72 freshman basketball team, which enjoyed a 22-0 season that earned a place in Kentucky sports history. He began his service to the Supreme Court as an aide to Chief Justice Warren E. Burger and served from 1996 to 2000 under Chief Justice William H. Rehnquist in the office now known as Counselor to the Chief Justice.

In their conversation, Mr. Duff invited the Chief Justice to reflect on relationships among the Justices. "We do develop friendships that help maintain the collegiality," responded the Chief Justice. "There aren't many jobs where you do the exact same thing as somebody else . . . We do exactly the



Chief Justice Roberts spoke on the campus of the University of Kentucky at an event honoring excellence in the Federal Judiciary.



**John Marshall Harlan served as a Colonel in the Union infantry during the Civil War.**

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same thing. We have the same responsibilities, we're deciding the same cases, we read the same briefs, we read the same precedents, we go to the same arguments, we try to fulfill the same oath, and that does give you a very special bond."

Chief Justice Roberts also spoke about the value of Court traditions in maintaining collegiality, including the practice that has endured for more than a century of each Justice shaking hands with every other Justice prior to convening for

development. "There is a lot of good to it, but there are drawbacks. What's good about it is that arguing before the Supreme Court is very different than arguing even before a Court of Appeals. The principles are different. We're not as bound by stare decisis. We know what we said in prior cases, we don't want you to tell us that. We know what the facts are from our study, we don't want you to tell us that. We're going to focus on the consequences of particular rules . . . . The expert bar we have—they understand that they know what the case is going to be like, they know what the process is going to be like, they have a good idea about the Justices and their level of familiarity, and they can handle that. And the same thing in the briefing, they are expert at what that's like. The downside, some of us are a little wistful about it, is you like the idea of 'Mr. Smith goes to the Court,' the sole practitioner with the battered briefcase who comes in and does a great job. You do get that every now and then, but it's hard given the level of advocacy at the Court that has developed."

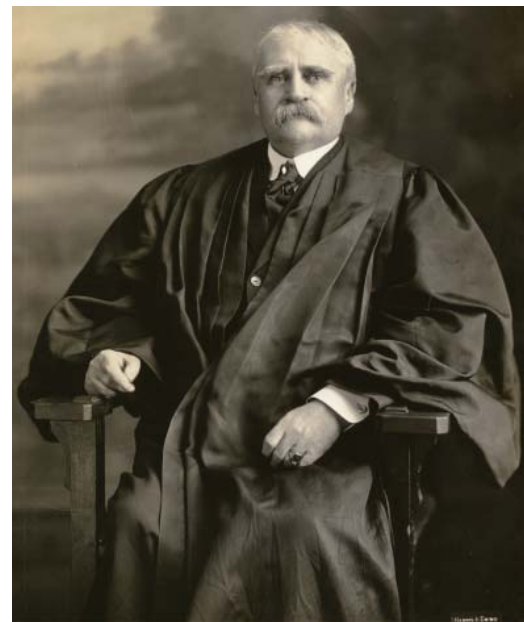
Conference and to sitting on the Bench. The Justices also gather regularly for lunch, and conversation about cases is off-limits at those meals. The Chief Justice underscored the importance of maintaining cordiality in the working relationships. "When you think about it, if you pick nine people at random, if you throw them all together and say that for the next 20 years, you're going to decide some of the most important issues ever to face the country, you immediately realize that you have got to find a way to get along, or else it's going to be a long 20 years."

Chief Justice Roberts, who has served on the Court since 2005, clerked for then-Associate Justice William H. Rehnquist in the 1980 Term. Asked about differences at the Court from his time as law clerk, he observed that in many ways operations have remained the same, but significantly the Court now hears fewer cases. "We will decide 75 cases this year. When I was a law clerk in 1980, the Court decided 150. So we're at half the number and that changes things. You have a little more time to deal with the cases."

Mr. Duff observed that over 30 years, there has been an increasing specialization in practice before the Supreme Court and asked the Chief Justice for his views on that



**An illustrated paper's conception of a scene wherein Harlan's Union forces may have fired on Confederate Horace Lurton's cavalry unit.**



**Justice Horace Lurton (above) served on the Court from 1909-1914. His service coincided with the last years of Justice Harlan's service.**

## ***Gideon v. Wainwright*** By Robert White\*

A distinguished panel spoke about the promise and legacy of *Gideon v. Wainwright* (1963) at the Court on May 10, 2017, reflecting on the case that guaranteed the right to counsel in every criminal trial in the United States. The decision of the Warren Court to remand the case of Mr. Clarence Earl Gideon to the Supreme Court of Florida made it plain that each person should be equal before the law, regardless of the depth of his or her pockets: “It’s quite a legacy for someone who lived on the margins of society and was convicted of breaking and entering to commit petty larceny in the Bay Harbor Pool Room in Panama City, Florida,” concluded one panelist.

Justice Stephen G. Breyer hosted the event and remarked that Chief Justice Burger would have been well-pleased to see two of his institutional creations, the Supreme Court Historical Society and the Supreme Court Fellows Alumni Association, working together. The Society’s Vice President, Mr. Jerome Libin, acknowledged the contributions that the Association made to the evening before introducing Justice Breyer who, in turn, praised both sponsors for their work on behalf of the judiciary and introduced the panelists.

Ms. Elizabeth Woodcock, an assistant attorney general in New Hampshire, retired assistant U.S. attorney, and secretary of the Association, moderated the conversation. Judge Timothy Dyk, a Circuit Judge on the Court of Appeals for the Federal Circuit, offered personal memories of *Gideon* from his clerkship under Chief Justice Warren in 1963. Judge James Boasberg gave insight from both sides of the bench as a former assistant U.S. attorney, former Associate Judge on the Superior Court of the District of Columbia, sitting District Judge on the District Court for the District of Columbia, and sitting Judge on the Foreign Intelligence Surveillance Court. Ms. Jelahn Stewart spoke from her vantagepoint as Special Counsel for Professional Development and Director of Training at the U.S. Attorney’s Office, where she serves as an assistant U.S. attorney.

Ms. Stewart clarified near the beginning of the discussion,

“Most people would think that prosecutors would not be pleased with the decision and that their job would be easier if *Gideon* had been decided the other way, they would be able to

obtain convictions more easily. However, that’s just not the case. The job of the prosecutor is not just to obtain convictions but rather to seek justice, and seeking justice is far easier when you have competent, ethical counsel on the other side.” The panel extolled the windfall of rights that the Warren Court brought to criminal defendants in such decisions as *Gideon*, *Mapp v. Ohio* (1961), and *Miranda v. Arizona*

(1966). Judge Dyk commented, “Now criminal law, to a significant extent, has been constitutionalized. That’s a very important part of the prosecution, and I think most people would think that the criminal justice system is fairer as a result of that.” Judge Boasberg similarly observed, “Anybody who has practiced, really, over the last fifty years just assumes that this is the framework that exists and should always exist. You don’t hear people questioning the right to counsel anymore.”

Judge Dyk related his contemporary impression of *Gideon* as a clerk of Chief Justice Warren: “It was a bit like going to watch Shakespeare’s *Hamlet* in the sense that when you went to the theater you knew what was going to happen, but it was interesting to watch the performance anyway. I think there wasn’t a lot of doubt as to how *Gideon* was going to come out.” Judge Dyk referred to the earlier establishments of the right to counsel in capital and federal criminal cases, of the right of indigents to a free transcript, and of the application of the exclusionary rule to the states before adding that “at the time of *Gideon*, forty-five of the fifty states did provide appointed counsel to indigents, and you had an *amicus* brief by over twenty states in the case saying that *Betts v. Brady* should be overruled. So, even at the time of *Gideon*, it was an anomaly not to allow counsel to be appointed for indigents.”

The panelists revealed that much of the interest of the *Gideon* decision lies in its details. Judge Dyk recounted how the Court had puzzled over the right to counsel on appeal in *Douglas v. California* (1963) for two years before

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**Justice Stephen G. Breyer hosted a panel discussion of *Gideon v. Wainwright*. Pictured above (l to r) are: Judge James Boasberg, Elizabeth Woodcock, Justice Stephen G. Breyer, Jelahn Stewart and Judge Timothy Dyk.**



rehearing and deciding it on equal protection grounds as a companion to *Gideon*, in which the decision rested on due process grounds. Judge Dyk also explained that the decision in *Johnson v. Zerbst* (1938) further complicated matters because it had held a right to counsel in federal criminal cases “virtually without analysis in the opinion as to the original understanding of the Sixth Amendment in that respect” and, rather, as the result of a solicitor general’s decision not to argue against the constitutionality of the right at trial. Such a murky jurisprudential context makes the clarity of the message that the Warren Court signaled in *Gideon* remarkable.

Judge Boasberg noted that the impact of the decision was so immediate that “by 1975, in *Faretta v. California*, the Court requires that before someone can proceed without a lawyer there must be a knowing, intelligent, and voluntary waiver.” However, the broad promise of *Gideon* left gaps that lawyers practicing today will recognize. Defendants whose liberty is not at stake, litigants in civil cases, and convicts dealing with matters other than their first appeal do not have a constitutional right to court-appointed counsel. Ms. Stewart also remarked that modern legal teams can struggle to process the amount of information presented by social media and recording devices, prompting Judge Boasberg to suggest that courts should offer litigants resources beyond



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Ms. Woodcock provided insight into *Gideon* from the perspective of assistant Attorney General of a state. Judge Timothy Dyk served as a law clerk to Chief Justice Warren at the time the case was before the Supreme Court.

the counsel guaranteed by the decision in *Gideon*, such as technological experts and investigators.

Underfunding public defender programs is the most common way that states fail to keep the promise of the *Gideon* decision. Judge Dyk opined that “there are many states that I would guess are up to the federal standard, but I think there are also many states that are nowhere near the federal standard, and there is not only not enough money for the public defenders but that there is pressure on the defendants to waive counsel, particularly in connection with guilty pleas....I don’t think the accused have much of a lobby in their favor.” He later continued, “I think that one of the reasons that...states have been unwilling to finance the public defender service the way they should be financed is the feeling that there are not a lot of people like *Gideon* around, that most of the people who are charged are guilty—so why should we worry about getting them counsel to prove their innocence?”



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Ms. Jelahn Stewart discussed the *Gideon* case from her perspective as an assistant U.S. attorney. Judge James Boasberg observed that most Americans do not question the idea of right to legal representation.



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Society Vice President Mrs. Thurgood Marshall visited with special guests prior to the panel discussion.

*Gideon v. Wainwright Continued from Page 9*

Ms. Woodcock concluded, "I think the *Gideon* decision is incredibly important and I hope that other states can follow the lead of the District of Columbia in affording criminal defendants, indigent defendants rights at all stages of the prosecution, and in other aspects as well, because it's needed to even the playing field. It is very difficult for individuals who don't have the skills or the knowledge to navigate their way through the system, and so I hope that funding is made available for this very important cause."

The panelists often referred to, and recommended that members of the audience read, Anthony Lewis's book, *Gideon's Trumpet*. Mr. Libin closed the evening by inviting

members of the audience to a reception. Memorabilia associated with *Gideon* was displayed prior to the program.

The panel increasingly had focused on the work that remains for advocates of fair trials. Judge Boasberg shared with the audience one of Mr. Gideon's private sentiments, which may continue to inspire such advocates: "I believe that each era finds an improvement in law each year brings something new for the benefit of mankind. Maybe this will be one of those small steps forward..."

*\*Robert White has been assisting with publications and membership.*

### The Philadelphia Courtroom Revisited

Earlier in the year, the Society acquired several vintage press photographs for the collection of the Supreme Court. Among them was a photograph of Chief Justice Taft presiding over the rededication ceremonies of Philadelphia's Old City Hall in May 1922. This space served as the Court Room for the Supreme Court of the United States from 1791 to 1800 until the seat of the federal government was relocated to Washington, D. C. Chief Justice Taft spoke in what had been the court room as part of a commemorative program. He was accompanied by his colleagues Justices John Hessin Clarke and Mahlon Pitney.

The photograph is similar to a photograph taken in the same space during a reenactment of *Georgia v. Brailsford*

who was attempting to collect a debt incurred by a group of businessmen before the outbreak of the Revolutionary War. The reenactment was argued to Chief Justice John G. Roberts, Jr. and Justices Stephen G. Breyer and Samuel A. Alito, Jr.. When announcing the verdict, Chief Justice Roberts provided some explanatory information and was faithful to the verdict rendered by the Court in 1794. The reenactment did not attempt to recreate the actual trial but it was argued simultaneously to a "jury" and the Court. However, the time was restricted to a modest ten minutes oral argument per side, a condition for which the audience was no doubt grateful as the original trial took place over four days.



Representatives of the Supreme Court attended the re-dedication of the Old City Hall in Philadelphia in 1922. (seated in foreground left to right) Justice Mahlon Pitney, Chief Justice William Howard Taft, and Justice John Hessin Clarke.



In September 2016, (left to right) Justice Stephen G. Breyer, Chief Justice John G. Roberts, Jr., and Justice Samuel A. Alito, Jr. sat in the historic Philadelphia Court Room to act as the Court for a reenactment of *Brailsford v. Georgia*.

(1794) held in September 2016. The reenactment was conducted as part of the United Kingdom-United States Legal Exchange affiliated with the American College of Trial Lawyers. The *Brailsford* case involved a British merchant

The photographs of these two events are visual reminders that the Supreme Court of the United States has convened in multiple homes and has been officially located in three different cities throughout the history of the Nation. The two events represented in the photographs though separated by nearly 100 years, are visual reminders of the Court's important role in American life.

# NEW SUPREME COURT HISTORICAL SOCIETY MEMBERSHIPS

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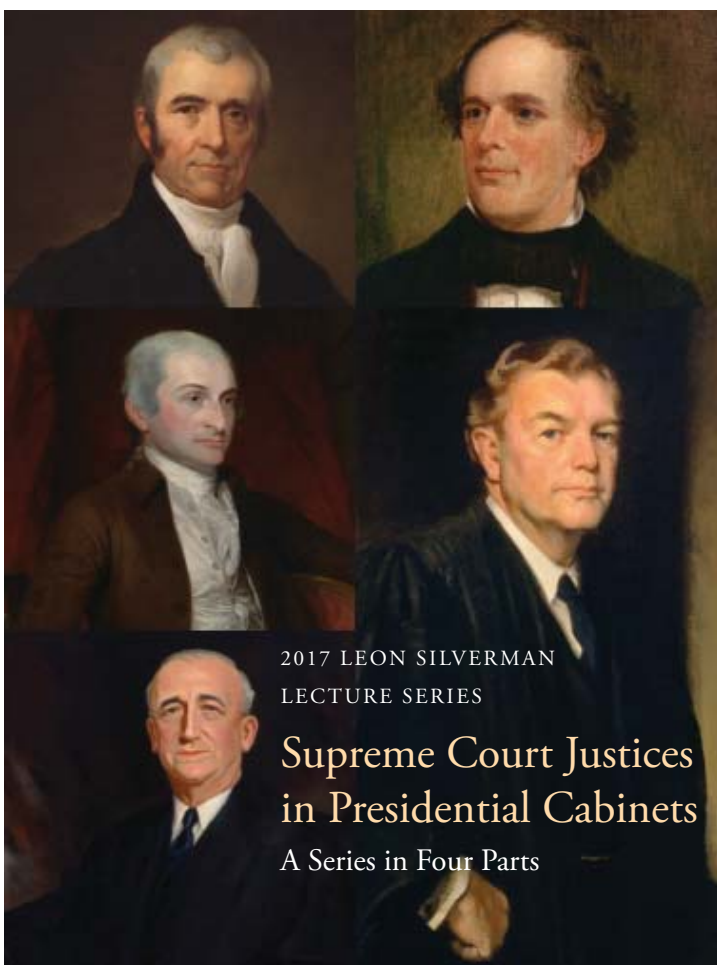
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