



THE SUPREME COURT  
HISTORICAL SOCIETY

# Quarterly

VOLUME XLI

NUMBER 2, 2019

## Las Tres Mujeres en la Judicatura

On January 23rd, the beautiful Museo de Arte de Puerto Rico in San Juan was the site of a conference celebrating the Foundation of the Federal Bar Association (FFBA) and its Fellows. The event honored the centennial anniversary



Three women jurists of Puerto Rican descent were interviewed about their experiences on January 23. They were: (left to right) The Honorable Aida M. Delgado-Colón, Associate Justice Sonia Sotomayor, and the Honorable Maite Oronoz Rodríguez. (Photos for "Las Tres Mujeres en la Judicatura" courtesy Foundation for the Supreme Court of Puerto Rico.)

the achievements in the legal world of some extraordinary women. Although the title mentions "Three Women in the Judiciary," the program focused on the accomplishments of four women with roots in Puerto Rico, three living and one deceased. The women were Herminia Tormes García, the Honorable Aida Delgado-Colón, Chief Justice Maite Oronoz Rodríguez, and Associate Justice Sonia Sotomayor.

Three organizations worked together to produce the program: the Foundation for the Supreme Court of Puerto Rico (FSCPR), the Supreme Court Historical Society, and

of Herminia Tormes García's admission to the Puerto Rican bar. Néstor Méndez, President of the FSCPR, Trustee of the Society, and Director of the FFBA, observed that the program had been postponed twice, once due to the devastation of Hurricanes Irma and Maria, and the second time because of health challenges for two of the participants. But all of the participants remained committed to completing the program.

The first portion of the program focused on the career of Herminia Tormes García, who was born on October 19, 1890, in Ponce when Puerto Rico was a Spanish Colón. Her father

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## A Letter from the President



President Chilton D Varner

The death of Justice John Paul Stevens occurred just as preparation for this issue of *The Quarterly* was nearing completion. Justice Stevens was the third longest-serving Supreme Court Justice, serving from 1975-2010 when he retired at age 90. His extraordinary longevity is matched by his many contributions to the Court. At his funeral service, Justice Ginsburg, with whom he served for many years paid tribute to him: “Quick and incisive as his

mind was, Justice Stevens remained a genuinely genial, unpretentious, modest man. No jurist with whom I have served was more open to what he called ‘learning on the job,’ more sensitive to the well-being of the communities law exists (or should exist) to serve. He was a model of independence, nonpartisan comity, graciousness, and good humor.”

The Society was fortunate to be the beneficiary of his participation on many occasions over the years, and we express gratitude for all he has contributed.

In tandem with the Supreme Court’s conclusion of its October 2019 Term, the Society’s Fiscal Year also winds down. I am happy to report that the Society finishes the year with significant accomplishments.

On June 3, the 44th Annual Meeting was held at the Court. We will report on that event in depth in the next issue of the Quarterly, but the highlights of that day’s events deserve notice. At the Annual Lecture, we were honored to have Society Trustee David M. Rubenstein conduct a candid and informative interview with Associate Justice Clarence Thomas. Audience members enjoyed an open, humorous, and warm exchange. Justice Thomas has served longer than any other member currently on the Court (when he was appointed in 1991, William H. Rehnquist was the Chief Justice). While Justice Thomas has often expressed his opinion that he usually learns more at oral arguments by listening rather than by interrogation, this interview allowed audience members to hear from the Justice on a broad range of subjects. After the interview, David Rubenstein declared Justice Thomas to be “an outstanding interviewee: insightful, humorous, interesting and self-deprecating (a rare combination)”. The interview has already garnered substantial press coverage. For those unable to attend the lecture, the interview can be accessed in its entirety through the Society’s web site, courtesy of C-Span. The program provided a wonderful opening event for the day.

Elections were held in the evening of June 3 at the Board’s Annual Meeting. Three new Trustees were elected; Allyson

Ho, Scott Heller and Steve Zack. We are honored to have these distinguished lawyers join the Board. No new officers were elected. One of our Trustees, and Chair of the Annual Meeting Committee, Michael Park, was recently appointed to serve on the U. S. Court of Appeals for the Second Circuit, and the Board offered Judge Park its congratulations. Donors and others who have assisted the Society during fiscal year 2019 were honored at the meeting with awards presented individually by Justice Alito. Five members of the Court attended the dinner that followed the meeting, notwithstanding that June is perhaps the busiest time of the Court’s year. We were honored to have Chief Justice John G. Roberts, Jr., and Associate Justices Stephen G. Breyer, Samuel A. Alito, Jr., Sonia Sotomayor and Brett M. Kavanaugh attend the event.

For more than two decades now, the month of June has included two sessions of the Summer Institute for Teachers. Secondary school teachers from all over the country enjoy this unique opportunity to learn about the Court from practitioners, Court employees, officers and others with practical experience and familiarity with the operations of the Court. We are repeatedly told by the participants that the Institute imbues them a deep appreciation of how the Court conducts its business. It also provides them with new strategies and methods of teaching about the Court and the constitution. Over the years the Society has sponsored these institutes, teachers have written glowing reviews of the opportunities this training provides. Participants tell us they will go back to their classrooms energized, enlightened and able to teach their students with enthusiasm and knowledge. We are proud to provide this support to the teachers who help shape the lives and minds of young people who will lead the next generation.

Plans for the 2019 Leon Silverman Lecture Series and the Frank C. Jones Reenactment are nearly complete. The schedule will appear on the web site as soon as the last details can be clarified.

Our members play a significant part in helping the Society to conduct its business. Working in concert with the staff, officers and Trustees of the Society, you can help make Fiscal Year 2020 another year of signal accomplishments. I welcome your comments and suggestions, and applaud you for your support. Together we have accomplished a great deal, but there is still much to do.

*Chilton D. Varner*





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was of Spanish heritage and her mother was an Afro-Puerto Rican woman who had formerly been enslaved. Following graduation from high school, she attended the Normal School of the University de Puerto Rico in Rio Piedras, where she earned a teaching degree in English. Tormes García taught for a short time before she realized her desire to achieve even more. She enrolled in the Law School of the University of Puerto Rico and finished in 1917 in the second graduating class. In December of that year she was admitted to the bar, making her the first woman in Puerto Rico to achieve that milestone. Within the context of her time, Tormes García's choice to practice law is quite extraordinary, given that women did not yet have the right to vote.

Tormes García can also lay claim to another "first": she was the first woman in the United States to be admitted to practice before the First Circuit Court of Appeals and to argue a case there. (Puerto Rico was assigned to the First Circuit, headquartered in Boston, when it became a U.S. territory in 1898.) This record of firsts was supplemented by another; Tormes García was the first woman appointed to serve as a judge of Puerto Rico, initially in the municipal court and later in the district court.

During the forty years she practiced law, Tormes García dedicated much of her time to serving marginalized women who were trapped in poverty and illiteracy. With no education or vocational skills, many of these women had become the

victims of prostitution. Through the efforts of Tormes García and several other lawyers (including two of her brothers), many women received medical assistance, learned to read and write, and received vocational training to help them break out of the cycle of poverty and abuse.

Although Herminia Tormes García passed away in 1964, several of her relatives were present for the program. The inspiring story of her life and accomplishments set the stage for a discussion among three modern day female legal pioneers of Puerto Rican descent, each of whom also represents a first for Puerto Rico.

The first panelist was the Hon. Aida M. Delgado-Colón, Chief Judge Emerita of the U.S. District Court for Puerto Rico. Characterized as a "[h]ard worker, humanitarian, perfectionist, and a role model," Judge

Delgado-Colón has also achieved a number of ground-breaking accomplishments in her legal career. She was the first woman to work as an assistant federal public defender for the District of Puerto Rico. Her supervisor there was somewhat reluctant to hire her, doubting that a woman had the ability to do the job. But she did perform it well - in fact, so well that he later hired other women for his department. She was the first female magistrate judge in the District of Puerto Rico. Appointed to an eight-year term initially, she was reappointed to a second term. On December 25, 2005, President George W. Bush nominated Judge Delgado-Colón to become an Article III judge. She was confirmed on unanimous consent by the U.S. Senate on March 6, 2006. With this appointment, she became the third woman of Puerto Rican ancestry to hold this office, after Carmen Cerezo, who was appointed in 1980 to the Puerto Rico U.S. District Court and Justice Sonia Sotomayor, appointed to the U.S. District Court for the Southern District of New York in 1992. In 2011, Judge Delgado-Colón became the second woman, after Judge Cerezo, to be appointed to serve as Chief Judge for the U.S. District Court of Puerto Rico.

The second member of the panel was the Hon. Maite Oronoz Rodríguez, the Chief Justice of the Supreme Court of Puerto Rico. She was introduced by the Senior Associate



**The Society was one of three sponsors for the program in Puerto Rico. Society Trustee Néstor Méndez hosted the program.**

## 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, <http://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**







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Justice of the Court, the Hon. Annabelle Rodríguez, herself the second female Secretary of Justice of Puerto Rico and third woman to serve on Puerto Rico's highest court. She noted that Justice Oronoz Rodríguez is the fifth woman to serve on the Court and the third to serve as Chief Justice. She is the youngest high court Chief Justice in the United States. Born in Puerto Rico, she obtained a J.D. from the University of Puerto Rico and an L.L.M. from Columbia University. After completing graduate work, she served as a law clerk to the Chief Justice of the Supreme Court of Puerto Rico and entered private practice in 2001. From 2005 to 2008 Justice Oronoz Rodríguez served as the Deputy Solicitor General of Puerto Rico, returning to private practice in 2009. From 2013 to 2016 she served as the head of the Office of Legal Affairs of the City of San Juan.

In June 2014, the Governor nominated her to the Supreme Court of Puerto Rico. She was confirmed and then sworn in on July 15, 2014. Less than two years later, Oronoz Rodríguez was nominated to serve as Chief Justice. At the time of her nomination, Governor Alejandro García Padilla remarked, "Oronoz is an example of what this generation has to offer Puerto Rico. This is a brilliant young woman who will contribute from the Supreme Court, in defining the guidelines for our society in this new century."

The third panelist was Associate Justice Sonia Sotomayor of the Supreme Court of the United States. Justice Sotomayor's experiences were different from those of the other panelists in some respects. She was born in the Bronx, NY of Puerto Rican parents. Sotomayor earned a B.A. from Princeton with honors and a J.D. from Yale Law School, where she was an editor of the *Yale Law Journal*. She served as an Assistant District Attorney under the legendary Robert Morgenthau. After leaving public service she entered private practice in New York City where she litigated commercial matters, including representing prestigious fashion houses such as Gucci with regard to trademark violations. She became a partner in the firm before President George H.W. Bush nominated her to the U.S. District Court, Southern District of New York, in 1991. Sotomayor served on the Court

from 1992 to 1998. She was then appointed to the United States Court of Appeals for the Second Circuit, serving there from 1998 to 2005. While a member of that court, Judge Sotomayor ended a long baseball strike, ruling against team owners in favor of the players, noting that the strike had "placed the entire concept of collective bargaining on trial." Her timely ruling saved the remainder of the playing season, earning her the nickname of "the Judge who saved baseball." President Barack Obama nominated her as Associate Justice of the Supreme Court on May 26, 2009, and she assumed that office in August 2009.

Judge José Cabranes of the U.S. Court of Appeals for the Second Circuit provided another Puerto Rican aspect to

the program. He served as moderator for the panel. Born in Puerto Rico, Judge Cabranes moved with his family to the Bronx where he grew up. He received a B.A. from Columbia University and earned his J.D. from Yale. He then earned a Master of Letters of International Law from Cambridge. He practiced law in a major New York City firm, was a part-time faculty member of Rutgers University's Law School, and served as an adjunct professor at the Yale Law School.

His early career included two years as General Counsel to the Governor of Puerto Rico. Cabranes later served on the U.S. District Court for the District of Connecticut, eventually becoming Chief Judge of that Court, before being appointed to the Court of Appeals for the Second Circuit. He also is a member of the Foreign Intelligence and Surveillance Court, having been appointed to that position by Chief Justice Roberts.

The topic of the forum was characterized by one journalist as "*three women in the judiciary against all odds.*" Judge Cabranes posed questions to the panelists that helped develop that theme. In turn, each panelist described some of the challenges they experienced in their careers, and to what extent they thought they were heightened because they were women.

Departing a bit from that theme, he asked the Judge to describe some of the unique challenges her Court faced in the wake of Hurricane Maria. Judge Delgado-Colón described extensive physical damage to the building, such



**Justice Sonia Sotomayor spoke to audience members about her experiences as a woman jurist of Puerto Rican ancestry.**





as broken windows and flooded rooms. Coupled with those problems was the lack of basic services: no water and no electricity, which meant no lighting, heating, or cooling, and no computer or telephone service. For some time most communication had to be conducted by word of mouth. The continuing fuel

shortage complicated transportation to and from the Court even after other services were restored. Food supplies were also severely affected and she recounted reading a news report that hospitals were turning away many potential blood donors because of elevated blood pressure due to the consumption of Spam—a source of protein that was high in sodium content.



**Judge José Cabranes, also of Puerto Rican ancestry, acted as the moderator for the panel discussion.**

than her professional experience. Oronoz Rodríguez said “I was surprised that the discussion did not revolve mainly around my experiences or lack of them, or my abilities.”

In her response, Justice Sotomayor said she had similar experiences to those of the other panelists. “All my life I was the youngest in everything. In many

cases, I was the only woman.” She lightened the mood by adding that [w]hen I was appointed to the Supreme Court they were calling me very old. It is a disease, youth, which heals itself.”

It was the opinion of the panelists that these comments are not made as often about male candidates. Each of the panelists had faced and overcome similar challenges during their careers. Each explained that their successes were predicated on pursuing an advanced education, setting high goals, and then working hard to achieve them and not letting frustration or discouragement in the form of disparaging remarks or attitudes from others prevent them from pursuing their goals.

The program concluded with a question raised by an eight-year-old girl about what she should anticipate in the future and what she should do. Judge Delgado-Colón said that she would advise what parents advise their children: “to read, to study, to dream and when playing, if you want to win, to try to win by doing the right thing, the right thing without cheating.” Judge Delgado-Colón admonished parents to “... emphasize education, which is the only thing that removes barriers, creates equality, and creates opportunities that will ensure a future.” Chief Justice Oronoz Rodríguez commented that “[h]istorically, in Puerto Rico, in the United States and many countries, we have advanced rights just to see setbacks. ... We cannot pause here, we must continue to open paths so that girls will continue having more opportunities.”

Justice Sotomayor summed up her personal views and those of her fellow panelists and issued a challenge to the interlocutor: “We have left the door open for you. Now, you have to open it for the generations that follow us. You have to tell us what we have to change to improve your life. Do not wait for us. We are leaving you a very bad world with many problems ... we need you, at age 8, to have the vision, the energy, the passion and the desire to make a better world for all people, men and women. ... [M]ake this world better for everyone.”



**Herminia Tormes García was the first woman admitted to the Bar in Puerto Rico. Her extraordinary career provided the backdrop for a discussion with three contemporary women who have also achieved many firsts.**

Returning to the topic of challenges women face in the judiciary, Justice Oronoz Rodríguez said that in her experience women are held to a different level of scrutiny than their male counterparts and that the bar is set higher for women. She said that when she was nominated to the Supreme Court of Puerto Rico newspaper coverage and the public discussion focused on her youth, gender and sexual orientation, rather

Photo credit: noticiadeponce.net





# Chief Justice Warren Burger and the Constitution Bicentennial Commission

By Norman Liss\*

The year Two Thousand Nineteen marks the 30th Anniversary of the commemoration of the United States Constitution by the Commission on the Bicentennial of the United States Constitution and the 230th Anniversary of George Washington's first inauguration on April 30, 1789. Thus, it is an appropriate time to look back on the work of the Commission under Chief Justice Warren Earl Burger, the founder of our Society.

President Reagan announced on June 17, 1986 that Chief Justice Burger would retire after seventeen years of service on the Court with his termination to be effective upon the conclusion of his work for the Court's Term. His retirement became effective on September 26, 1986, the day he swore in his successor, William H. Rehnquist. Burger's retirement was motivated by his passion to commemorate the Bicentennial of the Constitution as Chairman of the Bicentennial Commission. The Commission was formed in 1985, directed by Congress to "harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education."

When he retired from the Supreme Court, Chief Justice Burger wrote to President Ronald Reagan informing him that he regarded the work of the Commission as a full time enterprise and an "enormous and challenging task" to which he was committed. From that day on he devoted all of his

energy to the task.

Notwithstanding criticism from historians who believed that the principal work of the Commission should be a focus on scholarship and the role of historians, the Chief, as he was called, believed that it was more important to focus

on raising public awareness of the Constitution and on a national history and civics lesson that would ultimately gain a wider audience for scholarly works. At the first meeting of the Commission in July 1985, the Chief Justice stated, "that the occasion should afford an opportunity to learn history and also provide a civics lesson for all of us." "We hope to have the grade schools and high schools teaching history again."

As the founder of the Supreme Court Historical Society, Burger was obviously devoted to history and was not adverse to scholarly inter-

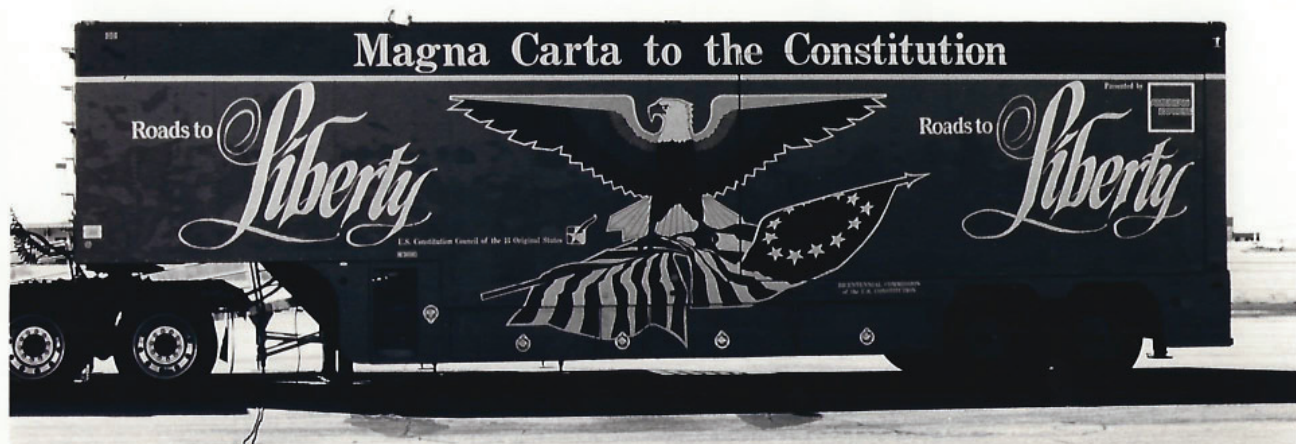
pretations of the Constitution. However, he saw the principal work of the Commission as an invitation to the country to participate in three years of celebration, from 1987 to 1989, enlarging the nation's understanding and appreciation of the Constitution. He did not see the primary role of the Commission as interpreting and analyzing the Constitution, but as promoting and celebrating it. In response to some of the criticism from historians who sought to develop scholarly works and to hold major conferences, Burger stated, "First we must get the people's attention or they would not read

Collection of the Supreme Court of the United States



In 1986, Chief Justice Warren E. Burger retired as Chief Justice to become Commissioner of the Bicentennial Commission. He was sworn in by Vice President H. W. Bush (right) with Mrs. Vera Burger looking on.

Photo Courtesy of Norman Liss



Burger organized a national tour to celebrate the Constitution. Housed in a bus that travelled through the Northwest Ordinance states of the country. The exhibit was titled "Roads to Liberty—Magna Carta and the Constitution."



**Burger requested the assistance of attorney Norman Liss to help secure the loan of historical documents. Shown here are: (left to right) Fred Biebel a member of the Bicentennial Commission, Mr. Liss, Chief Justice Burger, Mrs. Vera Burger, and an employee of the Commission.**

any of the things the scholars like to write.” There was some sponsorship of academic events, but the Commission did not operate with that as a central focus.

Burger was so deeply committed to the educational aspects of the Commission’s work that he carried pocket-sized copies of the Constitution, and handed them out freely to almost everyone he met. Millions of these copies of the Constitution along with commemorative pins were distributed. I still proudly wear a lapel pin provided by the Chief in 1988 which states, “We The People,” and I still have the copy of the Constitution he personally handed to me.

Although the work of the Commission involved dozens of different projects, in my memory, two stand out.

First, to help realize his goal, Burger organized a national tour on a bus contributed by the State of New York of an exhibition titled, “Roads to Liberty - Magna Carta to the Constitution”. He envisioned it as bringing the Constitution to the people, rather than having them travel to Washington to view the historic documents. I became involved with the Commission and with Chief Justice Burger when he approached me to assist with obtaining some of the documents that would be displayed. I was fortunate in being called upon because of my background as a former Chairman of the Committee for Historical Documents during the Statute of Liberty celebration.

The kickoff of the national tour was held on March 7, 1987

Photo Courtesy of Norman Liss

in the Rose Garden of the White House, and the last stop was in September 1987 in New York. The tour was curated by the Smithsonian Institution and was viewed by millions of people in hundreds of cities in twenty-eight states across the country. Among the many documents that were displayed on the tour were an original copy of Magna Carta, an original Declaration of Independence and the Mayflower Compact.

A second highlight was a reenactment of the two week travel by President Washington to New York, beginning at Mount Vernon travelling through six States and ending in New York City, stopping in each state. A professional actor portrayed Washington. The climax of the reenactment took place when the Washington actor repeated on April 30, 1989 at Federal Hall, the April 30th 1789 Inaugural Address given by our first President, where it was originally given, exactly 200 years to the day after his Inauguration. He was surrounded by people in colonial costumes lending a festive air to the event. Burger was certain that such an event would get extensive media coverage and promote the commemoration, and indeed he was correct.

There was national coverage of the event. The lead story in the New York Times of May 1, 1989 provided a headline, “A Day Celebrating 200 Presidential Years”, with a photograph of soldiers in Revolutionary War-era garb.



**Chief Justice Burger visited the Coast Guard Barque *Eagle* to present awards to prize winning students in an essay contest.**

Photo Courtesy of Norman Liss

A final manifestation of the commitment and character of the Chief was his visit on an early Monday morning to the United States Coast Guard Barque *Eagle*, docked at the South Street Seaport in New York. Burger made this trip to present awards to two students who had won an essay competition about the Constitution sponsored by the Commission and the Coast Guard. Burger never sought personal attention for his visit, although it was a great event in the eyes of the cadets who were present on

the ship and the students and their families.

Chief Justice Burger’s service as Chairman was a reflection of his devotion to his country, a recognition of the Constitution as the foundation for our rule of law, and his belief that it was a time for a history lesson for America.

*Norman Liss is an attorney in New York. He has been a member of the Society for many years and served as Counsel to the New York Bicentennial Commission. He previously served as Counsel to the New York State Statute of Liberty Commission, and serves as Chairman of Development of the Ellis Island Restoration Commission.*







## When Warren Met Holmes

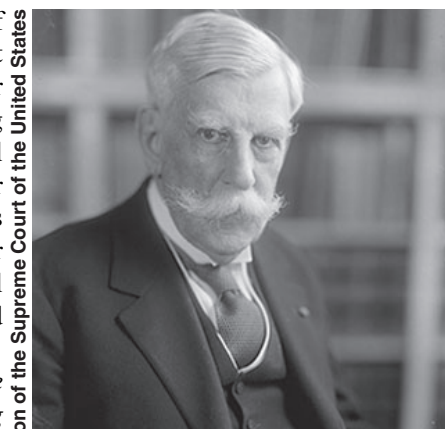
Clare Cushman\*

In 1972 Earl Warren told one of his favorite anecdotes at a retirement dinner for Bessie Margolin, a Labor Department lawyer who was wrapping up an illustrious career as an oral advocate. An expert on the Fair Labor Standards Act, she had argued 24 times before the Supreme Court. The former Chief Justice used the occasion to recall how daunting his first experience had been arguing before the high bench:

*I know what that fear is, because I experienced it myself as a young lawyer. I was a young district attorney in Oakland, California, and ... the County was sued by the Southern Pacific Company over a right-of-way. And while we won in the lower courts, they took us all the way to the Supreme Court. I had never been in its presence before. I came back here to argue the case and it just happened to be the last case that Mr. Justice Holmes ever sat on. I argued the case on a Friday afternoon and took the train home that evening back to California, and when I arrived at the railroad station I was met by some of my friends, and they said, "Now look at what you've done. You've driven that dear man off of the court. He was 30 years on the State Court, he was 20 years on the Supreme Court of the United States, he listened to you just once and he said, 'I've had it.'" And true enough, it had been announced over the weekend that he retired the following Monday.*

The image of these two Supreme Court luminaries facing each other from bench to bar is compelling. The venerable Oliver Wendell Holmes, Jr., age 90, would have strained to hear the California attorney, age 40, make his case. One might imagine that an invisible baton was tossed from the elderly judge who had championed First Amendment rights to the young prosecutor who would, as Chief Justice, expand civil liberties. A reexamination of this incident is thus in order.

As assistant district attorney of Alameda County and an experienced litigator, Warren was assigned the case, which required defending an easement on railroad property, under which the county had a right-of-way since 1859. Warren rode the rails to Washington to argue *Central Pacific Railway v. Alameda* on Thursday, January 7, 1932. Three days later, on Sunday afternoon, Chief Justice Charles Evans Hughes called on Holmes in his study to coax him to resign. Holmes's health had noticeably deteriorated since the summer. After

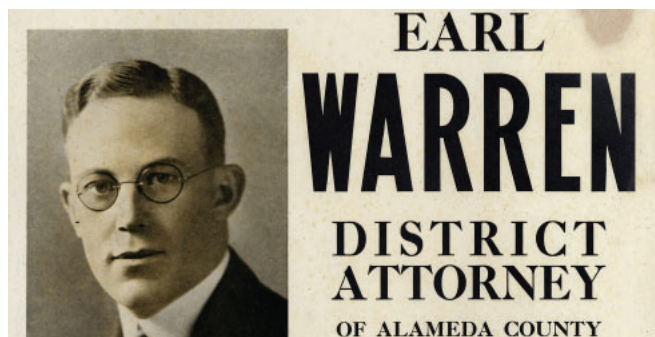


**By coincidence, the last case that Justice Oliver Wendell Holmes, Jr. heard before retiring was presented by a young attorney, Earl Warren from California.**

consulting with Justice Louis D. Brandeis, the Chief Justice had decided it was time to undertake the delicate task. Holmes, who had served on the high court for 29 years, was obedient. Ever the dutiful soldier, he wrote out his retirement letter to President Herbert Hoover on the spot:

*The condition of my health makes it a duty to break off connections that I cannot leave without deep regret after the affectionate relations of many years and the absorbing interests that have filled my life. But the time has come and I bow to the inevitable. I have nothing but kindness to remember from you and from my brethren. My last word should be one of grateful thanks.*

He postdated the letter so he could read his last opinion from the bench the following day, albeit in a faltering, barely audible tone. On January 12, President Hoover officially accepted the resignation of the Justice from Beacon Hill.



**As District Attorney of Alameda County, Earl Warren argued before the Supreme Court of the United States in 1932. Twenty-one years later he would be appointed Chief Justice of the Court.**

A month later, the Court ruled unanimously in favor of Alameda County. Holmes's successor, Benjamin Cardozo, had been nominated but not yet confirmed.

As Chief Justice from 1953 to 1969, Warren came to revere Holmes's writings. He relished recounting the episode of the first time he set foot in the Supreme Court... and scared away his idol. From time to time, Warren would visit the old Supreme Court Chamber in the Capitol where he had argued his case in order to "commune silently with his predecessors." Holmes was no doubt foremost on his mind.

*\*Clare Cushman is Resident Historian and Director of Publications for the SCHS.*







## Recent Acquisitions: Jacob Lawrence's "Revolt On The Amistad"

By Franz Jantzen\*

The Supreme Court of the United States is not often a subject found among the visual arts. The Justices themselves, of course, have always been the subjects of portraitists in all mediums, and have often attracted prominent and important artists of their day. But with the notable exception of editorial cartoonists, the work of the Court is not frequently the subject of expressive works by artists. Where the work of the Court has provided inspiration, it has usually been in response to a particular opinion or the rights that flow from it; *Brown v. Board of Education* (1954), for example, has inspired work by a number of artists, including Ben Shahn, Romare Bearden and Norman Rockwell. One of the most significant cases to strike a powerful chord with artists is *United States v. The Amistad* (1841), which has been the subject of many dozens of paintings, prints, sculpture, street murals, and in other media over the past 180 years.

Recently the Supreme Court Historical Society purchased "Revolt On The Amistad," an original silkscreen print by Jacob Lawrence (1917-2000). Its subject is the famous overthrow of the slave-trading schooner *La Amistad* by its cargo of West African captives, kidnapped from Sierra Leone, whose fate was determined by the 1841 case. Lawrence made the print in 1989 to commemorate the 150<sup>th</sup> anniversary of the 1839 revolt.

The silkscreen print depicts a climactic moment of intense, hand-to-hand combat between the prisoners and the ship's crew. The composition is a striated tangle of slashing, angular shapes, most in the form of arms and hands, with many holding blood-tinged black knives. The captives, depicted in warm shades of brown and umber, are clustered near the top while the ship's crew, wearing blue, are being subsumed within the thicket of dark arms and rigging. Blue and black water roils violently below. In analyzing Lawrence's prints

of historical struggles against oppression, Lawrence scholar Patricia Hills has said of this print that "...the movement of the ribbonlike shapes (flailing knives and ropes of the rigging)...suggests not only a shipboard rebellion but also the streamers of celebration...Hence, although Lawrence's scene represents a rebellion, it also hints at the eventual victory."

The ordeal for the Sierra Leoneans began with their abduction by Portuguese slave traders in February 1839. They were taken across the Atlantic to the slave-trading hub of Cuba and sold at auction. Two plantation owners purchased fifty-three captives and loaded them on to *La Amistad*. The ship then headed for nearby sugar plantations but the crew was overtaken during the uprising, which took the lives of the ship's captain and cook. The captives ordered that they be returned home, but the remaining crew surreptitiously headed for the United States instead.

After two months at sea, the ship docked at New London, Connecticut in August 1839, where the captives were imprisoned on charges of murder. The two plantation owners claimed the ship and its cargo as their own; lawyers for the prisoners said no,

they had been forcibly kidnapped in the first place and were thus still free. Their case rose through the courts, arrived at the Supreme Court, and was argued on February 23, 1841. Former President John Quincy Adams and Roger Sherman Baldwin represented the Sierra Leoneans, and Attorney General Henry Gilpin argued for the plantation owners. On March 9, 1841, Justice Joseph Story announced the opinion of the Court, stating that the prisoners were not property since they had been kidnapped and transported illegally, and should be released immediately. Thirty-five of the freed captives ultimately returned home; the remaining eighteen



"Revolt On The Amistad", 1989, ed. 27/120 (silkscreen on two-ply rag paper)





*Recent Acquisitions... continued from Page 9*  
either died in jail or on the return voyage.

In 1989, Aetna Life and Casualty commissioned Jacob Lawrence to create a new work commemorating the sesquicentennial of the Amistad uprising. Lawrence was born in Atlantic City and grew up in Harlem in New York City, where his development as an artist coincided with the flourishing of the Harlem Renaissance. Throughout his long and distinguished career, Lawrence often created a series of works on a particular subject in order to accommodate a complex and detailed narrative. One of his early influences may have been Hale Woodruff (1900-1980), known for epic narratives about African-American heroes often told through murals or series. Lawrence was undoubtedly aware of Woodruff's *Amistad* mural cycle which was commissioned by Talladega College in Talladega, Alabama in 1938 to commemorate the revolt's 100<sup>th</sup> anniversary.

Lawrence's research into the history and struggle of early black leaders led to his first epic narrative, a series of 41 tempera panels created between 1936 and 1938 about the life of Toussaint L'Ouverture, a Haitian slave who led a slave revolt in 1791 that helped to create an independent Republic of Haiti. This series quickly led to national recognition after Alain Locke, a Howard University professor and philosophical architect of the Harlem Renaissance, included the entire series in the *Exhibition of Contemporary Negro Art* at the Baltimore Museum of Art in 1939. Following the L'Ouverture series, he created similarly complex cycles on the lives of Frederick Douglass, Harriet Tubman, and John Brown. He is probably best known for *The Migration of the Negro*, a series of 60 panels painted in 1940-41 which is now co-owned by the Phillips Collection in Washington, D.C. and the Museum of Modern Art in New York.

To translate his original gouache painting of "Revolt On The Amistad" into an edition of 120 silkscreened prints, Lawrence turned to master printer Lou Stovall of Washington, D.C. An artist in his own right, Stovall founded the printmaking studio Workshop, Inc. in 1968 and had since collaborated with many artists, including Alexander Calder (1898-1976), Josef Albers (1888-1976), Sam Gilliam (b. 1933), and Elizabeth Catlett (1915-2012), whose portrait of Thurgood Marshall was acquired by the Society in 2017.

Silkscreen prints are made by using a squeegee to evenly apply paint on to paper through a fine-mesh silk, stretched tightly onto a wood frame, on which a stencil has been cut. The paint transfers onto the paper only where the silk has been exposed, and each color requires a new stencil. Once a particular color has been printed on each of the prints, the stencil is peeled off and replaced by a new one so the next color can be printed. It took Stovall and eight assistants four months to make all of the prints for "Revolt", which required 46 separate stencils.

Prior to making the final prints, Lawrence and Stovall would supplement in-person visits with telephone calls to discuss various details on a series of proof prints that Stovall



**Printmaker Lou Stovall (left) looks on as artist Jacob Lawrence signs prints at Stovall's Washington, D.C. studio, 1992;**  
© photograph by Carol Harrison.

would mail to Lawrence as the piece evolved. Stovall described the process:

Like his ideas, the principal elements in his paintings, were never static.... His use of color enhanced action especially in pieces like "Revolt On The Amistad", a work of unusual complexity and abstraction. This piece is unique to me because I was frequently going back and forth between Jacob's original painting and the developing imagery in the print. There were moments when the ambiguity of shapes in the composition was increased because the force of Jacob's ideas demanded a stronger statement. I use the word force because he was imagining how a mutiny aboard a ship would look. Using silkscreen printmaking at its best, Jacob was able to compare the state of one proof to another, as he adjusted his composition to suit his idea. What happened and how to represent what happened on the deck of *La Amistad* mattered to him. His knowledge of history told him about the violent struggles, slashing knives and gnashing teeth set against the colors of rope, skin, and uniform, with the turbulence of the waves lifting the ship. This particular print is like a symphonic selection. We were creating meaning, in other words, making an art language that would take us beyond conventional expectations of what was possible in the silkscreen medium.

*\*Mr. Jantzen is the Collection Manager for Graphic Arts for the Office of the Curator at the Supreme Court of the United States.*







## NEW SUPREME COURT HISTORICAL SOCIETY MEMBERSHIPS

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Steve Goble, Clay

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Judy Chirlin, Los Angeles  
Patricia Glaser, Los Angeles  
Allison Ramsey, Sacramento  
Jacquelynn Olivarez, San Francisco  
Ashley Bechtel, San Francisco  
Adrian Van, San Francisco  
Betelhem Gedlu, Oakland  
Kai Valenzuela, San Francisco  
Sheila Templeton, San Francisco  
Ronald Phillips, Malibu  
Susan Harriman, San Francisco

### Colorado

Jim Nottingham, Denver

### Connecticut

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Amelia Yowell  
Seth Galanter  
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Susan Bristow, Eastport  
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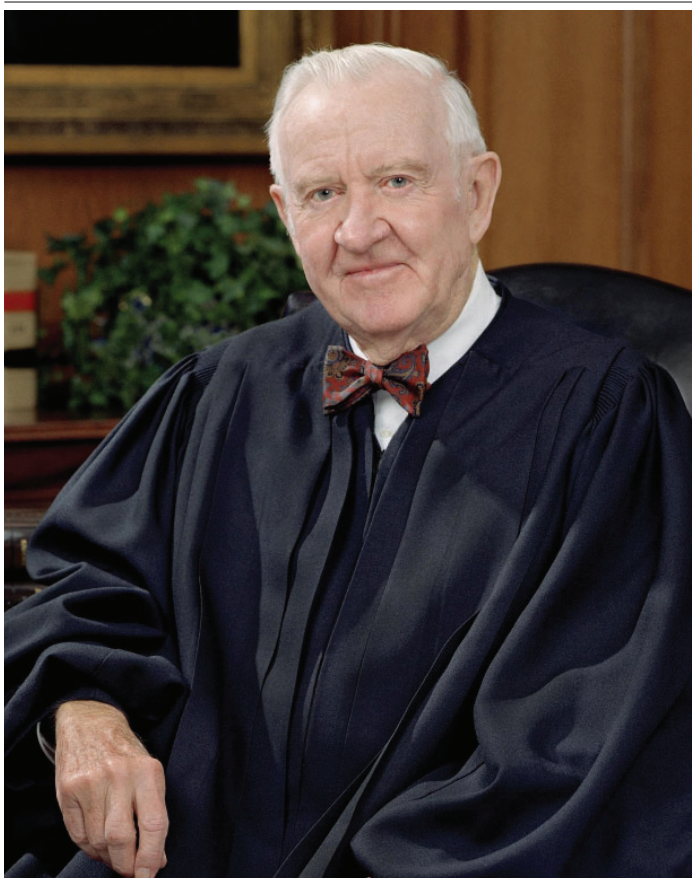
In the interest of preserving the valuable history of the highest court, The Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature and any other materials 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 reach the Society through its website at [www.supremecourthistory.org](http://www.supremecourthistory.org)





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### **In Memoriam**

#### **Justice Stevens April 20, 1920 - July 16, 2019**

Retired Associate Justice of the Supreme Court of the United States, John Paul Stevens, died July 16, 2019. He was 99 years old. Justice Stevens was appointed to the Court by President Ford in 1975, and retired in 2010, after serving more than 34 years on the Court.

Justice Stevens was born in Chicago, Illinois on April 20, 1920. He served in the United States Navy from 1942–1945, and was a law clerk to Justice Wiley Rutledge of the Supreme Court of the United States during the 1947 Term. He was admitted to law practice in Illinois in 1949. He was Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Judiciary Committee of the U.S. House of Representatives, 1951–1952, and a member of the Attorney General's National Committee to Study Antitrust Law, 1953–1955. He was Second Vice President of the Chicago Bar Association in 1970. From 1970–1975, he served as a Judge of the United States Court of Appeals for the Seventh Circuit.

Justice Stevens wrote three books: *The Making of a Justice: Reflections on My First 94 Years* (2019); *Six Amendments: How and Why We Should Change The Constitution* (2014); and *Five Chiefs: A Supreme Court Memoir* (2011). Collection of the Supreme Court of the United States

