Society Holds Sixth Annual Meeting

On May 18th, the Society held its Sixth Annual Meeting at the Supreme Court in Washington, D.C. By action of Linwood Holton, the Society’s President, the entire day’s events were held in memoriam to Elizabeth Hughes Gossett, the Society’s Chairman, who died on April 25th. The annual lecture was presented by Professor George Haskins, Biddle Professor of Law at the University of Pennsylvania at 2:00 P.M. in the Restored Supreme Court chamber in the Capitol. A full house heard Professor Haskins’ scholarly and thought-provoking address on the Marshall Court’s successful attempt to separate law from politics in the Court’s decisions.

At 6:00 P.M., the Board of Trustees held their annual meeting, and among other business elected the following individuals as new officers of the Society: Fred Vinson, Jr., Chairman; Alice O’Donnell, First Vice President; Frank Gilbert, David Lloyd Keefer and Kenneth Rush, Vice Presidents; Virginia Warren Daly, Secretary; and Peter Knowles, Treasurer. Also elected by the Board to serve on the Executive Committee were Elizabeth Black, Ralph Becker, Charles Duncan, and Sol Linowitz.

Following the meeting of the Trustees, the annual meeting of the general membership was called to order in the Supreme Court chamber. In his report to the Society, President Holton mentioned the renewed sense of commitment and enthusiasm which has influenced the Society’s attitude during the past year. As a result of a reexamination of the Society’s purpose by the Board last fall, the Society has benefited from the clearer agenda of priorities and objectives. The Board has devoted considerable attention to the careful management of the Society’s resources, and has sought to improve and expand its programs during the year. The President was pleased to announce that the Society sponsored a new project in November — the completion of a new Index of the Opinions of Supreme Court Justices, and he reminded the membership of several other Society activities, including the ongoing Documentary History Project.

President Holton also praised the Society’s recent gains in membership, indicating a net growth of roughly ten percent was anticipated by the end of the 

Law Versus Politics: Haskins Presents Annual Lecture

On May 18th, Professor George Haskins presented the Society’s Annual lecture in the restored Supreme Court chamber of the United States Capitol. Haskins, who is the Biddle Professor of Law at the University of Pennsylvania, entitled his address “Law Versus Politics in the Early Years of the Marshall Court.”

As he stood on the very spot where Chief Justice John Marshall delivered many of his most famous opinions, Professor Haskins reminded his listeners that Marshall’s considerable accomplishments tend to obscure the very real difficulties confronting the Court during those early years. Beneath the apparent historical calm of the period, vibrant clashes of personality, constitutional attitudes, and political ideologies threatened both the Court’s effectiveness and its very existence as an independent and coequal branch of the new federal government.

Characterized as perhaps the “greatest judge in the language”, Marshall served on the Court with other judges of proven abilities. Nevertheless, prior to 1801 the Supreme Court had been little more than the titular head of the national judiciary, and had done little to presage its later preeminence. Indeed, to some, and perhaps most notably Chief Justice John Jay, the Court seemed destined to languish in relative obscurity. But, Haskins stated, “under Marshall, the Court became the ultimate seat of federal judicial power, and more important, a firm-standing bulwark for a developing rule of law as distinct from the elusive and unpredictable accommodations to the executive and

continued on page six

continued on page ten
In Memoriam: Elizabeth Hughes Gossett

(1907-1981)

ElizabethHughesGossett,thelastsurvivingchildofthe lateChiefJusticeCharlesE.Hughes,died on Saturday, April 25 in Detroit after a short illness. Born in the Governor's Mansion in Albany, New York in 1907, Mrs. Gossett was only three years old when her father was appointed by President Theodore Roosevelt to the Supreme Court. Observers of President Harry S. Truman in 1949, she married one of her father’s former law clerks, William T. Gossett. A distinguished former law clerk, William T. Gossett, who became one of the distinguished leaders of our profession and a leading member of the Bar of this Court.

Mrs. Gossett was only three years old when her father Secretary of War and later, she later in Washington in 1921 when General, her father was appointed

It was as a founder, President, and Chairman of the Supreme Court, standing here as the ultimate guardian of the liberties that Americans cherish.

The following are excerpts from the tributes to Elizabeth Hughes Gossett delivered by Dean Lowell Eklund of Oakland University at a memorial service held in the new Courthouse in 1935. He spoke of her brother was serving as Solicitor General of the building in 1932, and the first session in 1941, and died seven years later.

Mrs. Gossett exhibited in her own life the same commitment to excellence and dedication to public service which had characterized her father's brilliant career.

We shall remember her father's wise and loving counsel and support - we shall all miss deeply and acutely.

Her cultural influence is matters educational and directly in the arts is evidenced in her community's many accomplishments and progress in these enlightened pursuits.

Her immediate interest in history and law brought to bear on her own conception the Supreme Court Historical Society which she founded and led for many years as President and Chairman of the Board.

We all have special memories of Elizabeth Gossett. It was for some of us a great privilege to know, to learn from, and to love her, in the early years of Oak City, and during the years of her care for her father. She was a woman of many gifts and talents who was able to make a difference in the world and to leave a legacy that will endure.

Mrs. Gossett has made many contributions to the Ford Motor Company, and served as a President of the American Bar Association.

She met, and later married, one of Chief Justice Hughes' clerks, William T. Gossett, who became one of the distinguished leaders of our profession and a leading member of the Bar of this Court. She was a remarkable woman - an ever-reverent resource of wise counsel and loving and unselfish support - we shall all miss deeply and longingly.
Melville Weston Fuller: Eighth Chief Justice of the United States

Born on February 11, 1833, Melville Weston Fuller was the second son of Frederick A. Fuller and Catharine Weston Fuller of Augusta, Maine. His mother was the daughter of Nathan Weston, Jr., a justice on the Supreme Court of Maine. His father also came from a distinguished old New England family. His first American ancestor having been a signer of the Mayflower Compact. Frederick Fuller attended Dartmouth College, where he met and became friends with a classmate who would become one of the country's greatest lawyers, Daniel Webster. Like Webster, Fuller became a lawyer, and achieved a degree of prominence in his law practice in Augusta.

Despite this heritage, Melville Fuller would scarcely benefit from his father's professional reputation and status. Shortly after his birth, his parents separated; his mother subsequently won a divorce from her husband on the grounds of infidelity. She took custody of the two small boys, and returned to live with her parents, giving piano lessons to help pay for her children's support. Frederick Fuller remarried in 1839, and had five children by his second wife. The two families carried much of the country in the presidential election of 1832, they were still a minority viewed with disdain in conservative Federalist Maine. Political antipathy was probably responsible for a rift within the South Parish Congregational Church, which eventually forced Fuller's mother and her parents to resign their membership in the church. When Fuller was seven. In 1839, Fuller's mother, grandparents and uncle, Daniel Weston, were brought before a parish trial to answer charges that they had permitted younger members of the parish to square dance at parties held in the Weston home. Although considered acceptable a generation earlier, dancing was now viewed as impious and improper behavior by the conservative congregation. Daniel Weston was excommunicated for his role in undermining local morality; the others were persuaded to resign. Shortly thereafter, Fuller's family changed their affiliation to St. Mark's Episcopal Church in Augusta, Maine.

Shame and ridicule were inevitable results of Fuller's family situation. The political and religious intolerance of his neighbors taught young Fuller both the value of patient adherence to his own convictions, and a special sensitivity to the beliefs and problems of others. He developed an inner reserve and strength, and a stubborn perseverance which carried him through immediate difficulties. Thus, as a young man, Fuller had already acquired many of the characteristics which would distinguish his professional career.

At the age of 16, Fuller entered Bowdoin College in Brunswick, Maine. He received a strong classical education, and was elected Phi Beta Kappa. His most notable achievement at Bowdoin was not to be revealed until he entered Harvard Law School, where he attended lectures for five years.

Fuller read more books in the college library's 5,000 volume collection than any other student. Even as a child, Fuller had possessed a strong interest in reading and literature, and his grandfather's library had provided a ready supply of challenges. Though his earliest works are now forgotten, Fuller was a prolific and accomplished writer. When his mother died in 1854, a grief-stricken son expressed his sorrow in a poetic tribute:

I may not flee it; in the crowded street
Or in solitude but all forgot
I've ever had a care so sweet
Deep in my heart the weight that did not fall

There is no consolation in the thought
That from her lips no soothing words were spoken
That her great soul, in earth for nothing mocked
Tolling for me until its chords were broken.

Fuller as he appeared at the time of his nomination as Chief Justice in 1888.

Politically, the Weston and Fuller families were Jacksonian democrats in an area where Federalists and Whigs were in the majority. Even in the 1830s, when the Jacksonians carried much of the country in the presidential election of 1832, they were still a minority viewed with disdain in conservative Federalist Maine. Political antipathy was probably responsible for a rift within the South Parish Congregational Church, which eventually forced Fuller's mother and her parents to resign their membership in the church. When Fuller was seven. In 1839, Fuller's mother, grandparents and uncle, Daniel Weston, were brought before a parish trial to answer charges that they had permitted younger members of the parish to square dance at parties held in the Weston home. Although considered acceptable a generation earlier, dancing was now viewed as impious and improper behavior by the conservative congregation. Daniel Weston was excommunicated for his role in undermining local morality; the others were persuaded to resign. Shortly thereafter, Fuller's family changed their affiliation to St. Mark's Episcopal Church in Augusta, Maine.

Shame and ridicule were inevitable results of Fuller's family situation. The political and religious intolerance of his neighbors taught young Fuller both the value of patient adherence to his own convictions, and a special sensitivity to the beliefs and problems of others. He developed an inner reserve and strength, and a stubborn perseverance which carried him through immediate difficulties. Thus, as a young man, Fuller had already acquired many of the characteristics which would distinguish his professional career.

At the age of 16, Fuller entered Bowdoin College in Brunswick, Maine. He received a strong classical education, and was elected Phi Beta Kappa. His most notable achievement at Bowdoin was not to be revealed until he entered Harvard Law School, where he attended lectures for five years.

Fuller read more books in the college library's 5,000 volume collection than any other student. Even as a child, Fuller had possessed a strong interest in reading and literature, and his grandfather's library had provided a ready supply of challenges. Though his earliest works are now forgotten, Fuller was a prolific and accomplished writer. When his mother died in 1854, a grief-stricken son expressed his sorrow in a poetic tribute:

I may not flee it; in the crowded street
Or in solitude but all forgot
I've ever had a care so sweet
Deep in my heart the weight that did not fall

There is no consolation in the thought
That from her lips no soothing words were spoken
That her great soul, in earth for nothing mocked
Tolling for me until its chords were broken.

Fuller as he appeared at the time of his nomination as Chief Justice in 1888.

Politically, the Weston and Fuller families were Jacksonian democrats in an area where Federalists and Whigs were in the majority. Even in the 1830s, when the Jacksonians carried much of the country in the presidential election of 1832, they were still a minority viewed with disdain in conservative Federalist Maine. Political antipathy was probably responsible for a rift within the South Parish Congregational Church, which eventually forced Fuller's mother and her parents to resign their membership in the church. When Fuller was seven. In 1839, Fuller's mother, grandparents and uncle, Daniel Weston, were brought before a parish trial to answer charges that they had permitted younger members of the parish to square dance at parties held in the Weston home. Although considered acceptable a generation earlier, dancing was now viewed as impious and improper behavior by the conservative congregation. Daniel Weston was excommunicated for his role in undermining local morality; the others were persuaded to resign. Shortly thereafter, Fuller's family changed their affiliation to St. Mark's Episcopal Church in Augusta, Maine.

Shame and ridicule were inevitable results of Fuller's family situation. The political and religious intolerance of his neighbors taught young Fuller both the value of patient adherence to his own convictions, and a special sensitivity to the beliefs and problems of others. He developed an inner reserve and strength, and a stubborn perseverance which carried him through immediate difficulties. Thus, as a young man, Fuller had already acquired many of the characteristics which would distinguish his professional career.

At the age of 16, Fuller entered Bowdoin College in Brunswick, Maine. He received a strong classical education, and was elected Phi Beta Kappa. His most notable achievement at Bowdoin was not to be revealed until he entered Harvard Law School, where he attended lectures for five years.

Fuller read more books in the college library's 5,000 volume collection than any other student. Even as a child, Fuller had possessed a strong interest in reading and literature, and his grandfather's library had provided a ready supply of challenges. Though his earliest works are now forgotten, Fuller was a prolific and accomplished writer. When his mother died in 1854, a grief-stricken son expressed his sorrow in a poetic tribute:

I may not flee it; in the crowded street
Or in solitude but all forgot
I've ever had a care so sweet
Deep in my heart the weight that did not fall

There is no consolation in the thought
That from her lips no soothing words were spoken
That her great soul, in earth for nothing mocked
Tolling for me until its chords were broken.

Fuller as he appeared at the time of his nomination as Chief Justice in 1888.
Fuller was an articulate speaker, Fuller was frequently asked to be elected on Fuller's advice, especially concerning various appointments. Though a frequent guest at the White President's, Fuller declined an appointment as Chairman of the Civil Service Commission, and later as Solicitor General, believing that the end of his energy was spent. His acceptance in the government, Clevelan finally prevailed upon his friend in 1893 to accept an appointment which Fuller could not refuse — Chief Justice of the United States.

Shortly after moving his family to Washington, Fuller purchased a large brick mansion on Massachusetts Avenue near Dupont Circle. A commodious and friendly home for his large family, the house frequently served as the site of the Justices' conferences, being far more comfortable than the Court's inadequate accommodations in the Capitol. Though Fuller made friends easily by virtue of his gracious manner and wit, he burned himself increasingly unable to contend with the demands of Washington society. As a result of the Court's growing caseload and his considerable administrative responsibilities, Fuller withdrew from an active participation in the social life of the capital, reflecting a trend toward self-imposed seclusion and preoccupation with the work of the Court that characterized the lives of Supreme Court justices ever since.

Throughout his tenure on the Court, Chief Justice Fuller served with subtle diplomacy and quiet dignity. Though an able lawyer and persuasive orator, he did not seek personal fame, assigning opinions in the most prominent and important cases to his brethren. Fuller was an unsung hero respected by his fellow Justices for his capable leadership and administrative acumen. Justice Samuel Freeman Miller — who served with Taney, Chase and Waite before Fuller — and Justice Oliver Wendell Holmes who sat with White, Taft and Hughes after Fuller — both agreed that as a presiding officer, Fuller was the most successful in maintaining order and decorum on the bench.

As the years went by, the strain of Fuller's demanding schedule began to toll its toll. Fuller never fully recovered from the shock of losing his wife in 1901; after his wife's death, his health was uneven, and his energy sapped. His physical condition deteriorated considerably in 1909, and it became obvious to Fuller and the other members of the Court that he was beginning to fail not only in his relations with the Court's demanding pace. Having served almost twenty-two years — the third longest tenure of a Chief Justice — Melville Fuller died on July 4, 1910. Noting that Fuller had outlived most of his contemporaries, Justice Holmes accurately assessed the nation's response to Fuller's death: "I think the public will not realize what a great man it has lost."

Sixth Annual Meeting (continued)

The current fiscal year, this said Holton, in concert with the nearly completed implementation of a single annual billing cycle for the Society's membership, is expected to substantially increase membership revenues in Fiscal Year 1982. President Holton cited this, and similar improvements in other areas, as providing a firm foundation on which the Society could base its plans for the coming few years. A Program Advisory Committee, he noted, was appointed to submit and long-term goals and would soon be providing the Board of Trustees with its report. Advance planning is already underway to commemorate the 50th anniversary of the United States Constitution. President Holton also mentioned that the Society's Board of Trustees was giving serious consideration to the acquisition of a modest permanent headquarters for the Society, though he indicated that this project would require a great deal more planning and some major fund-raising efforts.

The Chief Justice of the United States, Warren E. Burger, presented a memorial eulogy to Elizabeth Hughes Gossett in commemoration of her many contributions to the Society. Elizabeth Black, Secretary of the Society, and Chairman of the Nominating Committee, presented names for consideration by the members of the Society, and those in attendance elected the following trustees to new three-year terms: Elizabeth Black, Vincent Burke, Charles T. Duncan, Lita Annenberg Hazen, Linwood Holton, Earl W. Kimnoller, Sol Linowitz, William P. Rogers, and Ralph W. Tyler.

The meeting was adjourned and was followed by the Sixth Annual Reception and Dinner. The reception was held in the East and West Conference Rooms of the Supreme Court building. Music was provided by a string ensemble of the United States Marine Band which set the tone for a pleasant hour of conversation and mingling. Dinner followed in the Great Hall, which was set with round tables, with plants and flags lining the marble walls. Following dinner, Ralph E. Becker, the annual Event Chairman, made a few brief welcoming remarks, and introduced the "Sea Chanters" of the United States Navy Band. Under the direction of Chief Musician James L. Turks, the Sea Chanters performed a program which included several traditional songs of the sea. At the conclusion of the performance, Mr. Becker closed the day's events by thanking those who had participated in making the evening such an enjoyable one, and wishing everyone a pleasant evening.

On October 13, 1932, three years before the Court would actually hold its first session in the first structure specifically designed and constructed for its use, Chief Justice Charles Evans Hughes presided over the laying of the cornerstone of the Court's present building. In his remarks, the Chief Justice attributed the building of the new courthouse to the "intelligent persistence" of his predecessor, Chief Justice William H. Taft, and proclaimed to those assembled for the ceremony, and to the nation as a whole, that "the Republic endures, and this is the symbol of its faith.

The construction of the new Supreme Court building represented the culmination of a campaign to acquire suitable permanent quarters for the Court that went back at least to the 1850's. Robert Mills, Architect of the Capitol at the time, urged the Congress to provide the Court with improved quarters. "The deaths of some of our most talented jurists have been attributed to the location of the Courtroom; and it would be but common justice in Congress to provide better accommodations for its sittings..."

In 1860, the Court moved from the dark and damp ground floor chamber it had occupied in the Capitol since 1810 to the old Senate chamber directly above it on the first floor. Although the refurbished Senate chamber provided the Court with the most suitable environment it had ever enjoyed, the twelve rooms allocated by the Congress for the Court's efficiency, library, and storage files remained inadequate. By the turn of the century, the expanding workload of the Court had rendered the storage problem critical. Even though the justices maintained their offices in their homes, any attempt to build a new Court in the Capitol was hopelessly crowded by the end of Chief Justice Fuller's tenure in 1910. The small rooms were arranged incon­ veniently, and the courthouse wing, making efficient administration impossible. Receiving little congressional attention, the Court struggled to make do with what it had as best as it could.

This was the situation which confronted William Howard Taft when he succeeded Chief Justice White in the summer of 1921. As President, Taft had championed efficient and effective public administration, and had introduced several specific ideas for administrative reform of the federal judiciary. In 1923, Taft proposed abandoning the Congress to the Supreme Court building. A congressional investigation was aware of his dissatisfaction over the inadequacy of the Court's physical accommodations in the Capitol. When Senator Charles Curtis assigned the least desirable space in the entire building to the judiciary, ostensibly because the Court was thought unlikely to put up a fight, the Chief Justice determined to make an issue of the Court's clearly inadequate quarters. Initially, Taft considered a campaign directed at pressuring Congress to assign the Court additional space; characteristic of his administrative genius, however, he saw an opportunity rather than a hindrance to his energy and pushed the Congress for a new Supreme Court building. He attributed his energy for the Congress for its price to itself, and would have to fight for an entirely separate new courthouse. But the Court's efficiency, library, and storage files remained inadequate. By the

continues on next page
Residences of the Court

site for a building for the use of the Supreme Court of the United States. While the fact that the Congress was very visibly expanding its own physical accommodations through new construction during this period certainly helped make Taft's insistence upon the need for a new courthouse acceptable, there is no reason that it was Taft's personal commitment and efforts that resulted in legislative action favorable to the Court.

Chief Justice Taft remained intensely concerned about every detail of the building project. His years of public service had taught him the importance of close supervision of administrative details. He used his considerable influence to assure a location befitting the highest court in the land. He understood more clearly than most that the location of the Court had unusually rich symbolic meaning: the completion of L'Enfant's plan for the capital city, and the physical fulfillment of the Constitution's provision for a separate judicial department of the national government. Consequently, the location of the Supreme Court building could not be left to routine political chicanery. Having waited nearly 150 years for a building of its own, the Court would only accept the best.

Having seen to it that the new building would remain on Capitol Hill, on a prime piece of land laging due east of the Senate Wing once occupied by a building in which the Court had held sessions, Taft insisted that the Court, and not the Congress, have primary control over the project. At a Saturday conference in 1928, the Justices authorized the Chief Justice to inform the Congress that the Court had endorsed a proposed bill drafted by Taft and Justice Van Devanter concerning construction of the new court-house. Following congressional hearings, the Congress enacted a revised version of the Court's bill which was entirely acceptable to the Chief Justice and the Court. Pursuant to the legislation, a commission was created, and both Taft and Van Devanter were named as members. The selection of the Chief Justice as the Commission's chairman further ensured the Court's control over the project.

On April 10, 1929, the Commission retained the services of the distinguished American architect, Cass Gilbert. Trained in the best traditions of the beaux arts, and previously associated with the well-known firm of McKim, Mead and White, Gilbert had received widespread acclaim for his Minnesota State Capitol Building, the Woolworth Building, and the Federal Commerce Building. A former president of the American Institute of Architects, he served as a charter member of the Washington, D.C. Commission of Fine Arts, and was personally well known and respected by Taft.

In May, 1929, the architect presented his preliminary sketches and plans to the Commission. In the Commission's report to Congress, it stated that "it has been the purpose to prepare a building of simple dignity and without undue elaboration..." The sum of $87,740,000 is hereby recommended to be appropriated." In December of the same year, Congress adopted the Commission's report and recommendation, and authorized the Commission to proceed with construction.

Gilbert clearly considered the Court to be the most significant commission of his entire career. In an entry in his diary dated December 12, 1929, he wrote the following:

"This opens a new chapter in my career and at 70 years of age, I am now to undertake to carry through the most important and notable work of my life. I have built other buildings that are larger and more costly, some that were no doubt more difficult, but none in which quite the same monumental qualities are required."

For Gilbert, the commission to design a new courthouse for the Supreme Court of the United States was perceived as an opportunity to create a monument to the ideals of the Republic — to liberty, and equal justice for all under the law. With perfection as his goal, he designed a structure inspired by classical forms rich in history and symbolic significance. Constructed by skilled craftsmen working with the finest materials, the building was conceived from the beginning as more than a mere office or workplace — it would be a great national monument to the country's founding principles, and to the belief that the only sovereign of a free people is the law.

Sixteen columns of white Alabama marble support the imposing west portico of the building, which shelters the principal entrance of the Court and its great bronze doors. Weighting 6½ tons each, the doors slide into wall recesses when open. When closed, they reveal eight panels created by sculptor John Donnelly, Jr. depicting historic scenes concerning the development of the law from classical antiquity through the founding of the American republic. Beyond the great doors is the Great Hall, reminiscent of Greek temples and Gothic cathedrals, and unquestionably one of the most imposing public spaces in the nation. Double rows of marble columns rise to support the offered and richly detailed ceiling. Beneath the ceiling, the frieze is ornamented with medallion profiles of great lawgivers, and beneath the frieze, busts of former Chief Justices stand in silent vigil. At the east end of the Great Hall, two impressive oak doors open into the building's central room, the Supreme Court chamber. Measuring 82 x 91 feet, the courtroom is dominated by the raised mahogany bench and the nine chairs behind it. Twenty-four columns of richly veined Light Sienna Old Convent marble from Italy support the 44 foot high ceiling, above the walls of ivory buff Spanish marble are Adolph A. Weinman's impressive carved panels. On the north and south panels are depicted great Christian and pre-Christian lawgivers; on the east and west panels are allegorical scenes symbolizing the majesty of law and power of government, and the powers of good and evil separated by justice, truth and wisdom.

In addition to the Great Hall and the Court chamber, the main floor of the building provides space for the individual Justices' chambers — or offices — and several reception and conference rooms. Located on either side of the Court chamber are two elliptical or spiral staircases which wind their way from the Court's basement to its top floor. The Court's third floor is occupied by a 200,000 volume law library. Padded in American oak, the library's walls contrast with the marble of the lower floors. The main reading room is enriched with carved figures and pilasters designed and executed by Matthew Brothers, Carvers. Additional office and storage space is provided on the ground and second floors, and the garage, print shop, and carpentry shop are located on the basement level.

*continued on next page*
Residencies of the Court (continued)

Working with sculptor Robert Aiken, Gilbert provided for appropriately symbolic carvings for the exterior of the building, equal in dignity and importance to the richly detailed and meticulously executed work of the interior. Perhaps the single most celebrated detail of the entire building is the sculptured allegory filling the pediment over the west portico. Carved over the inscription “Equal Justice Under Law”, the composition depicts “Liberty enthroned” looking confidently into the future, flanked on the right by “Order”, always vigilant against any attack on liberty, and on the left, by “Authority”, in watchful restraint, yet ready to enforce the dictates of justice.

In a regrettable slight of fate, neither Taft nor Gilbert lived to see the completion of their creation. The Chief Justice died in 1930, with construction on the new building barely started. Gilbert died four years later, with completion of the project still fourteen months away. To their successors, Chief Justice Hughes and architects Cass Gilbert, Jr. and John R. Rockart, went the responsibility for completing the project, and presiding over the opening of the Court in 1935. To a remarkable degree, the completed structure achieved the Commission’s goal of “simple dignity”, and stands as a testament to the remarkable vision and accomplishments of its principal patron Chief Justice Taft, and its inspired architect, Cass Gilbert.

For the Careful Reader

The Winter issue of the Quarterly incorrectly identified William Wetmore Story, the sculptor of the Marshall statue shown on page one, as a nephew of Justice Joseph Story. In fact, he was Justice Story’s son.

Annual Lecture (continued)

legislature.”

Professor Haskins’ thesis presents the view that Marshall’s success did not result primarily from shrewd politics, or a policy of accommodation, but rather from Marshall’s commitment to establishing the Court as a court of law, and his conscious effort to work for the separation of law from politics in the Court’s deliberations and opinions. Through a careful discussion of several cases, Haskins developed his theory by demonstrating how the Court’s action asserted the supremacy of law and sought to remove law actions in the courts from the vagaries of political action. In attempting to describe in rather complete detail the circumstances surrounding the Court’s action in Marbury v. Madison, and Marshall’s handling of Aaron Burr’s trial, Professor Haskins drew into sharp contrast the conflicting approaches of Chief Justice Marshall and President Thomas Jefferson in the use of their respective offices. He also discussed Associate Justice William Johnson’s decision in the case of Gilchrist v. Collectors of Charleston (1808), emphasizing that even this staunch Republican and anti-Federalist Jeffersonian appointee shared Marshall’s conviction that neither the President nor his ministers had any inherent power to “sport away the vested rights of others.”

The battleline in Professor Haskins’ view, was not so much drawn along partisan lines as it was upon whether or not the federal judiciary was to be treated as an independent and coequal branch of the government, or as an adjunct to the power of the party in majority in the Congress and to the President in the White House. Without seeking to minimize the importance of Marshall’s own strongly held political views, Haskins convincingly supported his central argument through a discussion of several less well-known cases, and by citing the willingness of Justices Johnson and Story to support Marshall’s understanding of the separation of powers and the supremacy of law. The true dimensions of the struggle between Jefferson and Marshall, said Haskins, may not have been readily perceived by Americans rooted in a colonial experience where judges often exercised considerable non-judicial authority. Yet, his conclusion is that over time, the painstaking efforts of Marshall and his able colleagues served to educate the American people to a new understanding of the separation of law and politics, and of the Court’s unique role as the special guardian of the Constitution. “Thus,” said Haskins, “the doctrine of the supremacy of law, historically at least as old as Magna Carta, and effectively used to check the usurpation of Stuart kings, was in this country turned into an instrument to control the actions of popularly chosen officials and legislators.”

From the enthusiastic reaction of those who heard Professor Haskins’ lecture, it appears that his thesis and defense won the support of those in attendance, and that the doctrines of the separation of powers and the supremacy of law remain popular ones.