America's Star: The United States Marshals Service

The gold star badge of the United States Marshals recently graced the hallways of the Supreme Court of the United States in an exhibit celebrating two hundred years of service by these federal law enforcers. Established in September 1789 under Section 27 of the Judiciary Act of 1789, the marshals have carried out the directives and enforced the decisions of the federal court system for the last two hundred years.

Section 27 of the Federal Judiciary Act of 1789 directs that “a marshal shall be appointed in and for each district . . . whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit. And to execute throughout the district, all lawful precepts directed to him, issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty.” The Act called for the appointment of two marshals per each of the thirteen judicial districts. George Washington’s nominations to fill these positions were made and approved by the Senate within two days of the passage of the bill, and the federal marshals commenced their work.

In the pursuit of their duties, federal marshals have been involved in many of the more notorious events of American history such as The Whiskey Rebellion in 1794, enforcement of the Fugitive Slave Act of 1850, enforcement of prohibition in the 1920’s and the armed take-over of Wounded Knee, South Dakota by the American Indian Movement in 1973. The exhibit contains many reminders of these violent activities, including a .45 caliber machine gun used in the St. Valentine’s Day Massacre, and a flak jacket, gas mask and tear gas gun used for riot control during the days of desegregation. But many of the assignments carried out by the federal marshals were far more routine. In the 1790s marshals distributed presidential proclamations, and from 1790 until 1870, marshals were involved in the mundane duties of taking the national census.

The exhibit, which was prepared by the Smithsonian Institution Traveling Exhibition Service (SITES) for the U.S. Marshals Service, has been divided into four areas which help the viewer understand the duties and history of the organization: U.S. Marshals and the Constitution; The Gunmen: Romance -continued on page three
A Letter from the President

This letter to you will be confined largely to a report on our fund-raising efforts and where we stand. In the next issue of the Quarterly I will report on our Committee activities and the events of the Annual Meeting.

Our endowment fund has grown from $94,000 as of the date of our last annual meeting to $347,000 in gifts and pledges to date. This is gratifying, and convinces us that establishing an endowment for the Society is possible.

Our Executive Committee decided to seek a total of $2,500,000 over a five-year period, although we hope that through a concentrated effort our goal will be reached sooner. However, we operate under rather unique circumstances. We will not seek individual gifts in excess of $25,000 except in the case of foundations or where circumstances are unusual. Further, we will not conduct a public fund-raising campaign as we see it in colleges and other institutions. The Court is aware of our policy.

It was felt that a full-blown campaign was inappropriate for our Society. We are motivated by a desire to perpetuate the history of the Court. As its name implies, our whole reason for existence is tied to the Court. As a consequence, gifts to the Society might create the impression either of being gifts to the Court or as a means of influencing the Court's judicial functions. Accordingly, gifts to the Society must be above reproach in both intent and substance.

Given these restraints, how do we plan to proceed?

We will seek $25,000 gifts and pledges from selected law firms. Most firms with an interest in the Society will be asked to contribute $5,000 per year over a five-year period. While we expect many firms, any suggestions that any member has will be helpful. For example, providing an introduction to a firm could make the difference between a gift and a rejection.

We will study foundations to see which ones might be interested individuals and professional associations.

Society President Justin A. Stanley

We intend to retain a high-quality person with solid experience in raising money to coordinate all of our individual efforts and to advise our own Officers as well as the Special Gifts Committee.

We are encouraged by the efforts of the Special Gifts Committee, chaired by Vincent Burke, Jr., which has already yielded support from the corporations with an interest in what we do.

Not only has Trustee Dwight Opperman made a $25,000 personal contribution, but West Publishing Company, which he is the President, has given an equal amount.

We are convinced that our endowment effort, combined with our membership drive, will put the Society in a strong position to carry out its programs. With each Quarterly I will give you a brief statement about our progress.

Although the greatest burden will fall upon the Officers and Trustees, the support and understanding of every member is essential if we are to reach our goal. I urge your support.

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Page 5, Luther Martin, The Library of Congress
Page 6, Order of Procession, The Library of Congress
Page 8, Clerks of Justice Stone, courtesy of Mr. Handler

A pistol and holsters worn by outlaw Jesse James in the 1870s rests on a bullet-riddled chest from a Wells Fargo stage coach robbery of the same period.

A "Tommy gun" used by members of Al Capone's gang during the legendary 1929 St. Valentine's Day Massacre in Chicago is included in the exhibit.

America's Star (continued from page one) and Reality; The Office of the United States Marshal (1789-1989); and The U.S. Marshal Service.

The popular image of "Marshal Dillon" lingers in the minds of many Americans who visualize a lone United States Marshal single-handedly taming a frontier town of the old west. Many did have experiences similar to those portrayed on television and in the movies, and the exhibit bears this out. The section "Gunmen: Romance and Reality" deals with this aspect of the U.S. Marshals' history. Souvenirs of the "wild west" era are on display in the exhibit include Wyatt Earp's shotgun, a pistol which belonged to the infamous Jesse James, and a saddle which belonged to the outlaw Belle Starr. To further enhance the image of the "wild west", the exhibit contains a recreation of a marshal's office, complete with jail cell, badges, weapons and "wanted" posters. The Indian side of the old west is represented by a warrant for the arrest of the famous Indian chief Geronimo.

As the pamphlet which accompanies the exhibit points out, for the first 76 years of its history, the U.S. Marshals were the federal lawmen. Other organizations such as the Secret Service (1865), Department of Justice (1870), and the Federal Bureau of Investigation (1908) were created subsequently to address specific needs and to assist with the growing number of duties necessary for law enforcement, "but the Marshals were the first, and their jurisdiction is the broadest." The Marshals were reorganized in 1969 as the United States Marshals Service. Currently there are 93 Marshals, each appointed by the President, and two honorary Marshals. The honorary Marshals are...
articles about a collection of manuscripts, prints, maps and certain literary matters if it were implemented unchanged. Lee was still of that opinion when he wrote to George Washington on October 22, 1787.

President George Washington, was laid before the Confederate Congress. It would comprise an excellent system of government if amended. President had potential of becoming a king, and its Senate an upper chamber of the people. It would favor their efforts.

In Virginia and Pennsylvania, the opposing sides were unable to find a compromise. George Mason was the leading opponent to ratification in Virginia. He challenged by George Washington to raise as high a standard as possible. Lee explained in his letter to George Mason of October 22, 1787, which is included in the Constitution exhibit, the reasons for his maneuvers in Congress. "I have waited until now to answer your favor of September tenth from Philadelphia, that I might be enabled to give you a correct and full account of the proceedings for ratification, and a separate letter of transmittal from President George Washington to raise as high a standard as possible. But I am sensible that, as they could, they committed their handiwork to the suffrages of their fellow citizens, and hoped that a benevolent providence would favor their efforts.

On September 20, 1787, the report of the Constitutional Convention, which included the engrossed copy of the Constitution, the resolution of the Convention concerning procedures for ratification, and a separate letter of transmittal from President George Washington, was laid before the Confederate Congress in New York. When the proposed new government came before the people of the states, there was a reluctance to vote for the Constitution. Instead, they followed the resolution of the Convention that specifically required that the plan for the new government "be submitted to a Convention of delegates, chosen in each state by the people thereof, in Conformity to the Resolves of the Convention of Delegates, and a separate letter of transmittal from President George Washington to raise as high a standard as possible. But I am sensible that, as they could, they committed their handiwork to the suffrages of their fellow citizens, and hoped that a benevolent providence would favor their efforts.

The essays published in the New York press, which continued on next page

Luther Martin was known as the Attorney General of Maryland, because he held that post for thirty-one years. Martin defended his friend Samuel Chase when he was impeached by the House of Representatives, and argued for Maryland before the Supreme Court in McCulloch v. Maryland. In his later years, Martin became impoverished and his health failed. He spent his last years under the care of Aaron Burr.
Island had not ratified the Constitution. Only when these two
September 13, 1788, the Continental Congress directed States to
26, 1788, by a margin of only three votes.

the error.
Island on May 29, 1790.
Melancton Smith who made the motion to ratify the Constitution
the new system of government almost two years earlier. On
adoption of the new government. Hamilton went on to explain,
ment throughout the union, it will require the concurrence of
undergo a new decision in each state. For its complete establish
it may at any time be affected by nine states."

And the leading Anti-federalists in that convention, John
Lansing and Melancton Smith. Hamilton's speech was not
concluded until late into the following day. His argument concerned
the weakness and impracticality of the Articles of Confederation.
His own notes are made up of a few scribbles and a note to make
a hand gesture. His speech, however, inspired at least 13 delegates to take copious notes.

Richard Harrison, a prominent New York lawyer, described Hamilton's speech as follows: "Mr. H.-Bravo! As far as
it went one of the most excellent energetic Speeches that ever
I heard. He began by displaying the form of the proposed
Constitution, shewing [sic] that it was truly Republican— that if
the government was truly deserving of Confidence all Confi-
dence should be placed in it otherwise it could not answer the

The Constitution exhibit will remain on display indefi-
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There is an interesting personal quaility to the way Americans celebrated the ratification of the Constitution. In this printed form of the Order of Procession,
individual citizens, listed by name, carry key symbols of national accomplish-
ments. Military officers lead the parade, followed by foresters, judges and merchants. Artists made up the middle of the parade, with
Bergen, physicians and 'strangers' bringing up the rear.
On October 6, 1988, Milton C. Handler hosted a luncheon for ten of the former law clerks of Justice Harlan Fiske Stone, later Chief Justice of the United States. Those who attended are: (seated, left to right) Herbert Wechsler, Wilbur H. Friedman, Milton C. Handler, Walter Gellhorn, Howard C. Westwood; (standing, left to right) Lauson Stone, son of the Justice, Bennett Boskey, who also served with Chief Justice Hughes, Edward Friedman, Louis Lusky, C. Roger Nelson, and Eugene H. Nickerson.