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Supreme Court Historical Society organized to preserve and interpret details of judicial history
By William F. Swindler

The least-known branch of government—for many members of the legal profession as well as the general public—now may have parts of its story told, accurately and interestingly, through the program of the Supreme Court Historical Society. This newest agency in the world of scholarship and information was inaugurated formally at a dinner at the Court May 22, 1975, giving the judicial department of government its counterpart to the White House Historical Association and the United States Capitol Historical Society. The new organization sponsored ceremonies reopening the restored Old Supreme Court Chamber in the Capitol (used from 1810 to 1860) on the afternoon of the same day as the inaugural dinner, thus making May 22 a red-letter date in High Court annals. (See “When the Supreme Court Was in the Capitol,” in this Journal, August, 1975, page 949.)

Objects Used in an Interpretative Program

Like its counterparts for the executive and congressional branches, the Supreme Court Historical Society is an independent, nonprofit organization, incorporated in the District of Columbia on November 20, 1974. It has no legal connection with the Court, but a major purpose is to collect information, memorabilia, and significant items associated with the Court’s history. These will be utilized in an interpretative program under the direction of the Court’s own curator and in the society’s publications, which are soon to be undertaken. The new agency will also have an obvious role to play in the bicentennial plans for the federal judiciary now being drafted.

The new group is the product of nearly three years of planning by an ad hoc committee appointed by Chief Justice Warren E. Burger, who has long been concerned with the need to tell the Court’s story to the American people, particularly to the hundreds of thousands of visitors to the Court’s building each year. The committee’s first job was to deal with what the chief justice described as the “cold, empty marble hall” on the ground floor, where the average visitor gets his first view of the federal judicial branch. Members of the American Bar Association who attended the 1973 annual meeting in Washington had the opportunity to see the first exhibit in this area, featuring among other things the once-brilliant, scarlet-trimmed robes of the first chief justice, John Jay,
and the still accurately running watch owned by the fourth chief justice, John Marshall. (See the news item and picture on this exhibit in 59 A.B.A.J. 746.)

This exhibit and succeeding displays have been the work of Catherine Heto, an art history graduate of the University of Pennsylvania who is now the official curator—a long-needed staff position at the Court, which already possessed a substantial number of gallery and museum items that required the full-time attention of a trained professional. As potential donors of memorabilia and artifacts learned that their gifts would be assured preservation by a qualified curator, a variety of new items began to come to light and to be given to the Court. Among the new acquisitions are a wall clock that belonged to Justice Joseph Story, an English Chippendale dining table and chairs, a secretary desk dating from the first decade of the Court’s history, and Justice Bushrod Washington’s manuscript of a course of law study for use by a nephew preparing for a career at the bar. On indefinite loan to the Court is Chief Justice Marshall’s watch and an eighteenth-century highboy from the White House Historical Association.

Acquisitions Program Is Under Way

The primary goal of the acquisitions program is to uncover representative items associated with the Court and its justices at various periods in history: books and papers known to have been used by Court personnel, pieces of furniture actually in the Court in the past, and appropriate art works. A recent major contribution to the pieces of furniture actually in the Court in the past, and papers known to have been used by Court personnel, and its justices at various periods in history: books and uncover representative items associated with the Court’s acquisitions program is to duplicate that collection.

The planning committee originally called into being by Chief Justice Burger included lawyers, historians, legal scholars, and specialists in museum and gallery programs. Its members will continue among the board of trustees and advisory board of the society. Justice Tom C. Clark, retired, was named interim president of the trustees until selection of the permanent head, Mrs. William T. (Elizabeth Hughes) Gossett of Michigan. I served as chairman of the planning committee and now as first chairman of the advisory board.

Vice presidents of the trustees include Earl Kintner, former chairman of the Federal Trade Commission and now a member of a Washington law firm; former Ambassador Sol Linowitz; William P. Rogers, a former attorney general and secretary of state; and ex-Secretary of the Army Robert Stevens. Mrs. Hugo L. Black, widow of the late justice, is secretary, and Vincent Burke, head of a Washington bank, is treasurer.

The society now has its own offices at 1629 K Street, N.W., Suite 400, Washington, D.C. 20006, and an executive director, William H. Press, a District of Columbia resident who has long been active in governmental and legislative affairs. Mr. Press is directing the initial membership campaign, which aims at a cross-section of members of the legal profession, law students, interested historical scholars, and the general public.

Society Has Several Purposes

According to its charter, the Supreme Court Historical Society will have half a dozen specific functions:

1. It will disseminate information and encourage study and research into historic, scientific, literary, and other areas relating to the Supreme Court of the United States, individual justices, and other officers serving the Court, such as reporters, clerks, marshals, attorneys general, and solicitors general.

2. Gradually this activity will be extended to related areas of knowledge concerning the history of the entire federal judicial system. Particularly will this be encouraged in connection with appropriate bicentennial activities in which the federal courts will be participating in 1976 and thereafter.

3. The advisory board will have primary responsibility for assessing the best or most needed areas for study and for suggesting implementation of such studies. The board of trustees will be responsible for establishing policy and in interesting individuals and organizations in supporting these policies. The advisory board, through several operational committees, will translate policies into publications and programs.

4. The acquisitions program begun by the organizing committee and ultimately coming under the jurisdiction of the Court’s curator will be promoted by the society, whose specialists on the advisory board will seek out appropriate memorabilia and “association items” relating to the Court, its facilities, and members.

5. These activities will be co-ordinated with the general government policy of preserving records and objects of historical interest, for the information and inspiration of Americans generally, through various types of publications, periodic exhibits, and annual meetings of the members.

6. Finally, as an independently incorporated and financed organization, the society may undertake a number of services for the Court that the Court itself, as a government department and a judicial body, could not do. The society can solicit and administer funds in the form of gifts, royalties, or bequests for the use of the Court in furtherance of the general purpose of the society.

Membership Campaign Has Begun

Early in July a membership campaign began with the mailing of a large number of leaflets describing the work of the society and the classes of membership. Interested persons may also write directly to the society itself.

The full dimensions of the society’s activities will depend on the building up of reserve funds to support specific activities, but the two most urgent programs will be the expansion of the acquisitions program and the development of publications services to members and to
the general public. The acquisitions program is particularly important, since it provides the items for continuing and expanding the exhibit schedule in the Court building.

Some exhibits have already proved to be "show-stoppers"—so informative to the constant flow of visitors that they have become semipermanent. One, which greets newcomers at the ground floor entrance, is a display on Chief Justice Marshall and his era. It is entered through a specially constructed doorway of Federalist architecture, and leads to a sequence of exhibits, portraits, and artifacts—including, for example, the marshal’s chair used in the Court in those years—providing the viewer with a cross-section of the Court’s history during the years from 1801 to 1835.

**Some Displays Are Topical**

Another semipermanent display, "Strictly Construction," marks this year’s fortieth anniversary of the completion of the present building. It includes a slide show portraying features of the construction and the contemporary personalities in the Court. Other displays are intended to be topical or related to some currently recognized anniversary or ceremony—for example, the exhibit on the late Chief Justice Earl Warren, which was arranged to coincide with the special commemorative services held by the Court late in May. Another 1975 anniversary subject under consideration is the fiftieth anniversary of the Judiciary Act of 1925, part of Chief Justice Taft’s plan for modernizing legislation on the Court’s jurisdiction and procedure.

In preparation for the bicentennial year 1976, the exhibit plans will probably include a "prehistory" of the federal judicial system exemplified by the judicial and arbitral proceedings conducted under the Articles of Confederation and ad hoc agencies of the Continental Congress. This exhibit would include reference to the Revolutionary War prize cases, whose continuing authority was recognized in early admiralty decisions of the Supreme Court, as well as the interstate disputes arising from surviving colonial charters.

**Specialists Help Advisory Board**

To assist the curator in locating, appraising, and acquiring certain items, the society’s advisory board has a committee made up of museum and gallery specialists. Charles van Ravenswaay, director of the Winterthur Museum in Wilmington, Delaware, served on the planning committee that preceded the society’s formation and will continue as a member of the advisory board. So will J. B. Rhoads, archivist of the United States; Clement Conger of the fine arts committee of the State Depart-

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(Top) Roll-top desk, *circa* 1800, used by the clerk of court, Elias B. Caldwell, who held that post from 1800 to 1826. (Below) Block-front secretary, attributed to Benjamin Frothingham, *circa* 1770, given by Covington and Burling in memory of Hugh Cox.
Clio and the Third Branch

Elizabeth Hughes Gossett, president of the Supreme Court Historical Society's board of trustees and daughter of Charles Evans Hughes, with Chief Justice Warren E. Burger and Associate Justice Tom C. Clark, retired, during a tour of the exhibits on July 23.

Society's board of trustees and daughter of Charles Evans Hughes, with Chief Justice Warren E. Burger and Associate Justice Tom C. Clark, retired, during a tour of the exhibits on July 23.

ment; Richard Howland of the Smithsonian Institution; and Carlisle Humelsine, president of Colonial Williamsburg.

Scholarly Journal to Be Published

The society will begin early publication of a quarterly newsletter, to keep members and the general public informed of its current projects, and also is planning a scholarly publication, probably to be published once a year, in the style of American Heritage or the annual Capitol Topics of the United States Capitol Historical Society. Among advisory board members available for one or both of these publications are Prof. Erwin Sur-rency of Temple University, founder and editor of the American Journal of Legal History; Merlo Pusey, author of the Pulitzer Prize-winning biography of Chief Justice Hughes; and several other scholars in legal history.

The society or its members will also be called on periodically to assist the judicial branch in plans for the bicentennial. Future activities have not been reduced to a timetable, but suggestions include an archival inventory of all available documents as background to historic cases, grants in aid of scholarly research on judicial subjects, and awards or citations for outstanding books and articles on the Court or its members.

Chief Justice Burger points out that the new society's appearance has been appropriately timed with the bicen-tennial. The 200th anniversary of the nation's birth will be followed by bicentennials of the Constitution, the Judiciary Act of 1789, and the opening of the Supreme Court itself. The Supreme Court Historical Society thus has ready made agenda and should not lack for projects of interest to its membership.

ABOUT THE AUTHOR: William F. Swindler is a professor of law at the Marshall-Wyeth School of Law of the College of William and Mary. He had a leading role in planning and organizing the new Supreme Court Historical Society, and he is now planning its publications.