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The Temple of American Justice: The United States Supreme Court Building

*Lucille A. Roussin**

The United States Supreme Court building, constructed of glittering white marble, rises above a spacious marble plaza facing west toward the United States Capitol (Figure 1). It has been said that no other building in Washington, D.C. conveys an air of such simple majesty.¹ The edifice is so much a part of the physical landscape of the nation's capital, and the decisions of the Supreme Court are so much a part of issues that touch American society, that it is taken for granted by most Americans that it forms an integral part of the original plan of Washington, D.C. laid out by the architect Pierre L'Enfant, appointed by President Washington to plan the city in 1791.² But the history of the Supreme Court building begins with the appointment of William Howard Taft as Chief Justice of the Supreme Court in 1921; it was only through his "intelligent persistence"³ that Congress passed the legislation necessary for the purchase of the land and the construction of the building. It is the thesis of this article that a unique confluence of circumstances—Taft's own view of the position of the Supreme Court in American Society, his long-term friendship with Cass Gilbert, and the post-World War I growth of the federal government—not only made the construction of the building possible, but also found an expression in the style of the architecture and the iconography of the sculptural program.

* I would like to thank Professors Malvina Halberstam and Suzanne Stone of Benjamin N. Cardozo School of Law for their advice in writing this article and their ongoing friendship. I would also like thank Professor Richard Brilliant, my mentor in the study of Art History and Archaeology and for his continuing friendship.

¹ Haynes Johnson, *The Temple on the Hill*, THE WASHINGTON POST (Oct. 5, 1977), https://www.washingtonpost.com/archive/politics/1977/10/05/the-temple-on-the-hill/447e34a7-cfe2-4d7b-87d4-68dd7a087d93/?utm_term=.dc10f9a5f81d [<http://perma.cc/W5SZ-RPX5>]; Cass Gilbert, Jr., *The United States Supreme Court Building*, 72 ARCHITECTURE 301 (1935); Ingrid A. Steffensen, *St. Louis: Public Architecture, Civic Ideals*, in CASS GILBERT, LIFE AND WORK: ARCHITECT OF THE PUBLIC DOMAIN 239–44 (Barbara S. Christen & Steven Flanders eds., 2001).

² JOHN W. REPS, MONUMENTAL WASHINGTON: THE PLANNING AND DEVELOPMENT OF THE CAPITAL CENTER 15–20 (Princeton Univ. Press, 1967).

³ *Corner Stone of the New United States Supreme Court Building Laid: Address of Chief Justice Hughes*, 18 A.B.A. J. 723, 728 (1932) [hereinafter *Cornerstone*].

THE PEREGRINATIONS OF THE SUPREME COURT: A BRIEF HISTORY

Exactly why L'Enfant neglected to provide for a building for the judicial branch of government is not known. He did mention a site for the "Judiciary Court" in a preliminary report to the president dated August 19, 1791, but this is the only mention of a building for the Court.⁴ It has been conjectured that the reason L'Enfant did not provide for a building for the judiciary was because no comparable institution existed in Europe, and L'Enfant thought that the Supreme Court would never achieve the prominence of the executive and legislative branches of the government.⁵

L'Enfant's plan for the city was never completed. In 1900, the centennial of the city, the American Institute of Architects called a national conference to discuss the future planning of Washington, D.C. As a result of this conference, the Senate passed a resolution sponsored by Senator James McMillan creating a Senate Park Commission composed of some of the most renowned architects of the time.⁶ The Commission's plan for the city, known as the McMillan Plan, recommended that a building for the Supreme Court be built to the north of the Library of Congress.⁷ The building was never built and the Supreme Court remained without a permanent home until it moved into its present building on October 7, 1935.⁸

The first session of the Supreme Court met on February 2, 1790, in the Exchange Building in New York City, on the second floor above the busy market place at the intersection of Broad and Market Streets.⁹ When the capitol of the United States moved to Philadelphia, the Court moved there as well. The second and third homes of the Court were in Philadelphia, first in Independence Hall, and then in the Old City Hall.¹⁰

When the capitol was moved to Washington, D.C. in 1800 the Supreme Court was allocated a room in the unfinished Capitol building, described by a contemporary source as "a half finished committee room meanly furnished and very inconvenient."¹¹ It was in this room that John Marshall presided as Chief Justice, and

⁴ REPS, *supra* note 2, at 136.

⁵ *Id.*

⁶ *Id.* at 84–93, 115, 136. It is interesting to note that Cass Gilbert, future architect of the Supreme Court building, presented a proposal for the development of federal buildings around the Mall at the AIA conference.

⁷ *Id.* at 136.

⁸ Thomas E. Waggman, *The Supreme Court: Its Homes Past and Present*, 27 A.B.A. J. 283, 288 (1941).

⁹ REPS, *supra* note 2, at 136.

¹⁰ Waggman, *supra* note 8, at 283, 288.

¹¹ *Id.*

where *Marbury v. Madison* was decided, thus setting the stage for the increasing role of the Court in the federal government.¹²

From 1809 until 1817 the Court moved in and out of the Capitol building; in 1809, to Long's Tavern because the Library in the Capitol, where the Court was to convene, was "so inconvenient and so cold."¹³ In 1814, to Bell Tavern due to a fire set by the British during the War of 1812;¹⁴ and then back to an undetermined space in the Capitol building. In 1819, the Court finally moved to the room it was to occupy until 1860, when it made its final move within the Capitol to the former Senate Chamber, located on the east side of the main corridor between the Rotunda and the new Senate Chamber.¹⁵

CHIEF JUSTICE TAFT AND THE TEMPLE OF JUSTICE

William Howard Taft was the only man to have served both as President of the United States (1909–13) and Chief Justice of the Supreme Court (1921–30). It is as Chief Justice of the Supreme Court that he flourished: "[t]he Chief Justiceship was to him the ultimate compensation for the unhappiness of his years in the White House."¹⁶ Even while he was the president, however, Taft "devoted more attention to the choice of Justices than any other President," and admitted freely that there was no other position he would rather have than that of Chief Justice of the Supreme Court.¹⁷ In fact, Taft conceived the idea of constructing a new building for the Supreme Court while he was President, but opposition from Chief Justice White stayed his hand.¹⁸

Taft's attitude toward the symbolism of the judiciary is evident in a speech given in 1908:

It is well . . . that judges should be clothed in robes, not only that those who witness the administration of justice should be properly advised that the function performed is one different from, and higher, than that which a man discharges as a citizen in the ordinary walks of life; but also, in order to impress the judge himself with the constant consciousness that he is a high-priest in the temple of justice and is surrounded with obligations of a sacred character that he cannot escape and that require his utmost care, attention and self-suppression.¹⁹

¹² See generally *Marbury v. Madison*, 5 U.S. 137 (1803).

¹³ Wagman, *supra* note 8, at 289.

¹⁴ *Id.*

¹⁵ *Id.* at 289; see also *When the Supreme Court was in the Capitol*, 61 A.B.A. J. 949 (1975).

¹⁶ BERNARD SCHWARTZ, *A HISTORY OF THE SUPREME COURT* 213 (Oxford Univ. Press 1993).

¹⁷ *Id.* at 204, 213; see also HENRY F. PRINGLE, *THE LIFE AND TIMES OF WILLIAM HOWARD TAFT* 7 (1964); Alexander M. Bickel, *Mr. Taft Rehabilitates the Court*, 79 *YALE L.J.* 1, 19 (1969).

¹⁸ SCHWARTZ, *supra* note 16, at 207.

¹⁹ WILLIAM H. TAFT, *PRESENT DAY PROBLEMS: A COLLECTION OF ADDRESSES DELIVERED*

The old Chamber in which the Court continued to convene hardly fits the description of a “temple of justice,” and Taft’s pique with the inadequacy of the Court’s facilities was exacerbated when the Senate’s response to the Court’s request for more space for the Clerk’s office was to assign the Court a small windowless room.²⁰ Taft wrote to Senator Charles Curtis of Kansas:

I hope you are not going to deny us in the Supreme Court, the space which we need for the Clerk’s Office. With the very large Senate Office Building you ought to be willing to let the Supreme Court have at least breathing space. We need a room where we can have a clerk. The room which you propose to give us is an inside one. It really is not fair.

You have taken back all the rooms but three that were assigned to us for the use of the judges. In our conference room the shelves have to be made so high that it takes an aeroplane (*sic*) to reach them. But two of the justices have rooms in the Capitol. We don’t object to this though it would be more convenient if each one had an office here. But we do think for the important requirements of the Clerk and the indispensable library accommodations, you might be willing to keep your Senate Committees within space which is reasonable in view of the real needs of the judicial branch of the government.²¹

After an exchange of letters concerning the allocation of space, Senator Curtis wrote to Chief Justice Taft on March 1, 1923:

I know how much the Supreme Court needs additional space and I tried to get them two rooms . . . The Chairman of the Subcommittee and myself worked together in this matter and did everything possible. Personally, I am in favor of erecting a new building for the Supreme Court so that they will have all the room the Court needs, not only for the Court, but for all of its officers.²²

Although this statement by Senator Curtis may seem to have opened the door, it was not until late in 1925 that Chief Justice Taft was able to pursue the plan to construct a home for the Supreme Court. His opportunity came when the Senate approved the Public Buildings Act of 1926, authorizing \$50 million for the construction of new buildings for the expanding federal government.²³ Taft had written to Senator Reed Smoot of the

ON VARIOUS OCCASIONS (1908), *reprinted in* ALPEHUS THOMAS MASON, WILLIAM HOWARD TAFT: CHIEF JUSTICE 58 (1964).

²⁰ See Catherine Hetos Skefos, *The Supreme Court Gets A Home*, in YEARBOOK 25, 26–27 (The Supreme Court Historical Soc’y, 1975).

²¹ Letter from William Howard Taft, Chief Justice of the U.S. Supreme Court, to Charles Curtis, Senator of Kansas (Feb. 26, 1923) (on file with author). I would like to thank Gail Galloway, Curator of the Supreme Court, and Franz Jantzen, Photographer of the Supreme Court for giving me permission to use the Archives and for their assistance with the archival material.

²² Letter from Charles Curtis, Senator of Kansas, to William Howard Taft, Chief Justice of the U.S. Supreme Court (Mar. 2, 1923) (on file with author).

²³ H.R. 6559, 69th Cong. (1925); *see also* NAT’L PLANNING COMM’N, WORTHY OF THE

Senate Committee on Public Lands and Surveys urging the inclusion of a provision in this bill for the purchase of the land for the erection of a building for the Supreme Court, but his request was received without enthusiasm and the proposal was defeated largely due to the opposition of Senator Smoot.²⁴ However, because there was a conflict between the House and the Senate versions of the bill, it went to conference, giving Taft time to negotiate with the members of the House Committee. His efforts were rewarded—the conference report called for the acquisition of a site for the Supreme Court, and President Coolidge signed the bill into law the following week.²⁵ As Mason has said, “[t]he most striking example of Taft’s effectiveness as a lobbyist was the campaign he waged for a new Supreme Court building”—but the campaign had only just begun.²⁶

CHIEF JUSTICE TAFT AND CASS GILBERT

Although final approval for the construction of the Supreme Court building was yet to come, by 1926 Taft had already engaged in extensive discussions concerning the architectural plan of the building with his friend Cass Gilbert.²⁷ Gilbert had already achieved fame as the architect of the Minnesota and West Virginia State Capitol Buildings, the Customs House and the Woolworth Building in New York, and the Treasury Annex and the United States Chamber of Commerce in Washington, D.C.²⁸ His friendship with Taft was of long standing; President Taft appointed him to the National Commission of Fine Arts, the body charged with the duty of reviewing and approving plans for Washington buildings and monuments.²⁹

The correspondence between Taft and Gilbert documents the progress of their plans for the new Supreme Court and Taft’s

NATION: THE HISTORY OF PLANNING FOR THE NAT’L CAPITAL 172 (1977). Although the Public Buildings Act was designed primarily for the construction of the area known today as the Federal Triangle, the 1926 drawings include a building for the Supreme Court flanking the Library of Congress and facing the Capitol; see S. DOC. NO. 69-240, at 1 (1927).

²⁴ MASON, *supra* note 19, at 133; see also Skefos, *supra* note 20, at 29.

²⁵ An Act to provide for the construction of certain public buildings, and for other purposes. Pub. L. No. 69-281, 44 Stat. 630 (1926).

²⁶ MASON, *supra* note 19, at 133.

²⁷ Letter from Cass Gilbert, Architect, to William Howard Taft, Chief Justice of the U.S. Supreme Court (Dec. 12, 1926) (on file with author). The letter includes preliminary sketches for the building. A number of Gilbert’s preliminary sketches, along with photographs of the complete building are reproduced in Cass Gilbert, Jr., *The United States Supreme Court Building*, ARCHITECTURE, Dec. 1935, at 301. See generally Alan Greenberg & Stephen Kieran, *The United States Supreme Court Building*, Washington, D.C., MAG. ANTIQUES, Oct. 1985, at 760.

²⁸ Guy Kirkham, *Cass Gilbert, Master of Style*, in PENCIL POINTS 541, 547 (1934). I would like to thank Franz Jantzen for bringing this article to my attention.

²⁹ Skefos, *supra* note 20, at 32.

continuing campaign with the Congress. In a letter dated July 18, 1927, Gilbert, travelling in Europe, wrote to Taft:

I understand perfectly that circumstances surrounding the matter do not permit of any definite committal concerning it at the present time. I perhaps need not tell you that I am keenly desirous of being appointed architect of the Supreme Court building. It ought to be the most dignified and beautiful building in Washington.³⁰

The next hurdle that Taft faced with the Congress was the composition of the Supreme Court Building Commission. Taft wanted control of the Commission to ensure that he and Gilbert would have a free hand in the design of the building.³¹ On April 24, 1928, Taft sent Gilbert the text of the original bill,³² drafted by David Lynn, architect of the Capitol, along with his suggested emendations. Gilbert immediately cabled Taft, pointing out that the original bill would effectively make David Lynn the architect and give him the authority to appoint consulting architects and others; Gilbert cautioned that “[i]t would be highly undesirable to make the employment of consulting architects either implied or mandatory for it invites division of authority just where authority should be most concentrated.”³³

The hearings on both the original bill and Taft’s revised bill were held on May 26, 1928, with both Chief Justice Tate and Justine Van Devanter in attendance.³⁴ It was only through Taft’s diplomatic handling of the issues that Capitol architect David Lynn was mollified and accepted a position as an executive officer of the Commission.³⁵ The bill providing for the submission to Congress of preliminary plans and cost estimates did not pass until December 21, 1928.³⁶ Yet, even at this late date there was debate on the Senate floor, with Senator Heflin of Alabama objecting strenuously to having the Court moved out of the “old temple of justice” in the Capitol.³⁷ On this occasion it was Senator Reed Smoot, who had attempted to block the legislation for the appropriation of land for the new building, who came to

³⁰ Letter from Cass Gilbert, Architect, to William Howard Taft, Chief Justice of the U.S. Supreme Court (July 18, 1927) (on file with author).

³¹ *Id.*

³² H.R. 13242, 70th Cong. (1928).

³³ Letter from Cass Gilbert, Architect, to William Howard Taft, Chief Justice of the U.S. Supreme Court (April 25, 1928) (on file with author). The text of the telegram was also conveyed to Taft on April 25, 1928 by telephone message from Cass Gilbert, Jr.

³⁴ H.R. 13242, 70th Cong. (1928); H.R. 13665, 70th Cong. (1928) (enacted).

³⁵ H.R. 13242, 70th Cong. (1928); H.R. 13665, 70th Cong. (1928) (enacted); *see also* Skefos, *supra* note 20, at 32.

³⁶ H.R. 13665, 70th Cong. (1928); Act of Dec. 21, 1928, Pub. L. No. 70-644, 44 Stat. 1066 (providing for the submission to Congress of the preliminary plans and estimates of cost for the construction of a building for the Supreme Court of the United States).

³⁷ 70 CONG. REC. 930 (1928) (the statement of Sen. Heflin).

the defense of the bill, stating that: “every American’s heart will be filled with pride to know that the United States Supreme Court—the greatest body in the world for the administration of law—is housed in a building that will do honor to any country in the world.”³⁸

The models for the building were approved by the Commission in May of 1939, and Congress gave final approval of the \$9,740,000 in cost estimates on December 20, 1929.³⁹ Chief Justice Taft fell ill in January of 1930 and died two months later. In February of 1927, Taft had written to his son Charles, “[m]y prayer is that I may stay long enough on the Court to see that building constructed. If I do, then I shall have the right to claim that it was my work, for without me it certainly would not have been taken up at this time.”⁴⁰ Although he did not live to see the building constructed, Chief Justice Taft certainly had every right to claim the building as his work. Cass Gilbert expressed the same sentiments in his last letter to Taft: “I shall always think of you as the real author of the project and the one to whose vision we shall owe a suitable housing for the Supreme Court of the United States. It will, in fact, be a monument to your honored name.”⁴¹

THE ARCHITECTURE: STYLE AND SYMBOLISM

Cass Gilbert was one of the leading exponents of the style known as the American Renaissance, which flourished from 1887 until 1917 and enjoyed a late period of popularity until 1938.⁴² The emphasis of the training was not only on formal courses on

³⁸ *Id.* at 932; see also Kirkham *supra* note 28 and accompanying text.

³⁹ Act of Dec. 20, 1929, Pub. L. No. 71-26, 46 Stat. 51 (providing for the construction of a building for the Supreme Court of the United States); H.R. 3864, 71st Cong. (1929).

⁴⁰ Letter from William Howard Taft, Chief Justice of the Supreme Court, to Charles Phelps Taft II, Son of the Chief Justice (Feb. 27, 1927), *quoted in* ALPHEUS THOMAS MASON, WILLIAM HOWARD TAFT: CHIEF JUSTICE 136 (1965).

⁴¹ Letter from Cass Gilbert, Architect, to William Howard Taft, Chief Justice of the U.S. Supreme Court (Feb. 4, 1930) (on file with author). Letter from Cass Gilbert, Architect, to William Howard Taft, Chief Justice of the U.S. Supreme Court (July 18, 1927) (on file with author). Cass Gilbert did not live to see the building completed; he died in May 1934, several months before the building was finished.

⁴² Cass Gilbert, like many American architects at the turn of the century, had limited formal training; he spent a short time with an architect in St. Paul, Minnesota, then went on to a year of study at the Massachusetts Institute of Technology, followed by a trip abroad, and then two years at the renowned firm of McKim, Mead and White, considered the best training office in the nation. See Richard Guy Wilson, *Architecture and the Reinterpretation of the Past in the American Renaissance*, 18 WINTERTHUR PORTFOLIO 69, 71 (1983) [hereinafter Wilson, *Reinterpretation of the Past*]. It was Charles Follen McKim who established the American Academy in Rome in 1885, so that American architects and artists could enjoy the benefits of the study of ancient monuments of Rome, as did their French counterparts at the École Française des Beaux Arts, who were required to spend at least a year at the École Française de Rome. See CHARLES MOORE, *THE LIFE AND TIMES OF CHARLES FOLLEN MCKIM* 167–68 (1929).

history, construction, and physics, but on detailed studies of building and ornament—“[i]nforming the present were brilliantly rendered interpretations of antiquity.”⁴³ Although many styles of architecture were taught, it was the classical style of ancient architecture that dominated.⁴⁴ One of the basic approaches of architects who worked in the American Renaissance style was the reliance on prototypes—the use of motifs of ancient architecture—although combined and set in new arrangements.⁴⁵ In order to facilitate the study of ancient architecture for Americans who were unable to travel extensively in Europe, two important books were published in the United States in the 1920s. *The American Vitruvius: An Architects' Handbook of Civic Art* offered advice based on studies of European architecture from Greek and Roman precedents through the Renaissance and Baroque periods, and arranged by topics such as “Plaza and Court Design in Europe.”⁴⁶ The publication of a volume of drawings of ancient architectural elements drawn by students of the École de Beaux Arts exerted a strong influence on the architects of the late American Renaissance style, who became known for their fidelity to classical models.⁴⁷

Gilbert was steeped in the philosophy of the American Renaissance, which grew out of the nineteenth century marriage of historiography and nationalism with its focus on the identification of the symbols that expressed national, political, and cultural ideals. In architecture, stylistic forms were considered to be the purest expression of a nation’s morality and historical significance.⁴⁸ Gilbert expressed his philosophy toward the function of the architecture and decoration of public buildings in an article published in 1929:

The poor man cannot fill his home with works of art. The State can, however, satisfy his natural craving for such things in the enjoyment of which all may freely share, by properly embellishing its public buildings and particularly its state capitol. There the rich and poor

⁴³ Richard Guy Wilson, *Architecture, Landscape and City Planning*, in THE AMERICAN RENAISSANCE 1876–1917 75, 92 (1979) (showing an exhibition at the Brooklyn Museum, Oct. 13–Dec. 30, 1979) [hereinafter Wilson, *Architecture*].

⁴⁴ *Id.*

⁴⁵ Wilson, *Reinterpretation of the Past*, *supra* note 42, at 85.

⁴⁶ See WERNER HEGEMAN & ELBERT PEETS, THE AMERICAN VITRUVIUS: AN ARCHITECTS' HANDBOOK OF CIVIC ART (1922). The final chapter, entitled “The Plan of Washington,” ends with an admonition to those who would adhere to L’Enfant’s original plan with “a belief that the principal value of that plan is a mystical parallelism with the federal constitution, which it is unpatriotic to question.” *Id.* at 293.

⁴⁷ HECTOR D’ESPOUY, ONE HUNDRED SELECT PLATES FROM FRAGMENTS D’ARCHITECTURE ANTIQUE (Pencil Points Press 1923), *reprinted as* FRAGMENTS FROM GREEK AND ROMAN ARCHITECTURE: THE CLASSICAL AMERICAN EDITION OF HECTOR D’ESPOUY’S PLATES (Norton 1981) [hereinafter FRAGMENTS].

⁴⁸ Wilson, *Reinterpretation of the Past*, *supra* note 42, at 75.

alike may find the history of the state and the ideals of its government set forth in an orderly and appropriate way in noble inscriptions, beautiful mural paintings and sculpture and in the fine proportions and good taste of the whole design.

It is an inspiration to patriotism and good citizenship, it encourages just pride in the state and is an education to oncoming generations to see these things, imponderable elements of life and character, set before the people for their enjoyment and betterment. The educational value alone is worth to the state far more than its cost – it supplements the education furnished by the public school and the university – it is a symbol of the civilization, culture and ideals of our country.⁴⁹

The architecture of Washington, D.C. is perhaps the best preserved urban example of the American Renaissance style, and indeed, it has been referred to as the national style of “Imperial America.”⁵⁰ As one scholar has noted “[t]he orderliness and stateliness of classical architecture—and its association, from time immemorial, with stable principles of law and government—made this style the most appropriate one at a time when America achieved a new world prominence.”⁵¹ This sentiment had, in fact, been expressed in an article in the *New York Times* in 1929:

The real pressure behind the new Washington is the new America. We have heard a good deal during the past few years of the United States as a great world power, perhaps the greatest. . . . The capital, says Mr. Hoover, is “the symbol of the nation;” its reconstruction coincides . . . with the dawning consciousness that this capital is an equivalent of the Rome of Augustus, of the Paris of the Grand Monarque.⁵²

The reference to the Rome of Augustus is more appropriate than the author of the article may have realized. For, like the Temples of Rome, the Supreme Court building embodies an American civil religion that was eloquently expressed at the ceremony marking the laying of the cornerstone of the building in 1931. Guy A. Thompson, President of the American Bar Association, said:

It will be a monument expressing by its own stability the firm confidence and trust, the unwavering reverence and devotion in which the people hold the Court whose home it is to be. Its towering pillars, its age-defying walls, against which the winds and storms of Heaven will beat in vain, shall be symbols of the majesty and power of that Tribunal and of its proof against the tempests of passion and ill will. It will be a monument to Justice This will be her Temple. Here

⁴⁹ Cass Gilbert, *The Greatest Element of Monumental Architecture*, 36 AM. ARCHITECT 140, 141 (1929).

⁵⁰ Michael T. Klare, *The Architecture of Imperial America*, 33 SCI. & SOC'Y 257, 272 (1979).

⁵¹ *Id.*

⁵² Anne O'Hare McCormick, *Building the Greater Capital: A New Washington Rises As the Symbol of America's New Status*, N.Y. TIMES, May 26, 1929.

her shrine will be. Here she shall abide. . . . [T]he Lord has built this house and His justice reigns therein.⁵³

Chief Justice Charles Evans Hughes similarly expressed his thoughts in quasi-religious tones:

[T]his temple of noble proportions . . . finds its chief distinction as a national symbol. . . . This building is the symbol of the distinctive character of the Republic. . . . Hence, we look upon this gleaming marble, in classic lines, not as being erected simply for judges or lawyers or litigants. . . . The Republic endures and this is the symbol of its faith.⁵⁴

THE ARCHITECTURE: ANCIENT SOURCES AND PROTOTYPES

Although the classical origins of the buildings have always been recognized, it has often erroneously been compared to the Parthenon on the Acropolis in Athens.⁵⁵ The *WPA Guide to Washington* is more correct than the authors probably realized when they described the façade of the building as suggesting a “Roman temple, its form of worship announced by the inscription below the pediment ‘Equal Justice Under Law.’”⁵⁶

The Supreme Court building is set back on a wide plaza reached by a short flight of steps, a pair of identical flag poles with sculptured bronze bases mark the outer perimeter of the plaza, and a pair of candelabra on carved marble bases flank the staircases at the entrance to the plaza (Figure 1). The building is set back on the plaza and is reached by another wide staircase, framed by projecting blocks that support monumental statues. The East, or rear façade of the building is a deep dipteral octastyle porch, surmounted by a carved entablature and a pedimented roof. The wide horizontal wings of the building are set back, so that the characteristic classical temple façade is dominant.

On the West, or front, façade is a pair of carved urns that flank the staircase that leads to a narrow plaza and the façade is set on a platform clearly meant to raise it to match the height of the east façade (Figure 1). The raised façade is ornamented with engaged columns and pilasters with Corinthian capitals that “support” an entablature bearing the inscription “Equal Justice Under the Law,” which is surmounted by a pedimental roof.

⁵³ Guy A. Thompson, *Corner Stone of the New Home of the Supreme Court of the United States is Laid*, 18 A.B.A. J. 723, 723–24 (1932).

⁵⁴ *Cornerstone*, *supra* note 3, at 728–29.

⁵⁵ See, e.g., Margaret P. Lord, *Supreme Courthouse*, CONNOISSEUR, July 1984, at 61.

⁵⁶ FEDERAL WRITERS PROJECT, *WPA GUIDE TO WASHINGTON*, D.C. 161 (1935); see also PAMELA SCOTT & ANTOINETTE J. LEE, *BUILDINGS OF THE DISTRICT OF COLUMBIA* 138 (1993).

The porch of the main façade finds its closest parallel to the deep octastyle porch of the Pantheon in Rome, as illustrated in the American edition of D’Espouy.⁵⁷ The similarities between the architectural drawing and the façade go beyond the plan of the deep porch. The way in which the center columns frame the wide doorway of the Supreme Court building is strikingly similar to the drawing of the Pantheon doorway, as is the openwork bronze grill doors of both buildings. Other details illustrated in the American edition of D’Espouy from the Pantheon and other Roman buildings can be observed in the architectural decorations of the Supreme Court building.⁵⁸ The heavy garlands that adorn the entablature are virtually identical to those of the relief panels flanking the door of the Pantheon as illustrated in D’Espouy.⁵⁹ The relief panels that extend around the entire length of both wings of the Supreme Court building, just below the cornice, bear the image of lush garlands flanked by eagles with outspread wings, and may represent a conflation of the imagery of the relief panels of the Pantheon and those from the Forum of Trajan, as illustrated in D’Espouy.⁶⁰

The resemblance between the Corinthian capitals of the Supreme Court building and the illustration of the Corinthian capital said to be from the Portico of Octavia in Rome is especially striking—both have the unusual feature of an eagle set atop the central acanthus leaf of the capital. The deeply carved square coffers of the porch ceiling of the Supreme Court building find parallels among many Roman carved ceiling panels illustrated in D’Espouy, e.g., that of the Temple of Mars the Avenger.⁶¹

The flagpole bases and candelabra were designed by Cass Gilbert and, like the sculptural reliefs, reveal a taste for Roman Imperial ornamentation. The laurel wreath atop the octagonal base is a replica of the base of the Column of Trajan, and the pattern of alternating shells and dolphins can be seen in the drawing of a sculptural fragment found in a Pantheon⁶² (Figure 2). The candelabra, actually lampposts, also modeled on Cass Gilbert designs, bear such a strong resemblance to the Barberini

⁵⁷ FRAGMENTS, *supra* note 47, at 58. The Pantheon was built between 125 and 128 A.D. See WILLIAM L. MACDONALD, *THE ARCHITECTURE OF THE ROMAN EMPIRE*, 95–121, figs. 96–125 (2d ed. 1982) [hereinafter MACDONALD]. I want to stress that I am using the D’Espouy drawings for their value as illustrations known to American architects, not as archaeologically accurate fragments from the building they are said to be copied from.

⁵⁸ The architectural drawings, based on drawings by Cass Gilbert, were executed by John Donnelly Jr., the son of the general supervisor of all the stone carvers. Archival material courtesy of the U.S. Supreme Court (on file with the author).

⁵⁹ FRAGMENTS, *supra* note 47, at 62.

⁶⁰ *Id.* at 63.

⁶¹ *Id.* at 56.

⁶² *Id.* at 65.

candelabra from Hadrian's Villa at Tivoli in the Vatican Museum that it is impossible to deny the influence. Both rest on lion paw feet, have slightly trapezoidal panels decorated with a single figure carved in low relief, animal heads projecting from the upper corners of the base, and elaborate acanthus leaves on the shafts.⁶³

Perhaps the most startling resemblance to the entire configuration of the façade of the Supreme Court building is a model of the Pantheon that used to be displayed in the Metropolitan Museum of Art. This compositional resemblance reveals more than a possible visual source; it is an example of the attitude toward classical architecture "that resulted from the study of plates [drawn by] archaeologists and architects who saw Roman buildings through the lens of romantic classicism."⁶⁴

THE SCULPTURAL PROGRAM: ICONOGRAPHY AND SOURCES

As was customary, Cass Gilbert determined where the sculptural decoration was to be placed on the building and then commissioned the sculptor (or sculptors) he wanted to execute the work. Since the Supreme Court building was constructed at the same time as the buildings of the Federal Triangle, the sequence of procedures was probably the same: the selection of the sculptor; the execution of a preliminary, intermediate, and final scale model; and a detail of the stone carving.⁶⁵ It may seem odd to us today, but the sculptor was usually involved in the creation of the small models and the fine points of the final carving. All other work was subcontracted, usually to younger artists.⁶⁶

⁶³ The figures represented in low relief on the panels of the candelabra are a justice blindfolded with sword and scale and the "daughters," who are depicted weaving and spinning, a theme particularly popular in Greek vase painting. See generally Dennis E. Curtis & Judith Resnik, *Images of Justice*, 96 YALE L.J. 1727 (1987). I would like to thank Professor Suzanne Stone of Cardozo School of Law for bringing this reference to my attention. For the imagery of women weaving, John Donnelly executed the bronze bases of the flagpoles and the candelabra; he is also responsible for the monumental bronze doors. See Dyfri Williams, *Women on Athenian Vases: Problems of Interpretation*, in IMAGES OF WOMEN IN ANTIQUITY 92 (Averil Cameron & Amélie Kuhrt eds., 1983). The iconography of the bronze doors is a major topic in itself and will hopefully be treated in a separate study. For a summary of the iconography of the doors, see David Mason, *The Supreme Court's Bronze Doors*, 63 A.B.A. J. 1395 (1977).

⁶⁴ MACDONALD, *supra* note 57, at 114, fig. 121. It should also be noted that the marble paving of the spacious plaza of the Supreme Court is an exact replica of the marble floor of the Pantheon.

⁶⁵ GEORGE GURNEY, *SCULPTURE AND THE FEDERAL TRIANGLE* 69 (1985).

⁶⁶ *Id.* at 72. In the creation of large compositions like pediments, the translation of the figural composition into increasingly larger figures and into the final monumental scale was accomplished by means of a device called a pointing machine. *Id.* at 73. The pointing machine was actually invented by Roman sculptors, who regularly replicated large Greek statues into miniatures. See generally ELIZABETH BARTMAN, *ROMAN MINIATURE COPIES OF CLASSICAL GREEK SCULPTURE* (1986).

The sculptors chosen by Cass Gilbert were all well-known artists who worked in the Beaux Arts tradition and who had worked, or were currently working on other monumental buildings in Washington, D.C. and New York. Although Gilbert had the final authority, each sculptor had the freedom to choose the subject matter of the commission. Indeed, Gilbert seems not to have been all that concerned with the iconographic content. In a letter to the sculptor of the west pediment (on the front of the building), Gilbert said:

I don't care very much what the figures mean, I assume of course that they may mean something or convey certain symbolism—but what I care about is the composition, the design, the arrangement, the balance . . . and the sculpture as sculpture. Who cares a hang whether the figure represents virtue, courage, vice or wisdom so long as it fits its place in the design?⁶⁷

It is perhaps because of Gilbert's attitude that there is, in fact, no coherent iconographic program. Although each figure or composition is given a "title" that invokes a general theme of law, the identification of figures is derived solely from the descriptions furnished by each sculptor. Thus, while invoking the vocabulary of classical art, the coherence of the iconography that is characteristic of Greek and Roman architectural and sculptural programs is forsaken.

We will consider here only those figures that add to an understanding of the building as a "temple of justice," where either the composition as a whole, or the individual figures or motifs, can be shown to derive from ancient monuments of a religious or imperial nature, and add to our understanding of the architecture and decoration of the Supreme Court building as an example of the architecture of "Imperial America."

THE FIGURES OF CONTEMPLATION AND AUTHORITY

The monumental seated figures that flank the staircase are the work of James Earle Fraser, although their placement and monumental scale was dictated by Cass Gilbert. The male figure on the right is identified by the sculptor as the "Authority of Law," who holds in his left hand a tablet of laws, backed by a sheathed sword, which is symbolic of enforcement through law (Figure 3). The female figure, entitled "Contemplation of Justice," holds a small model of "Justice" in her right hand, while her left arm rests on a book of laws. The small model of Justice in her right hand is certainly inspired by the famous colossal

⁶⁷ Letter from Cass Gilbert, Architect, to Robert Aitken, Sculptor (July 19, 1932) (on file with author).

chryselephantine statue of Athena sculpted by Phidias, which stood within the Parthenon on the acropolis in Athens—she held a small figure of Nike (Victory) in her right hand (Figure 4).

The real importance of these figures, however, is more compositional than iconographic. Monumental flanking figures such as these can have no source other than the model of the Pantheon mentioned above, as they bear out Gilbert's reliance on the model of the Pantheon in the Metropolitan Museum as a primary source. The presence of these monumental statues was thus dictated by the architecture, an American restatement of one of the most significant monuments of Roman Imperial architecture.

THE PEDIMENTS

Both pedimental compositions bear a certain resemblance to those on the model of the Pantheon—each features a central seated figure that dominates an essentially static, symmetrically disposed grouping of figures. This is in contrast to the most famous, and most often imitated, pedimental composition, that of the Parthenon on the Acropolis in Athens, where the central figures are not only standing, they are depicted as though in motion.⁶⁸

The theme of the east pediment, sculpted by Hermon A. MacNeil, is Ancient Lawgivers of the East. Moses is the central figure (and bears a slight resemblance to Michelangelo's Moses), flanked by Confucius and Solon (Figure 5). The figures that flank this central group are purely allegorical and identified by the sculptor as symbolizing: The Enforcement of the Law (left); Justice Tempered by Mercy (right); the Settlement of Disputes Through Enlightened Judgment (left); "Maritime," and other large functions of the Supreme Court in the protection of the United States (right); then "Study and Pondering of Justice" (left); and "a tribute to the fundamental and supreme character of this Court."⁶⁹ In the corners are the tortoise and the hare from Aesop's fables, meant to symbolize the slow, deliberate nature of law. Neither the iconography nor the position of the figures seems to have any relationship to the meanings attributed to them by the sculptor. The most interesting feature of the east pediment is the inscription "Justice the Guardian of Liberty." It is reported that the text was chosen by Chief Justice Hughes in a note passed to Justice Van Devanter while they were on the

⁶⁸ RICHARD BRILLIANT, *ARTS OF THE ANCIENT GREEKS* 199–200 (1973).

⁶⁹ SUMMARY: BUILDING ARTISANS—SUPREME COURT BUILDING (documents from the Archives of the Supreme Court on file with the author).

bench. The other suggested text was “Equal Justice is the Foundation of Liberty.”⁷⁰

It is the west, or front pediment, that commands attention. The iconography of the pediment as given by the sculptor, Robert Aitken, is “Liberty Enthroned” looking confidently into the future, across her lap the Scales of Justice. She is surrounded in the composition by two Guardian figures. On her right is “Order,” and on her left is “Authority.” Then to the right and left, two figures, each represent “Council.” Then to their right and left, two figures represent “Research Past and Present”⁷¹ (Figure 6).

While virtually all pedimental compositions follow the archetype of the Parthenon pediments, the disposition of the figures on the west pediment correspond more directly to that of the figures on the Pantheon model: a central seated figure in a rigidly frontal pose and flanking figures made smaller by their positioning, either seated (Pantheon model) or crouching, both of which turn their heads toward the central figure. Other figures are shown in conversation, or as reclining figures facing the corners of the pediment. The central figure of Liberty Enthroned is clearly modelled after the colossal statue of Athena from the Parthenon: she wears a Greek peplos with an aegis (breastplate) and on her head is a spiked crown. The figures of Order and Authority are executed in the Roman idiom—clothed as Roman soldiers holding *fascēs*, the insignia of the highest Roman magistrates, consisting of rods of birch or elm tied together with straps.

When the pediment was revealed to the public it caused a sensation because Aitken had created several of these classically draped and modelled figures of the men whose lives were inextricably tied to the history of the Supreme Court and the construction of the edifice.⁷² The reclining figure at the left representing “Research Present” is a portrait of Chief Justice Taft portrayed as a student at Yale. His counterpart, reclining on the right side of the pediment is an image of George Marshall, Chief Justice of the Supreme Court from 1801 to 1835, who reads from an ancient scroll symbolizing “Research Past.” The pair in conversation on the left represent the architect, Cass Gilbert, and former Senator, Elihu Root, who introduced President Taft’s bill to create Washington’s Fine Arts Commission. The pair on the right represents Chief Justice Charles Evans Hughes, who

⁷⁰ *Cornerstone*, *supra* note 3.

⁷¹ *Id.*

⁷² See *Living Notables Used as Models for Supreme Court Sculpture*, N.Y. TIMES, Dec. 8, 1934, at 1; see also Skefos, *supra* note 20, at 34–35.

succeeded Taft as Chairman of the Supreme Court Building Commission, in conversation with the sculptor of the pediment, Robert Aitken.⁷³ The sculptor's self-portrait among the nation's leading most eminent legal minds of America must have caused some controversy. He defends himself in a letter to Cass Gilbert Jr. by citing a list of famous artists who had portrayed themselves in major public works of art; he first names Phidias, sculptor of the Parthenon, who carved his likeness on the shield of the colossal Athena.⁷⁴

THE SUPREME COURT CHAMBER

One enters through the monumental bronze doors into the Great Hall; the route to the Court chamber is one of almost processional rhythm. As has been noted by one commentator, "the extended experience of approaching and entering the Supreme Court continues inside the building as one moves along the central axis toward the court chamber."⁷⁵ The Great Hall is a long, rectangular colonnaded space constructed of white marble. One passes through this into the rectangular colonnaded entrance vestibule, which terminates in a semi-circular apse with massive doors that open into the chamber.

The court chamber is unique within the building, distinguished in proportion, color, and decoration from all the preceding spaces. In proportion, the room is nearly square in plan; the walls are sheathed in ivory marble from Spain and the columns are made from a yellow and ivory veined marble from Siena.⁷⁶ Ionic capitals are used for the columns that set off the interior space. The use of Ionic capitals, as distinct from the Corinthian capitals of the porch and the plain Doric capitals of the Great Hall, again indicates Gilbert's knowledge of ancient architecture and the canonical application of the three orders of architectural column capitals in antiquity. The classical statement of the three orders and their proper use is found in Vitruvius' *De Architectura*, where the Ionic order is described as a "balance between the severe manner of the Doric and the softness of the Corinthian," and its use prescribed for "intermediate decoration."⁷⁷

⁷³ SUMMARY: BUILDING ARTISANS—SUPREME COURT BUILDING (on file with author).

⁷⁴ Letter from Robert Aitken, Pediment Sculptor, to Cass Gilbert, Jr., Architect (Sept. 6, 1934) (on file with author).

⁷⁵ PAMELA SCOTT & ANTOINETTE J. LEE, BUILDINGS OF THE DISTRICT OF COLUMBIA 139 (1993).

⁷⁶ The first marble columns from Siena were rejected by Cass Gilbert, who then wrote an admiring letter to Mussolini requesting his personal help in assuring that only the finest marble from the Siennese quarry be selected. See Geoffrey Blodgett, *Cass Gilbert, Architect: Conservative at Bay*, 72 J. AM. HIST. 615, 633 (1985).

⁷⁷ JOHN ONIANS, BEARERS OF MEANING: THE CLASSICAL ORDERS IN ANTIQUITY, THE

Above the simple entablature in the attic story is the most elaborate sculptural program of the building, a series of four friezes carved in low relief and designed by well-known New York Sculptor, Adolph Alexander Weinman, who trained under Augustus Saint-Gaudens.⁷⁸ His design for the Courtroom friezes reflects his training, which emphasized a correlation between the sculptural subject and the function of the building. Faithful to classical sources, he designed for the Courtroom friezes a procession of great lawgivers of history from many civilizations to portray the development of secular law. The procession of lawgivers begins on the south wall frieze and continues on the north wall. In the words of Weinman himself,⁷⁹ the east and west wall sculptural groups are representations of the Majesty of Law and Justice.⁸⁰

A. East Wall Frieze

The dominant motif in this frieze shows two powerful seated male figures of heroic proportions, representing the “Majesty of the Law” and the “Power of Government.” Flanking this group at either side are the genii of Wisdom and Justice.

To the right of this central motif is a group symbolic of the “Safeguard of the Liberties of the Rights of the People in Their Pursuit of Happiness,” and to the left, “The Defense of Human Rights and Protection of Innocence”⁸¹ (Figure 7).

B. West Wall Frieze

The dominant motif in this frieze shows a central group of “Justice” resting upon her sheathed sword with the winged figure of “Divine Inspiration” balancing the scales, the two flanked at either side by the seated figures of “Truth” and of “Wisdom.” At the right of this central group are “The Powers of Evil,” as shown in the two figures struggling in the coils of a serpent, and the figures of “Corruption and Slander, Deception and Despotism.”

MIDDLE AGES AND THE RENAISSANCE, 36–37 (1988). Even if Gilbert was not familiar with the original text he would have known the applications of the orders from *The American Vitruvius*. HEGEMAN & PEETS, *supra*, note 46.

⁷⁸ Charles H. Dorr, *A Sculptor of Monumental Architecture: Notes on the Work of Adolph Alexander Weinman*, 33 ARCHITECTURAL REC. 518, 526–27 (1913).

⁷⁹ I am grateful to Alexander Weinman’s son, Charles Weinman, for sending me a carbon copy of the architectural and iconographic plan in Weinman’s own words.

⁸⁰ Alexander Weinman, Courtroom Friezes (documents from the Archives of the Supreme Court on file with the author).

⁸¹ The individual figures are left to right: The Defense of Human Rights and the Protection of Innocence; Wisdom and Majesty of Law; Tablet with the Ten Commandments; the Power of Government and Justice; and Safeguard of the Liberties and Rights of the People in their Pursuit of Happiness.

At the left of the central groups are “The Powers of Good,” as shown in the “Defense of Virtue” and “Charity, Peace, Harmony and Security” (Figure 8).

Both the north and south wall friezes of the Supreme Courtroom are composed as a procession of the Great Lawgivers of History, the procession terminating at both ends of each frieze in an allegorical group.

C. South Wall Frieze

The South Wall Frieze has representations of Menes, Uniter, and Ruler of Upper and Lower Egypt, about 4000 B.C.; Hammurabi, King of Babylon, about 2500 B.C.; Moses; Solomon; Lycurgus; Solon; Draco; Confucius; and Octavian. The movement of these figures is toward the East Wall. The allegorical groups at either end of this frieze represent “History” and “Fame.” The standing winged figures at the left, with fasces, symbolizes “Authority.” The standing winged figure at right, with lamp, is guarding the “Light of Wisdom” (Figure 9).

D. North Wall Frieze

The north wall frieze has representations of Justinian, Mohammed, Charlemagne, King John, St. Louis, Hugo Grotius, Blackstone, Marshall, and Napoleon.

The movement of these figures is also toward the east wall. The allegorical groups at either side of this frieze represent “Philosophy” and “Liberty and Peace.” The standing winged figure at left, with disc of the flaming sun, symbolizes “The Rights of Man.” The standing Winged figure at right, with scales, is symbolic of “Equity” (Figure 10).

THE DECISIONS OF THE COURT EVOLVE BEYOND THE IDEALISM OF THE ICONOGRAPHY

As the building neared completion in the spring of 1935, the Court, in its final session at the Capitol, made its first frontal attack on Franklin D. Roosevelt’s New Deal. In *A.L.A. Schechter Poultry Corp. v. United States*, the Court found the National Industrial Act unconstitutional in a unanimous decision in late May.⁸² That autumn the Court opened its first session in the new building. Awaiting its judgment were the Agricultural Adjustment Act, the Public Works Administration, the Tennessee Authority, the Social Security Act, the National Labor Relations Act, the Guffey-Snyder Act, the Frazier Lemke Farm Mortgage

⁸² *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495, 541–42 (1935).

Moratorium Act and the Railroad Employees Act. In January 1936 came the six-three decision in *U.S. v. Butler*, killing the Agricultural Adjustment Act.⁸³ “The great Court fight was joined—the old men in their new temple against that man down the street. Gilbert’s last citadel promptly replaced the Capitol and the White House as the political storm center of the nation.”⁸⁴

The resolution of the Court fight in 1937 transformed the Supreme Court’s relationship to Congress and to the president, radically altered the uses of judicial review, and launched the Court on a new career of creative governmental activism whose experimental spirit belied the staid symbols decorating its home. Justices lost their godlike aura in the public eye and emerged as purposeful judicial politicians.⁸⁵

Modern scholars have criticized the notion that the 1937 battle destroyed the Court. The critical assault on judicial review that culminated in the Battle of 1937 did not destroy the Court, but it did impair many of the ancient myths which had long served as justifications for the Court’s activities. Thereafter it was no longer possible for the judges and their supporters to take refuge from reasoned criticism behind the old incantations—the idea that the Court was merely a passive mouthpiece of an unambiguous constitution; the idea that the nature and range of the Court’s power to intervene was settled once and for all by the Constitution itself or by unmistakable inferences from the Constitution. There had grown up a generation of jurists and scholars convinced that the Court’s judges were conscious molders of policy and that the Constitution had left open many questions about its own meaning, including the question of the Court’s proper role.⁸⁶

CONCLUSION

Most accounts of the evolution of the United States Supreme Court focus on the history of the Court as seen through the lens of the decisions of the justices in a historical framework, from the first court in 1790 through the decision of the current court.⁸⁷ That is not the purpose of this article, which begins with a detailed survey of the architecture and iconography of the Supreme Court building to understand what, if any, influence it had and has on the decisions of the Court that shape our social views.

⁸³ *U.S. v. Butler et al.*, 297 U.S. 1, 68 (1936).

⁸⁴ Blodgett, *supra* note 76, at 635.

⁸⁵ *Id.* at 635.

⁸⁶ ROBERT G. MCCLOSKEY, *THE AMERICAN SUPREME COURT* 259 (5th ed. 2010).

⁸⁷ *See, e.g.*, SCHWARTZ, *supra* note 16, at 378–79.

The successive shifts of focus in American economic reality have done much to determine the large sweep of American constitutional law. They have done so in a threefold way: by setting the characteristic problems that have appeared for decision before the Supreme Court, by creating the conflicts and clashes of interests that have made those problems important to the community, and by fashioning the ideologies that have to a large extent influenced its decisions. For each Court, one can trace a “career”—the trajectory of a shifting community of justice as they ponder cases, maneuver for position, and choose between alternative ways of interpreting the Constitution.⁸⁸

But is there no connection between the legal history of the United States Supreme Court building with its extensive iconographical program stressing civil and religious history that led to the construction of this “Temple of American Justice”?

These eras when creedal politics supplant interest-group politics are relatively rare, but the system does contain an ongoing institution that is at the heart of the civil religion—the United States Supreme Court. The Court is the priestly interpreter of holy writ, the one agency in government that has the assigned duty to respond to the claims of individuals that the rights they have been promised have not been realized. With the Constitution as a sacred text of the American civil religion in place, we can now turn to the establishment of the agency that, in time, would become not only the priestly interpreter of that text but a continuing force in promoting national unity and in securing and expanding the ambit of the protection of individual rights. More than any other single institution, the Supreme Court of the United States has been responsible for making the Constitution a vital document that continues to command the allegiance and faith of the American people.⁸⁹

⁸⁸ MAX LERNER, *NINE SCORPIONS IN A BOTTLE: GREAT JUDGES AND CASES OF THE SUPREME COURT* 13, 179 (1994).

⁸⁹ JOHN E. SEMONCHE, *KEEPING THE FAITH: A CULTURAL HISTORY OF THE U.S. SUPREME COURT* 10, 37 (1998). In the spring of 1996 I had the privilege of speaking with Justice Ruth Bader Ginsburg in her office. I specifically asked about the sculptural program of the Courtroom and whether she thought that it had any influence at all on the solemnity of the court, even if it had no influence on decisions of the court. After a short pause considering my query, she answered in the affirmative.

ILLUSTRATIONS



Figure 1: Full View: Supreme Court Building.
Photograph courtesy of the Architect of the Capitol.



Figure 2: Franz Jantzen. South Flagpole Base on West Plaza of the Court.
Collection of the Supreme Court of the United States.

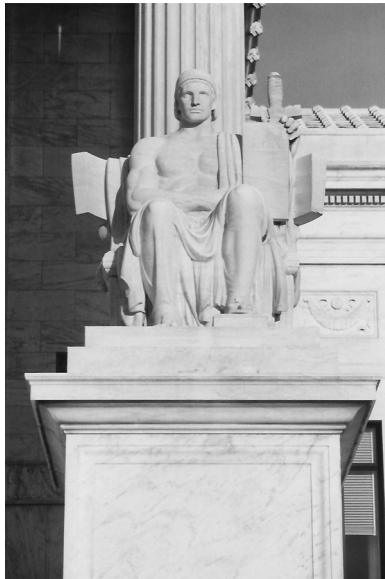


Figure 3: Sculpture "Authority of Law."
Collection of the Supreme Court of the United States.



Figure 4: Josh Mathes. "Contemplation of Justice."
Collection of the Supreme Court of the United States.

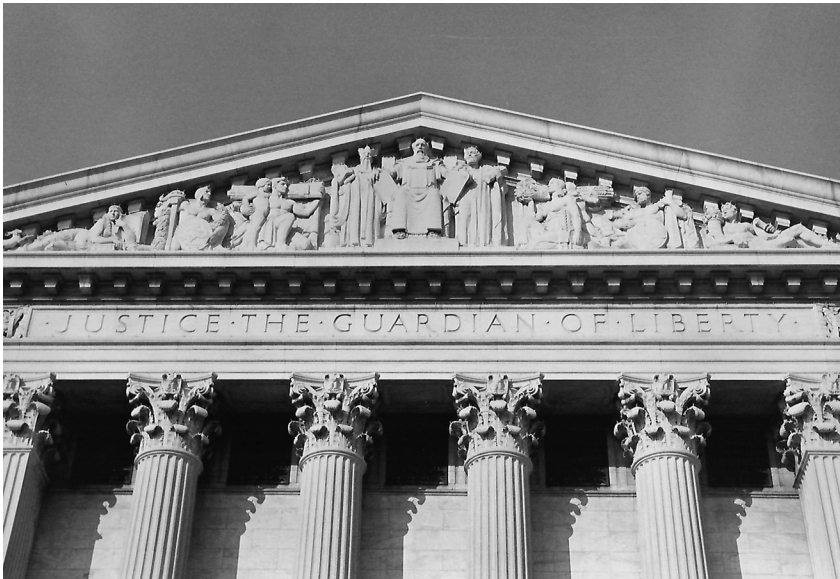


Figure 5: Josh Mathes. East Pediment of the Supreme Court Building.
Collection of the Supreme Court of the United States.

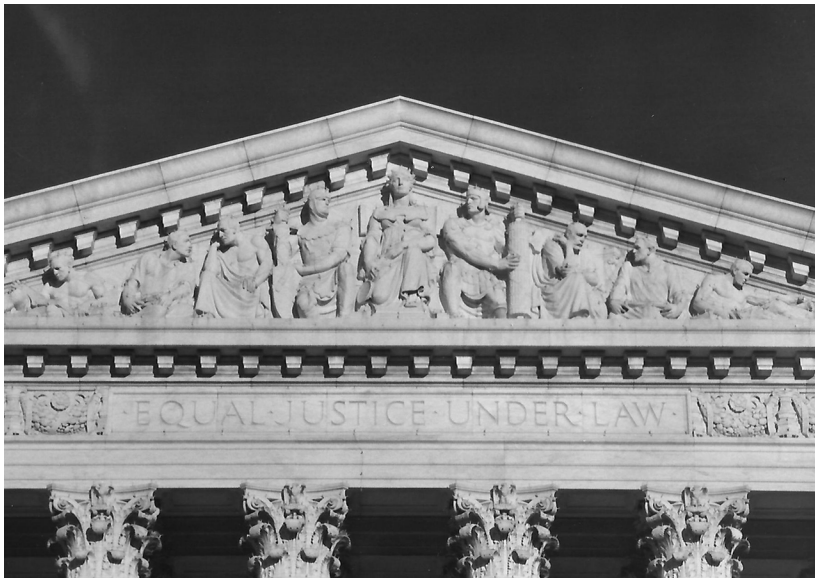


Figure 6: Josh Mathes. West Pediment of the Supreme Court Building.
Collection of the Supreme Court of the United States.

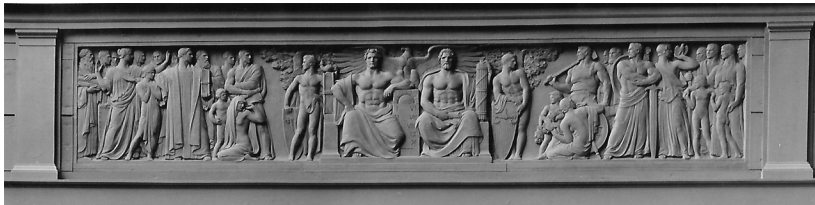


Figure 7: Court Chamber: East Wall Frieze.
Collection of the Supreme Court of the United States.



Figure 8: Court Chamber: West Wall Frieze.
Collection of the Supreme Court of the United States.



Figure 9: Court Chamber: South Wall Frieze.
Collection of the Supreme Court of the United States.



Figure 10: Court Chamber: North Wall Frieze.
Collection of the Supreme Court of the United States.

