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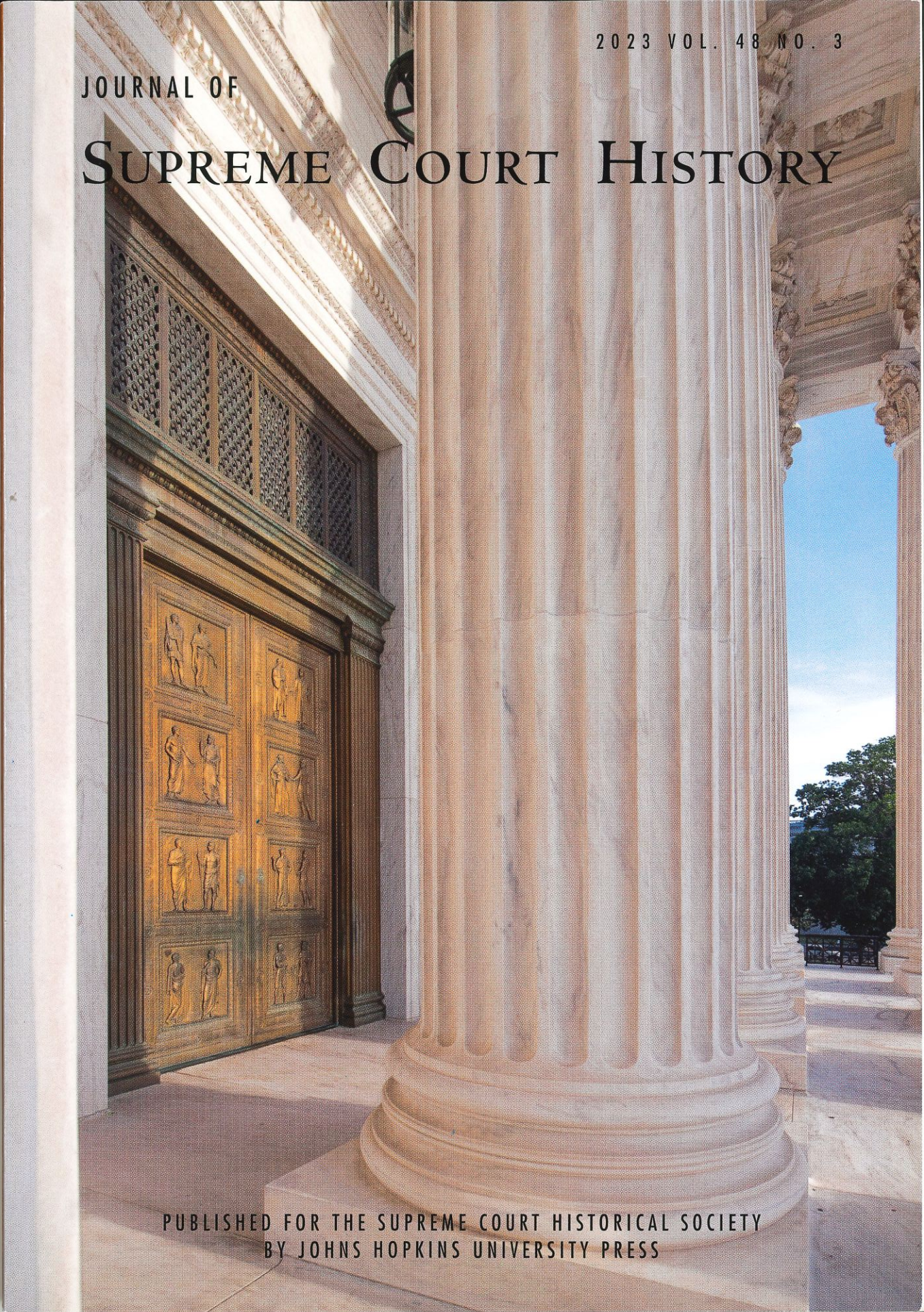

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# The Bronze Doors, or A Tribute to the Legitimacy and Endurance of the Written Rule of Law

**Charles Eskridge and Jack DiSorbo**

## Introduction

On October 7, 1935, the Bronze Doors opened for the first time to welcome oral argument in the new sanctuary of the Supreme Court. Established by the Constitution as the court of last resort in the federal legal system, the Court has long seen America's preeminent advocates argue the most trenchant legal issues of the day before the nation's highest judges. Hailed by many as the "Marble Palace," the building befits the institution.

The Bronze Doors at the front entrance stand seventeen feet tall. A much-admired feature, each includes four panels measuring approximately thirty-eight square inches. These were intended as far more than mere decorative flourishes. As described by the United States Supreme Court Building Commission at the conclusion of a decade-long design and building project, "The panels in the main entrance doors are ornamented . . . in high relief . . . to show the history of the law."[1] Thus, the threshold tells an eight-part story of signal moments in the development of law across millennia that inform the design of our judiciary and general government.

But the stories aren't discerned on first glance. Nor have they been told in any considerable detail—and certainly not in any way connecting them as steps along the same path. The aim of this article, then, is to provide that richer background and context. For with rightful appreciation, the Bronze Doors do more than quietly guard the entrance to the Supreme Court. They are a symbolic cornerstone to the building itself, reminding us that the very act of writing down the law, and decisions under the law, is what principally grants legitimacy and endurance to the idea we now understand as the protections guaranteed by the rule of law.

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### The Designers and Their Design

In its final report, the Supreme Court Building Commission stated: "The scale of the building is such as to give it dignity and importance suitable for its use as the permanent home of the Supreme Court of the United States."[2] It wasn't always so. For the first one hundred and fifty years of the American experience, the justices held court in the Capitol, in space borrowed from Congress. They even heard cases in a private residence for four years after the Capitol was damaged in the War of 1812. But Congress eventually commissioned what's now one of the nation's classic and most recognizable landmarks.

Chief Justice William Howard Taft served as chairman of the Commission from its inception in 1928 until his untimely death in 1930.[3] He cared deeply about the building's construction, having already resided in another architectural treasure—the White House—as the country's twenty-seventh president. Intimately involved in many aspects of the project, selection of his longtime friend, Cass Gilbert, as the lead architect was perhaps his finest decision.[4]

Gilbert was recognized nationally for Beaux Arts classicism well before this commission. His earlier work included the Alexander Hamilton U.S. Customs House, the Treasury Annex, the Essex County courthouse, a number of churches and libraries, and the state capitol buildings of Minnesota, Arkansas, and West Virginia.[5] Gilbert's own passing in 1934, mere months before completion of the Supreme Court Building, ultimately proved it to be the culmination of all that his skill, learning, and experience could bring to bear. Chief Justice Charles Evans Hughes esteemed it at the time as "the last monumental work of his career," one that "will be a lasting memorial to his great ability, which placed him in the front rank of architects not only of this country but of the entire world."[6]

For his part, Gilbert selected the architectural sculpting firm of John Donnelly, Inc., comprised of the father-and-son team of John Donnelly, Sr. and Jr. This was in many ways an obvious choice, with the elder already Gilbert's close friend and the younger a preeminent sculptor. Gilbert had worked with both previously, and the three were deeply committed to each other. Indeed, Gilbert never really considered hiring anyone else for the project. At one point, several members of the Commission suggested pursuing a competitive bidding process, but an opportune letter to Senator Robert Wagner of New York reminded the commissioners, "Mr. Donnelly is the only architectural sculptor whose models are acceptable to such architects as Cass Gilbert." The project called for utmost quality, said the letter, untethered to concerns over price:

> This, you will see by giving the matter a little thought, is putting what is actually art work on a trade basis, something that is never resorted to in monumental or high-class building. To have the United States Supreme Court building sculpture created on this basis leading architects and sculptors regard as unthinkable. . . . Competition in work of this kind, of course, means that the cheapest and most unqualified competitor is likely to submit the lowest bid and produce the lowest type of work.[7]

Gilbert's trust in the Donnellys was well-placed. Renowned in their own right, they were responsible in New York City alone for sculpting the clock on top of Grand Central Station, the main altar for St. Patrick's Cathedral, and much or all ornamentation and carving at the Federal Courthouse, Riverside Church, and the New York Public Library, to say nothing of their work at many other private buildings and mansions. In the nation's capital, their previous work included much of the exterior sculpting of the National Archives Building and the Department

of Justice. And whether completely accurate or not, the elder Donnelly's obituary in *The New York Times* in 1947 noted that his company "was reported at one time to have done about 90 per cent of all the stone carving work in Washington."[8]

Simply to list the past projects of Gilbert and the Donnellys is to understand that historical grounding was an integral aspect of their work. The new Supreme Court building was no different. Gilbert intended the whole as an homage to legal history, with focus upon the protection of the law as seen in persons and lessons significant to its development. Each of the building's architectural features thus became its own separate project, rich with symbolism and historical allusion. The interrelated statues and carvings placed with the entrance, pediments, great hall, and courtroom friezes are rigorously researched and detailed. The observant visitor will find references to Moses, Hammurabi, Solomon, Confucius, Octavian, Muhammad, Charlemagne, Grotius, Blackstone, and Napoleon—even to the Tortoise and the Hare of **Aesop's Fables**. Also found are the personification of such concepts as *Liberty Enthroned*, *Authority of Law*, *Contemplation of Justice*, *Light of Wisdom*, *Right of Man*, *Justice Tempered by Mercy*, and more.

But even the lesser-seen features and spaces are steeped in legal history. The retention of John Donnelly, Inc. included their design and sculpting of various models for placement throughout and around the building. For example, as subtle medallions affixed to the upper corners of the building's exterior, the Donnellys suggested profiles of Aristotle, Demosthenes, Plato, Cicero, Gaius, Julian, Paul, and Ulpian—with Gilbert ultimately substituting only Hammurabi and Moses for Paul and Ulpian.[9] Likewise, when designing figures for the great Reading Room of the third-floor library, the Donnellys proposed a number of ornamental wood carvings to highlight great English and American judges and legal thinkers, such as Bentham, Blackstone, Bracton, Coke, Bacon, Marshall, Kent, Story, and Holmes.[10] Gilbert eventually preferred that the focus instead be upon Greek and Roman figures, with the final list as rendered by the Donnellys being Draco, Solon, Labeo, Capito, Sabinus, Proculus, Pomponius, Papinian, Paul, Ulpian, Justinian, and Modestinus.[11]

Gilbert and the Donnellys ultimately succeeded in such spectacular fashion that appreciation of the scope and scale of their undertaking is difficult to grasp.[12] But this close attention to detail ensured that a building rich in historical and legal symbolism would upon completion take its own place in the continued development of the rule of law.[13]

The main entrance naturally demanded its own esteemed treatment. This proceeded originally from an elemental, two-page proposal by John Donnelly, Jr. to Cass Gilbert on September 27, 1932.[14] Entitled *Theme for Bronze Entrance Doors*, the Donnellys envisioned two doors, each comprised of four panels:

> The four panels on the left beginning at the bottom present factors or turning points in the history of law in classic times—all of which are typical of all law. . . .
>
> The four panels on the right, also beginning at the bottom, present crucial events in the development of the "Supremacy of Law" in our own system—that supremacy of law of which the Supreme Court and its rulings on the constitutionality of statutes are the embodiment, and which make the Supreme Court the most important tribunal in the world.[15]

Such proposal was in keeping with a long architectural tradition of placing monumental doors of bronze at the threshold of prominent buildings. The original doors of the Pantheon in Rome are among the oldest surviving examples, dating to 126 AD.[16]

Standing twenty-four feet high, its eight panels were no more than decorative renderings. Equally massive, and similarly ornamental, were the Imperial Doors of the *Hagia Sophia* in Constantinople, which date (according to one assessment) to the mid-sixth century.[17]

But doors of this kind later came to adorn many Medieval cathedrals and Renaissance churches, while eventually evolving to include sculpted images that evoke lessons central to what happens within. Perhaps most famous from the Renaissance period are Lorenzo Ghiberti's *Gates of Paradise*, which serve as the east doors of the Baptistery of Saint John in the Piazza del Duomo in Florence. Ten panels depict scenes and figures from the Old Testament—Adam and Eve, Cain and Abel, Noah, Abraham, Issac with Esau and Jacob, Joseph, Moses, Joshua, David and Goliath, and Solomon and the Queen of Sheeba. These are interpreted as "an exposition on faith" that "condense[s] the story of the loss of Paradise and return to it."[18]

Chief among those of the Neo-Classical revival are the *Madeleine Doors* by Henri de Triqueti at the Church of Sainte Marie Madeleine in Paris, dating to 1828. A major influence on Gilbert, merely to see a picture of the famous church is immediately to understand that he drew significant inspiration from the temple section of the building, including its signature doors.[19] Their eight panels comprehend monumental illustration of the Ten Commandments linked to biblical narrative, such as *King David and Bathsheba* (adultery) and *The Banishment of Cain* (murder).[20]

Deployment of bronze doors of such sweep and scope naturally came to America with the building of permanent, metropolitan churches and cathedrals.[21] They also began to grace the thresholds of major national institutions. Perhaps most prominent are the several sets at the United States Capitol. First were the *Columbus Doors* by Randolph Rogers in 1863. These open to the Rotunda and depict scenes from the life of Christopher Columbus. Next came the doors of the Senate and House chambers, designed by Thomas Crawford in the years just before his death in 1857. American sculptor William Henry Rinehart then simultaneously executed both models, with the Senate doors ultimately placed in 1868 and the House doors not installed until 1905. Between them, they depict sixteen scenes from the Revolutionary War and major events in early America, including the first public reading of the Declaration of Independence, the battles of Bunker Hill and Yorktown, and Washington's *post bellum* farewell to his troops in New York and first inauguration as president. The list must also be rounded up to include the *Amateis Doors*, eponymously named for sculptor Louis Amateis in 1903. Depicted are nine scenes focusing on the arts, sciences, and agriculture. Intended for use in the grand resetting of the West Front of the Capitol, they never found a proper home after legislation for the larger project failed. Now occasionally referred to as *The Doors to Nowhere*, they hang in the Crypt, placed directly in front of a solid wall.

The Donnellys extended this tradition to the Supreme Court and personally oversaw the casting of the Bronze Doors by The General Bronze Corporation on Long Island.[22] The recommendations with their original proposal to Cass Gilbert ultimately solidified as, on the left, *Shield of Achilles*, *Praetor's Edict*, *Scholar and Julian*, and *Justinian Code*, and, on the right, *Magna Carta*, *Statute of Westminster*, *Coke and James I*, and *Story and Marshall*. But the Donnellys didn't explain themselves as to these in any great level of detail. Their memo devoted only a spare sentence or two to description of each, all of which are excerpted as an introduction with each panel below. Plainly, though, Gilbert and the Donnellys set out to design doors that capture the sweep of human experience under law. And the overarching theme is unmistakable: the power and permanence of the written rule of law.


**I. Shield of Achilles (c. 760 BC)**

> The origin of law and custom: The scene on the shield of Achilles: Two men dispute before the elders. Two gold coins rest on a slab of stone, to be given to the old man who speaks the "straightest judgment." This is the most famous representation of primitive law.
>
> John Donnelly, Jr.
> to Cass Gilbert

The Shield of Achilles isn't an epochal moment in the law on par with the likes of Magna Carta. The First Panel instead draws from what's at best a minor reference within the sweep of Homeric tradition. Still, the depiction of the Greek *agora* cast upon that legendary shield is a fitting start to the historical path traced by the Bronze Doors. For with it comes, in the Donnellys' words, evocation of the "origin of law and custom" with formal judicial proceedings at the very beginning of the path toward the rule of law.

As told by Homer, Achilles loaned his armor in the midst of the Trojan War to his childhood friend, Patroclus. But, aided by Apollo, Hector defeated Patroclus and kept the armor as spoils, leaving Achilles defenseless. Thetis, the mother of Achilles, thus appealed to Hephaestus, the mythical blacksmith to the gods, to forge new armor for her son. Hephaestus was also the Greek god of artisans, metalworking, and fire, and the shield he forged for Achilles was said to be resplendent with many detailed inscriptions, including a version of the *agora*.[23]

*Agora* translates from the Greek as *public forum*, while also referring essentially to a formal process for resolving private disputes.[24] The shield of Achilles notably juxtaposed two cities in this regard—one at peace, the other at war. In the city at peace, young men and women sing and dance at a wedding feast. The citizens respect the process of law, and order holds. In the city at war—being Troy itself—the shield "depicts war, ambush, siege, and death. There is strife even among the besiegers, half of whom want to sack the city while half want to settle for ransom."[25]

Within Homer's telling, the story itself comes in a moment of respite between periods of intense fighting. With the conflict halted, the narrator contemplates themes of war and peace, as reflected in the shield's inscriptions. This is the moment captured by the First Panel. Two men argue before the elders in the Greek *agora* of the city at peace, with the first having killed a kinsman of the second, the second refusing as inadequate an offer of reparation, and the two gold pieces offered on the stone altar between them to go to the elder who enunciates the accepted resolution. And so proceeds to judgment a question on the value of life itself:

> A crowd, then, in a market place, and there
> two men at odds over satisfaction owed
> for a murder done: one claimed that all was paid,
> and publicly declared it; his opponent
> turned the reparation down, and both
> demanded a verdict from an arbiter,

> as people clamored in support of each,
> and criers restrained the crowd. The town elders
> sat in a ring, on chairs of polished stone,
> the staves of clarion criers in their hands,
> with which they sprang up, each to speak in turn,
> and in the middle were two golden measures
> to be awarded to him whose argument
> would be the most straightforward.[26]

As more directly understood with historical detail, when parties in ancient Greece couldn't settle a dispute, they took it to the public forum. Each would there find an elder to act as arbiter and propose an acceptable settlement on the litigant's behalf. Each elder would take a scepter, indicating it was his turn to speak, and suggest a solution to the dispute. The two elders exchanged and varied proposals, trying to satisfy the parties and vying for the attending crowd's approval. The final resolution was part legal decision and part agreed settlement, requiring not only its agreeability to the two opponents, but also on its support from the crowd with the input and wisdom from the elders—with the prevailing elder also entitled to modest payment.[27]

Whether Homer accurately captured the precise legal character of the scene isn't the point. The ancient process itself is what's important, with the rule of law symbolically defending against an otherwise all-too-human impulse toward revenge and violence.[28]

Many have studied these stories, including William Wirt, the ninth, and to this day longest-serving, attorney general.[29] He alluded to the tension between the cities at war and at peace in his powerful argument to the Supreme Court in *Gibbons v. Ogden*.[30] At issue was a New York law granting a monopoly to New York businessmen as to commerce along New York waters. This incensed navigators in New Jersey and Connecticut, as trade and travel by river among the three states was common. It also threatened to start a monopoly arms race, whereby each would enact similar protectionist measures to the detriment of national unity. A lawsuit brought in New York argued that the law purported to regulate interstate commerce in violation of the Commerce Clause.

Once arrived at the Supreme Court, Wirt argued against the New York law on behalf of the United States. Rather than Homer, he referred instead to Virgil and *The Aeneid*. Recalling the Trojan hero Aeneas, who (as the epic poem goes) would in time be progenitor of the Romans, Wirt said:

> There [Aeneas] saw the sons of Atreus and Priam, and the fierce Achilles. The whole extent of his misfortunes—the loss and desolation of his friends—the fall of his beloved country, rush upon his recollection.
>
> . . .
>
> History is full of the afflicting narratives of such wars, from causes far inferior; and it will continue to be her mournful office to record them, till time shall be no more. It is a momentous decision which this Court is called on to make. Here are three States almost on the eve of war. It is the high province of this Court to interpose its benign and mediatorial influence.[31]

This distillation of order from chaos is a lesson fundamental to the rule of law. In the city at peace, law ensures the regulated resolution of disputes and prevents further violence. By contrast, bloodshed ravages a society bereft of the law's stabilizing effect in the city at war. This by no means suggests

that law *prevents* the commission of wrongs. Crime and recrimination arise from the fallible nature of man and human passion. And so, even murder visits the city at peace in Homer's recitation above. The difference is whether those citizens within each of the cities will trust in and submit to procedures by which to resolve those disputes and to rectify such wrongs.

Long ago written down as a first step in the progress toward the rule of law, the ancient process cast in the First Panel echoes in our litigation procedures to this day. Who should create that law, what form it should take, and what its substance should be, are lessons committed to the succeeding Panels.


**II. Praetor's Edict (c. 300 BC)**

> The importance of the judges' work. The Praetor publishes his edict establishing judge-made law in Rome.
>
> John Donnelly, Jr. to Cass Gilbert

The Second Panel is another obscure choice, one not widely familiar even to a lawyerly audience. But it addresses an early innovation in the continuity and stability of judicial proceedings—the praetor's edict. With it came a tradition of making permanent society's understanding of the requirements of law simply by writing them down.[32]

The Roman Republic formally commenced in 509 BC with a coup by the wealthy, thus expelling several centuries of rule by a series of kings. There followed a ruling oligarchy comprised of the upper class. The civil laws were first codified by what were known as *the XII Tables*. These prevailed nearly five hundred years with at least intention to guarantee a certain equality among Rome's people. But the Roman Empire also dramatically expanded in size through almost constant war during the second and third centuries BC. The historic procedures, prohibitions, and penalties of the XII Tables then came to be applied with rigidity, often yielding formalistic and inflexible results. In short, the laws were stale, and disparities were widespread.[33]

The office of *praetor* had been established in 367 BC as a very high government position. Elected to annual terms, the praetors initially acted as deputies to *consuls*, who were involved in all governance functions. But the expansion of Rome's territory and military operations required more and more of the consuls' attention, shifting responsibility for the administration of the civil laws to the praetors. And so over time, the praetors began to directly supervise the civil courts that managed the affairs of Roman citizens.[34]

A praetor administered the judicial system without himself being a judge under historical litigation procedure. Even so, praetors began to decide which formulae pertained to certain cases—specifying what must be proven to succeed on a claim in court. In this way, the praetor would determine "whether such claims and defenses involved any right or interest worthy of protection and therefore warranting trial."[35] If so, the litigation would proceed before a judge to adjudicate the merits, often with further guidance and instructions from the praetor. Accordingly, while a

praetor didn't decide the actual winners and losers, his preliminary role substantially affected the citizenry's legal rights.

From there followed the legal innovation of *the praetor's edict*, by which the praetor would explain in advance the rights and remedies recognized in specific circumstances.[36] At the beginning of each year in office, the praetor would write out in red letters on a white board for display in the Forum the laws and orders considered most relevant to the citizens and the pertinent formulae for use. It thus became a public expectation that the praetor would conform to his edict without deviation. What's more, the legal custom was such that successive praetors should conform their edicts with those of the past. Over time, then, a continuous and stable body of law developed that governed the adjudication of legal rights.[37]

This is the "judge-made law" to which the Donnellys refer, with such tradition naturally focusing attention on the importance of precedent in the law. Thus does a praetor in the Second Panel announce his edict, with a Roman soldier standing in watch and support on behalf of the government. But time moves on, taking the law with it. These annual edicts by the praetors are recalled only infrequently with modern jurisprudence, but that isn't to say no influence remains.

One very precise example is the Fifth Circuit's 1961 decision, *Williams v. Employers Liability Assurance Corporation*, addressing an aspect of strict premises liability imposed by Louisiana law. Writing for the panel, Judge John Minor Wisdom observed that strict liability "is a sturdy, ubiquitous, long-lived doctrine that can be traced back to primitive notions of liability based on a person's relation to the thing that causes injury." As proof, he recalled one especially specific edict concerning "Those Who Pour Anything Out or Throw Anything Down." A praetor had authorized a punitive cause of action in such respect:

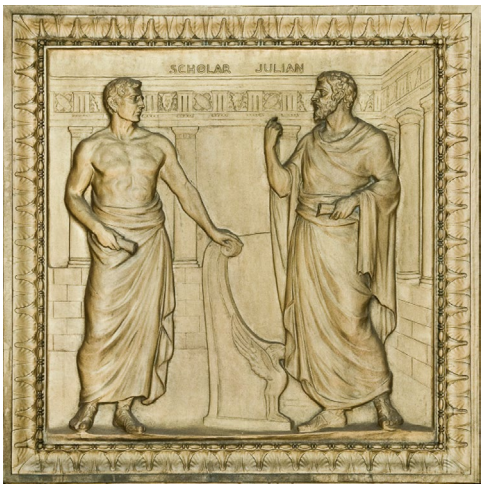
> The Praetor grants a cause of action: Where anything is thrown down or poured out from anywhere upon a place where persons are in the habit of passing or standing, I will grant an action against the party who lives there for twofold the amount of damage occasioned or done.[38]

The Louisiana law at issue did precisely that—imposed strict liability on the master of a house for things thrown out of it. But it also did no more than that, and the action at hand involved an assault within the defendant's building. The Fifth Circuit thus affirmed the refusal of the district court to give the plaintiff his requested strict-liability instruction, for it manifestly didn't apply.[39]

Another is the quintessential family-law dispute at the heart of the Supreme Court's 1820 decision in *Stevenson's Heirs v. Sullivant*. The putative heirs were children conceived prior to the deceased marrying their mother. When he passed, they sought to inherit from him according to a Virginia legitimization statute. Writing for the Court, Justice Bushrod Washington drew on the historical treatment of bastards, noting that illegitimate children were in early times excluded from inheritance, given then-prevailing definition of *cognate*, or blood relative. But one praetor found that rule to be unduly harsh, and so his edict provided for both legitimate and illegitimate children to be included in the line of succession. The Roman Senate in turn directly confirmed that edict as an acceptable principle "and continued the law of the empire ever afterwards."[40] While *Stevenson's Heirs* didn't ultimately turn on this point, it's no less notable that the Court dedicated nearly three thousand words to drawing upon the Roman historical practice.

The Second Panel, at base, harkens to stability in the law and, indeed, the value of precedent to the citizenry. This is the "importance of the judges' work," as summarized by

the Donnellys. A basic assumption of the legal system—at least in the metaphorical city at peace—is that the public will follow the laws or else submit to lawful penalty. That assumption falters if the citizens don't understand either what the laws are or how they will be administered. The praetor's edict, then, stands for the proposition that the commands and protections of law require precise delineation and publication, and, as thus written, consistent application across time and similar circumstances. Otherwise, there is only malleable prerogative and uncertain discretion.




**III. Scholar and Julian (c. 170)**

> The importance of the scholar and the advocate. Julian consults and instructs his pupils. The development of the law by the lawyer and scholars.
>
> John Donnelly, Jr.
> to Cass Gilbert

Salvius Julianus was the Roman judge and councilor so steeped in the law that he's sometimes recalled as *Julian the Jurist*.[41] The Third Panel could focus solely upon him and his considerable success in several important public offices. Indeed, his statute resides in front of Rome's Palace of Justice, the structure that houses Italy's court of last resort, the Supreme Court of Cassation. But the Donnellys intended more, and thus Julian "consults and instructs his pupils." Likewise, the Panel's name equally commemorates both *Scholar and Julian*, imparting the intended lesson—the continuity of the law depends upon its learned transmission through education.

Julian lived from approximately 110 to 170 AD. He advanced upwards between many offices, serving as (among others) questor, praetor, consul, and eventually regional governor of several provinces. Yet his public influence derived primarily from his service on the emperor's high council under Emperors Hadrian and Antoninus Pius, who ruled across successive spans from 117 to 161 AD.[42] For it was then that he developed his jurisprudence while presiding as councilor over courts of law and working on special projects of the emperors.

One major undertaking was *the Perpetual Edict*, a project ordered by Hadrian soon after taking power that eventually displaced the praetor's edict as traditionally understood.[43] The Roman Senate had passed a number of moderate reforms to curb the scope of praetors' edicts, owing to the fact that some praetors failed to respect the precedent set by past colleagues, with some going so far as to seek financial and political gain by remaking the law to benefit partisan cohorts. In one famous example, none other than Cicero himself prosecuted the corrupt praetor Gaius Verres. His speeches during the trial are now known as *The Verrine Orations* and widely regarded as a classic denunciation of those who abuse offices of public responsibility.[44]

But praetors on the whole continued to exercise broad discretionary power in the revision and specification of annual edicts. Hadrian charged Julian with preparation of a standard edict form proscribing that power, moving Rome toward systematic and mandatory administrative rules. Once decreed by Hadrian as binding and ratified by the Senate,

the Perpetual Edict finely detailed the substance that future edicts must contain. Though praetors would continue to issue their annual edicts, they did so under constraints limiting their ability to make new law.

Julian's writing of the Perpetual Edict was an epochal moment in Roman legal history, clarifying the bounds of the praetors' power—and so also of the judicial power. But paired with this is his other signal achievement, a report and summary of the law written "for the purpose of expounding *the whole* of Roman law" and with intention that it be the principal reference on civil and administrative legal topics.[45] The *Digest* (or *Digesta*) by Julian was a sweeping legal treatise, ultimately encompassing ninety books. Expansive in coverage, it includes records of thousands of judicial decisions, along with other hypothetical applications. Those decisions were called *responsa*, translating literally as *answers*. But the more equivalent modern understanding of what Julian set forth was the concept of *common law* or *case law*.

Julian's jurisprudence greatly influenced the course of Roman law, thereby establishing legal foundations that carried well into the future. Much of it was incorporated some four hundred years later into the *Digest* of Justinian within the *Corpus Juris Civilis*, a massive Roman law compilation that features in the Fourth Panel. This work also informed the ambitions of many others in the English and American legal traditions. Think of Sir Edward Coke with his **Institutes of the Laws of England** in the seventeenth century, Sir William Blackstone with his **Commentaries on the Laws of England** in the eighteenth century, and Justice Joseph Story with his **Commentaries on the Constitution of the United States** in the nineteenth century. Think, too, of Alexander Dallas and William Cranch, devoting their professional lives to the reporting of decisions by the Supreme Court, now numbering 577 volumes of the *United States Reports*. Reckon also with the modern sweep of many other federal, state, and subject-matter specific reporters—and even onwards now to Westlaw and LEXIS. All of this serves to make the law present, accessible, and understandable for the very reason that it's reduced to writing.

But for all the acclaim due Julian, the Third Panel reserves a paired, eponymous place for Scholar. Americans have long had peculiar interest in the study of law. Edmund Burke recognized this in his **Speech on Conciliation with the Colonies** to Parliament in 1775, wherein he identified six sources from whence "a fierce spirit of liberty" had been kindled in the Colonies. Included in his list were ancestry linked to English recognition of rights; a form of government that evoked representation; religion and its inherent respect of rules, manners, and civility; and a geographic remoteness of situation already requiring a large degree of self-determination. But making the list also was this:

> Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. . . . I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. . . . This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources.[46]

Along with Burke, Alexis de Tocqueville recognized legal scholarship in **Democracy in America** as a fundamental part of the American ethos.[47] And education is a virtuous cycle, with benefits multiplying over

time. The attendant understanding of the law by the current generation yields greater appreciation for the rights that government is instituted to protect. But perhaps more important, this focus on legal education implies continuity and meaningful preservation of the rule of law across generations.

It is thus the inclusive gaze upon the student before Julian in the Third Panel that reminds the onlooker that legal knowledge—and respect for the rule of law—doesn't come easily. It requires an exchange between two persons. The first is a wise and authoritative instructor, one able to synthesize the evolution of the law, harmonizing it and drawing general principles from decisions of practical application of the law to particular circumstances. The other is an interested and dedicated student, one actively engaged in learning and internalizing the lessons of history and of elders. To a certainty, passing these lessons on to future generations is just as important as learning and applying those lessons ourselves.


**IV. Justinian Code (c. 530)**

The gathering together of the results of centuries of growth into a code. Justinian publishes the Corpus Juris.
John Donnelly Jr.
to Cass Gilbert

The Fourth Panel focuses on an era of legal reform under the reign of Justinian I, emperor of Rome from 527 to 565 AD.[48] He directed the creation and distribution of four major legal works during the early years of his rule—known in English as *the Code*, *the Digest*, *the Institutes*, and *the Novels*. Together, these gave rise to one of Rome's most substantive and long-lasting contributions to the modern world, being its body of Civil Law, or the *Corpus Juris Civilis*. Indeed, Edward Gibbon in his exhaustive **The History of the Decline and Fall of the Roman Empire** esteemed the *Corpus Juris* as "a fair and everlasting monument" to Justinian's legacy.[49]

The Panel itself is engraved with dedication to the Code, which the Donnellys noted as a "gathering together of the results of centuries of growth." Justinian directed this compilation of imperial constitutions and statutes in 528. To do so, he appointed an editing commission to aggregate the legal codes of certain of his predecessors, together with laws imposed during Justinian's reign. But he authorized the commissioners as more than just routine editors or rote collators. They were instead charged to omit obsolete material, eliminate redundancies, and add needful and substantive improvements to old sources. With that accomplished, Justinian by order replaced and invalidated all other law with this consolidated and amended material. He then promulgated a revised and updated version in 534, superseding the first. These covered a wide array of legal topics in twelve books, addressing ecclesiastical law, private law, criminal law, administrative law, evidence, remedies, contracts, family law, property, wills, and many others.[50]

The three other works followed in rapid succession, beginning with the Digest in 530 as an edited compilation of prominent legal literature by Roman jurists. Synthesizing these Roman judicial texts was no small feat. Justinian again directed the editing commission to remove superfluous or contradictory

material and make edits or interpolations where the law could be improved. What remained from this consolidation was divided according to subject matter into fifty books on a wide range of legal topics.[51] Justinian understood that the Digest was too difficult and unwieldy for use in legal education. And so he ordered the commission to create the Institutes immediately after as an introductory textbook.[52] Last came the Novels, first published in or around 534, collecting statutes and decrees issued by Justinian during the preparation of the Digest and Institutes and between the enactment of the old Code and the updated version. Justinian would continue to add to this supplement until 565.[53]

The completion of the *Corpus Juris* was the culmination of over a thousand years of judicial writings, imperial edicts, and other Roman legal sources. With it, one uniform body of law then applied to the Roman Empire. But the Ottoman capture of Constantinople in 1453 ended this law in the Eastern Roman Empire, even as feudal law had already displaced it in the West during the Dark Ages.[54] Still, the light of those writings comprising the *Corpus Juris* was kept alive in small spaces, allowing for its eventual rediscovery.[55] Gradually, it became the official law in all of western Europe, save England. Napoleon, for instance, heavily based his *Code Civil des Français* on the *Corpus Juris*, especially the Digest. Like Justinian, Napoleon recognized the enduring importance of these legal reforms, saying toward the end of his life, "My true glory is not in having won forty battles; Waterloo will blot out the memory of those victories. But nothing can blot out my Civil Code. That will live eternally."[56]

Such influence extends to the present day, even to the American legal system. It doesn't require much imagination to hear the deliberate echo of Justinian's work in the project of the *Corpus Juris Secundum* originally brought to print by the American Law Book Company. It also informs the efforts of the American Law Institute with its various Restatements of the Law. And at times, it has provided a useful marker on the path toward proper resolution of matters before the Supreme Court.

Perhaps the most powerful argument bringing Justinian to bear is that of John Quincy Adams in the matter of *La Amistad*. The story is legendary, concerning the nature of rights in their most fundamental sense. Captured by Spanish merchants in western Africa, African families overpowered their would-be masters and took control of the ship when en route to Cuba, traveling onward instead to America. The United States government regarded the Africans as slaves and intended to return them to the Spanish, as urged by Spain itself. Adams, as a former president and leader of the anti-slavery contingent in the House of Representatives, argued on behalf of the families in 1841 once the case arrived before the Supreme Court.[57] Emphasizing what he perceived as the core principle of the Supreme Court, Adams stressed, "I derive consolation from the thought that this Court is a Court of JUSTICE." But the term itself is elusive. For what does *justice* mean in any appreciable way to putative slaves, torn from distant lands and seeking freedom before strangers?

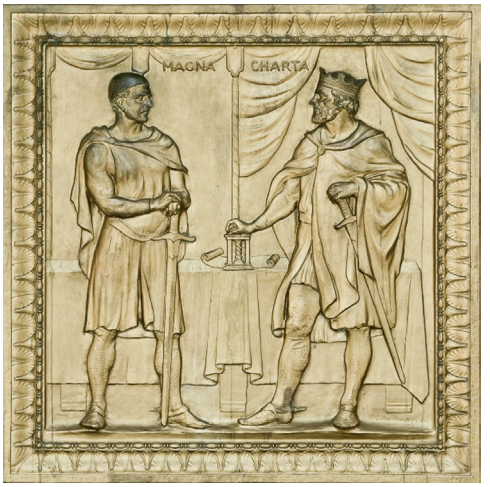
Adams could have turned to philosophy and Cicero, who esteemed justice as "the crowning glory of the virtues" and "the basis of which men are called 'good men,'" with its central aim being "to keep one man from doing harm to another, unless provoked by wrong."[58] Instead, he quoted Justinian:

> Justice, as defined in the Institutes of Justinian, nearly 2000 years ago, and as it is felt and understood by all who understand human relations and human rights, is "*Constans et perpetua voluntas, jus SUUM cuique tribuendi.*" The constant and perpetual will to secure to every one HIS OWN right.[59]

This yearning toward justice had been a subject of contemplation and an object of society for millennia. It's now, of course, prominently emblazoned on the pediments atop both main entrances to the Supreme Court—*Equal Justice Under Law* and *Justice the Guardian of Liberty*. But Adams spoke a century before the building even existed. Even so, citation of Justinian this way came with inherent credibility, anchoring the concept's meaning to law set many centuries removed, while making clear that mere passage of time cannot dilute or fade its promise. In the end, Justice Story spoke for the Court, finding the Africans' case overwhelming. "Upon the whole, our opinion is," he wrote, "that the said negroes be declared to be free, and be dismissed from the custody of the Court, and go without delay."[60]

One mystery of the Fourth Panel does abide, being the identity of the second figure bearing scrolls and standing alongside Justinian. While no direct evidence exists, the original proposal by the Donnellys as excerpted above suggests that this perhaps was one of the commissioners who so carefully sifted hundreds of years of legal records to accomplish Justinian's grand purpose. Or perhaps it was Tribonian, whose portrait is among the twenty-three plaques of "lawgivers" that overlook the chamber of the House of Representatives.[61] His likeness wouldn't be out of place across the street, as he served as Justinian's "master of offices" and was in charge of the *Corpus Juris* project.[62]

Even if unresolved, the mystery itself accords meaning, recognizing law as a collective endeavor. Justinian naturally deserves a singular share of credit. But the monumental achievement that was his *Corpus Juris Civilis* derived in the main from centuries of previous legal authority, long preserved in writing. Even then, the learned efforts of many were necessary to bring forth the great compendium itself, thus laying a principled foundation upon which European, British, and American legal systems would later arise. Viewed this way, the ultimate lesson is that the law proceeds in successive extensions from a historical foundation, reflecting both innovation and accumulated wisdom, with no one having claim to sole authorship.




**V. Magna Carta (1215)**

> John forced to sign the Magna Carta.
>
> John Donnelly, Jr.
> to Cass Gilbert

Attention now shifts to the right half of the Bronze Doors. And with it, consideration moves beyond classical and ancient legal sources to the constitutional sources of the English and American legal tradition. Magna Carta is first in time, being now understood as a critical inflection point—so much so that the Donnellys found it unnecessary to expand in any way upon its significance. But on that day in 1215, at a field called Runnymede on the River Thames outside of London, it wasn't known that the advent of English constitutional law was at hand, or that its child, American constitutional law, would emerge some 570 years later.[63]

The Bronze Doors as a whole demonstrate that any history depicting the recognition

of rights began much earlier, with Greek and Roman sources. And certainly, a lesson or lawgiver from biblical or other religious sources wouldn't have been out of place within one of the Panels, just as Moses, Solomon, Muhammad, and others each reside within the courtroom friezes. But the Dark Ages were dark for a reason. To the extent that prior expressions of rights existed, they hadn't taken root. And so, in thirteenth century England, the Crown ruled by divine right and absolute prerogative, being in many respects the very law itself. If some monarchs were known for benevolent rule, we know that many were not, and among the worst was an early one, John I, King of England from 1199 to 1216.

John was a harsh and ruthless king. He taxed heavily, quarreled with the church, and constantly engaged England in wars that he always seemed to lose. When the nobles finally had enough and refused further allegiance, John turned his army on them, ultimately losing all support among the people. The Fifth Panel depicts the moment that King John averted civil war by placing his seal upon a unique charter carving out a limited array of sixty-three guarantees from the Crown. Before him stands one of his rebellious Barons with drawn sword. Not shown is the Archbishop of Canterbury, who was also present that day. England at the time was Catholic, and the very idea of limiting royal prerogative this way was so inflammatory that when word reached Rome, Pope Innocent III decreed Magna Carta void and a subject of excommunication.[64]

The Barons likely didn't believe that they were shaking the frame of government to its foundation—they just wanted John to abide by the same customary rights and liberties as did his predecessors. In his celebrated lectures in the late nineteenth century on English constitutional history, Professor Frederic William Maitland observed, "The cry has been not that the law should be altered, but that it should be observed, in particular, that it should be observed by the king."[65] Most of Magna Carta's clauses are thus intensely practical. Rather than sweeping assertions of right, it instead lists items necessary to survive (or more accurately, to pursue happiness) in the higher ranks of feudal life in England—rules respecting fisheries, forestry, dower and inheritance, wine measurements, and the like.[66] And despite the swords, Magna Carta wasn't something claimed by right or even royal duty. To the contrary, John was permitted to state these guarantees as his own generous gift. So he didn't part with much, while remaining absolute over all areas not, at least in some sense, given by him back to the people.

Yet some of his concessions are enforced in England to this day. For instance:

> In the first place, we have granted to God, and by this our present charter confirmed, for us and for our heirs forever, that the English church shall be free, and shall hold its rights entire and its liberties uninjured. . . .
>
> And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Moreover, we will and grant that all other cities and boroughs and villages and ports shall have all their liberties and free customs.[67]

Quite apart from the substance of any particular guarantee, Professor Maitland suggested that "we ought to notice that the issue of so long, so detailed, so practical a document, means that there is to be a reign of law."[68] It is this written enumeration of rights that commenced a constitutional tradition in England ensuring that the Crown would not forget, but must instead observe, its prior gifts. To this day, the Supreme Court pauses at times to note the substantive provisions within our Constitution that trace their origins at least in part to the Great

Charter, including the previous Term in *Tyler v. Hennepin County*.[69] Indeed, our Framers learned this lesson well, eventually preserving our rights under a written Constitution and Bill of Rights where government hasn't the ability simply to forget or ignore them.

But more, quite unwittingly, King John also forever placed himself and his successors within the rule of law. For while one passage may sound unfamiliar at first, it is of signal import when we understand the path it forged:

> No free man shall be taken or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land.
>
> To no one will we sell, to no one will we deny, or delay right or justice.[70]

There shall be trials, and the King must not act merely by decree, but only *by the law of the land*. So said Magna Carta in the thirteenth century, to which Winston Churchill observed in the twentieth that this was "reaffirmation of a supreme law," and that "here is a law which is above the King and which even he must not break."[71] When Parliament later set Magna Carta into statutory law in the fourteenth century, *by the law of the land* attained a phrasing that has now endured for over 650 years:

> That no Man of what Estate or Condition that he be, shall be put out of Land or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to Death, without being brought in Answer *by due Process of the Law*.[72]

Through to the reign of Henry V in 1422, six successive kings were required to confirm the charter no less than forty-seven times.[73] Could the nobles at Runnymede have imagined the force and scope that *due process of law* would attain from their demand that King John I act only *by the law of the land*? Probably not. But that is the momentum of rights once formally recognized: how far or how fast they will carry isn't known on the first push.


**VI. Westminster Statute (1275)**

> Publishing of the Statute of Westminster by the chancellor in the presence of Edward I: The greatest single legal reform in our history.
>
> John Donnelly, Jr.
> to Cass Gilbert

The Sixth Panel features the first Statute of Westminster in 1275, promulgated at the behest of Edward I, King of England from 1272 to 1307.[74] This extends the legislative path from prior focus on the Justinian Code, and indeed, Edward is likened at times as the *English Justinian*.[75] Professor Maitland favorably compared the two, noting that Justinian "did his best to give final immutable form to a system which had already seen its best days," whereas Edward "legislated for a nation which was only just beginning to have a great legal system of its own."[76] And Matthew Hale before him observed that "more

was done in the first thirteen years of that reign to settle and establish the distributive justice of the kingdom, than in all the ages since that time put together."[77]

A mere sixty years bridge the time from Magna Carta to Westminster I. It's an oddly brief interval upon the Bronze Doors amidst vignettes that otherwise span well more than two thousand years. But the path forward from 1215 was treacherous. Monarchs tend not toward docility, and King John was a devious man. Having saved his own skin that day at Runnymede, he immediately relaunched his war against those same nobles. Yet as fate (and a fatal bout of dysentery) would have it, he died the next year—as did Pope Innocent and his threat of excommunication. John's nine-year-old son, Henry III, was then required to swear oath to recognition of Magna Carta upon his coronation in 1217, as well as to another amended version in 1225. These began to circulate widely with public recital throughout the lands.[78] Though not intentionally a bad king, Henry's rule proved to be as tumultuous as that of his father, owing to a reputed weak intellect, poor judgment of character, and inability to commit to consistent policy over time. Beginning in 1240, Henry took England into most of two decades at war with Wales, Gascony, and France—followed by the Second Barons' War with his own countrymen from 1263 to 1267.[79]

Those years had seen England descend, if not into ruin, then well along the way. Henry's son, Edward, had set off abroad in Tunisia to join the Crusades in 1270.[80] But when Henry passed in 1272, Edward I was formally crowned king upon his return in 1274. To his credit, Henry had at least allowed Parliament already to commence as an early institution. With his first Parliament during the initial year of his own reign, Edward took an admirably prompt and decisive step toward legal reform, beginning with his appointment of commissioners to inquire of his citizens "'whether lords, or their stewards, or bailiffs of any kind' had committed transgressions or crimes against the king and the community."[81] Upon resounding cry in the affirmative, Edward and Parliament set to work.

The final codification of Westminster I eventually spread over fifty-one separate chapters, but all upon a common theme of stabilizing the domestic chaos suffered by the English people.[82] And so, for example, the statute increased criminal punishments, heightened protections for public proceedings like elections, and placed limits on the authority of royal officers.[83] As noted by Justice David Souter in *Seminole Tribe of Florida v. Florida*, it also "established a writ of disseisin against a King's officers," providing an avenue for redress of harm committed by public officials.[84] One need only take note of Section 1983 of Title 42 to the United States Code, and its familiar mode of civil redress for violations of a citizen's constitutional rights, to hear echoes of these efforts through the modern day.

The Statute of Westminster teaches a number of important lessons—separation of powers, benevolent authority, responsiveness of government to unrest and suffering, detail and precision in the law, and the like. But Edward's conduct itself taught transparency and amplification of the laws. For rather than rest with mere passage of Westminster I, he undertook to thoroughly publicize the statute in his own right. Edward thus ordered written copies distributed to hundreds of sheriffs, bailiffs, and knights throughout the lands, while also having the statute read in full at local courts and marketplaces.[85] It is one such reading and publication in his presence that the Sixth Panel depicts.

This was already a remarkably open position for the Crown to assume, and yet, Edward was just getting started. The Statute of Gloucester then issued in 1278 to deal with the illegal seizure of real property. The

Statute of Wales in 1284 dealt with legal standards and administration in the newly annexed Wales. With 1285 came the Statute of Westminster II and the Statute of Winchester, dealing with gaps in the new common law writs and actions. And finally, the Statute of Westminster III contributed to the end of feudalism by prohibiting tenants from dividing their tenure among multiple subtenants, thereby installing themselves as feudal lords. And as a capstone of monumental proportion, Edward I confirmed Magna Carta again in 1297 in the celebrated *Confirmatio Cartarum*, to which we will return with the Eighth Panel and the power of judicial review.[86]

Westminster I and its related body of laws are an admirable statutory design, for they are a singularly comprehensive *written* achievement with respect to the rule of law. And for the Donnellys, it was this "greatest single legal reform" that warranted inclusion on the Bronze Doors. For all crossing the threshold into the Supreme Court are reminded that the power to create law anew—and then to keep it current—is exclusively a component of the legislative power. True, the justices beyond the threshold contribute to the development of the law through a train of decisions, each applying settled law to the facts of new cases, and thereby creating precedent that typically will control like facts in the future. But returning again to Professor Maitland for the longer view in English legal history, he explains that "judges are not conceived as making new law—they have no right or power to do that—rather they are but declaring what has always been law." As properly understood, then, *common law* is "that which has always been law and still is law, in so far as it has not been overridden by statute or ordinance."[87]

The Framers of our Constitution understood this lesson, such that Article I and its vesting of the legislative power both logically and necessarily precedes the vesting of the executive and judicial powers in Articles II and III, respectively. This perspective of statutory primacy also vests great responsibility. Attentiveness matters—the government should take notice of the legitimate grievances of its citizenry. But so also does responsiveness—the government must follow through on what it observes, if it's to instill belief in the public that those grievances are heard and will be addressed.


**VII. Coke and James I (1608)**

> Coke bars James I from sitting as a judge in the "Kings Court." The court assumes independence of and by the executive, by law.
>
> John Donnelly, Jr.
> to Cass Gilbert

In tributes during the recent eight hundredth anniversary of Magna Carta, Sir Edward Coke was remembered as its defender—and more, its redeemer—in the seventeenth century. Coke saw power from all sides during a remarkable career lasting fifty-one years. He labored first as Solicitor General and Attorney General to Queen Elizabeth I, a good queen whose royal prerogative he defended. Next, as a judge, justice, and champion of the common law on the Court

of Common Pleas and the Court of King's Bench, he clashed with James I, whose exercise of prerogative he deplored. And last, Coke was a leader of the House of Commons during the early days of Charles I, who threatened to annihilate Parliament's ability to influence policy at all.[88]

His tours of duty through all three branches of government allowed Coke to understand—politically, pragmatically—that in civilized society sovereign power would and must reside somewhere. And he knew that supremacy of the law had seen days exposed to great risk. The Crown was at times cunning, and often brazen, in its expansion of power and overbearing of rights, depending wholly upon the scruples of the person on the throne.

The Seventh Panel captures but the briefest of moments within Coke's middle tenure as judge, recalling his direct assertion to James I that the king had no right to decide cases himself in person. Like so many political struggles for power, the encounter arose from a jurisdictional dispute—here, between the King's Bench and the Ecclesiastical High Commission. The precise historical bounds between the English courts prior to the Enlightenment needn't be fully sketched. It's enough to know that secular and religious cases were intended in earlier times to be resolved in different courts. But temporal and spiritual matters aren't cleanly delimited, and by Coke's day, civil and ecclesiastical courts would at times issue writs, each against the other, seeking to pull cases into competing jurisdictions for resolution.[89]

The depicted confrontation was the culmination of what's known as *Fuller's Case*. Nicholas Fuller was a barrister of Gray's Inn, representing clients against various religious citations with frequent appearances before both the King's Bench and the Court of High Commission. When several of his clients were imprisoned and fined upon refusal to take the religious oath required by the High Commission, Fuller sought writs of *habeas corpus* from the King's Bench, arguing that the High Commission had no legal authority to imprison his clients. But it was the intensity of his invective that provoked crisis upon square assertion "that 'the ecclesiastical jurisdiction was Anti-Christian' and 'not of Christ but of Anti-Christ'; [and] that the power of the Commission was being used to suppress the sacrament and true religion." The High Commission promptly charged Fuller with "slander, schism, heresy, impious error, and the holding of pernicious opinions." Fuller was fined and hauled away to Fleet Prison pending trial.[90]

Fuller petitioned the King's Bench in the ensuing prosecution to issue a writ of prohibition and remove the case from the High Commission. In his view, the crimes for which he had been charged were primarily slander and contempt, and thus being secular were outside ecclesiastical jurisdiction. Coke opposed the blurring and expansion of jurisdictional limits. He believed instead that the common law courts—that is, the King's Bench and the Common Bench—were the proper adjudicative bodies for secular cases for the very reason of their greater procedural rules and independence.[91] And so, at Coke's urging, the King's Bench issued the prohibition on a temporary basis, resolving to consider the issue further.

But James I favored the primacy of ecclesiastical jurisdiction in such matters. Why wouldn't he? He was head of the Church of England and believed strongly that he ruled from a divine right superior to common law, statutory law, and legal convention.[92] And so on behalf of the King, Archbishop of Canterbury Richard Bancroft asserted that "concerning Prohibitions, the King was informed, that when the Queftion was made of what Matters the Eccleſiaſtical Judges have Congnizance . . . the King may himself decide it in his Royal Person."[93] In other words, James I intended to sit personally on the

King's Bench and determine whether jurisdiction over Fuller's prosecution would proceed in the civil or the ecclesiastical courts.

Summoned to Whitehall by the King, Coke personally rebuffed his monarch, barring him from entering the court. He explained that legal controversies "are not to be decided by natural reason," that is, divine prerogative, but rather "by the artificial reason and judgment of law."[94] As observed by Professor Michael McConnell, "By long practice, the separation of the judicial from the executive function" had become "a settled part of the unwritten British constitution."[95] And thus Coke chose not to acquiesce to any disruption by James I of that fundamental separation of power.

Would Coke have survived the day when standing athwart his monarch if making such declaration solely of his own accord? Likely not. But he gathered aid and special force from centuries-old legal authority, quoting preeminent English jurist Henry Bracton, "*Quod rex non debt sub homine sed sub Deo et lege.*"[96] Justice Robert Jackson would later transcribe this from the Latin in *Youngstown Sheet & Tube Co. v. Sawyer*, when harkening to Coke's fortitude in one of the Supreme Court's most famous decisions on executive power. President Harry Truman had asserted authority to seize several steel plants in the midst of the Korean War and a massive workers' strike. In his famous concurrence, Justice Jackson explained that an executive order of that sort was unlawful where unsupported by a legitimate grant of power from Congress:

> We follow the judicial tradition instituted on a memorable Sunday . . . when King James took offense at the independence of his judges and, in rage, declared: "Then I am to be under the law—which it is treason to affirm." Chief Justice Coke replied to his King: "Thus wrote Bracton, 'The King ought not to be under any man, but he is under God and the law.'"[97]

For the Donnellys, it was this assertion of "independence of and by the executive, by law," that warranted Coke's inclusion upon the Bronze Doors. Truth be told, it was his clash twenty years on with James I's son, Charles I, that was perhaps the most harrowing of all Coke's pursuits to enshrine the protections of law in writing. For during his final year of public service as a member of the House of Commons, Coke forced a reconsideration of the overall meaning and promise of Magna Carta. Would the liberties of the English people continue to be *an act of grace* on the part of the King? Or were they to be *a matter of right*, which the subject could demand? The King should have that which the law gives him, and no more, answered Coke. For only the law is absolute, and if sovereign decree determines what to observe and what to ignore in Magna Carta, it weakens what he called the "Foundation of Law, and then the Building must needs fall." "Take we heed what we yield unto," he said. "Magna Carta is such a Fellow, that he will have no Sovereign."[98]

Coke made these arguments to Parliament in favor of the Petition of Right in 1628, which in time proved to be among several early documents loosely comprising the English constitution, including Magna Carta, the Habeas Corpus Act of 1679, and the English Bill of Rights of 1689.[99] It asked Charles I to do a shocking thing—admit that his conduct was contrary to existing laws and promise in writing that he would stop. Taxes would levy only with Parliament's consent, military troops would not be quartered in private homes, and every citizen, guilty or innocent, would have a chance at trial, with bail and *habeas corpus* to empty the prisons of anyone put there arbitrarily. This was a dangerous course, and Coke had seen many of his contemporaries cast to the Tower of London

on secret charge by the King. But the Houses of Lords and Commons stood united, and the people's watchful eye was upon their King. As originally with John and Magna Carta, Charles had little choice but to accede. He is reputed to have responded, "*Soit droit fait comme il est desire*"—let right be done as is desired.[100]

Edward Coke retired the next year and soon passed, after a long life where his self-interest could just as easily have kept him where he started—comfortably aligned with the Crown and to defense of the established order. Instead, he challenged and defied kings, determined as he was to elevate the protections of law. But even when this great lawyer and judge was done, still he was not done. For it was only in his last years, writing the final passages of the final volume of his celebrated **Institutes of the Laws of England—**his own work rivaling that of Julian—that he captured the meaning of his life's example for all judges who would come after him:

> Honourable and reverend judges and justices, that do or shall sit in the high tribunals and courts or seats of justice . . . fear not to do right to all, and to deliver your opinions justly according to the laws; for feare is nothing but a betraying of the succours that reason should afford. And if you shall sincerely execute justice, be assured of three things; first, though some may maligne you, yet God will give you his blessing. Secondly, that though thereby you may offend great men and favourites, yet you shall have the favourable kindnesse of the Almighty, and be his favourites. And lastly, that in so doing, against all scandalous complaints and pragmaticall devices against you, God will defend you as with a shield.[101]

With a word, Sir Coke summoned what it is that we mean by the rule of law. *A shield.* One far removed in time from that of Achilles in the First Panel, true, but all the while being that which protects us and keeps us safe from harm. And the task for the justices beyond the Bronze Doors isn't any easier despite Coke having blazed the forward path—take courage to see and do equal justice to all persons at all times according to the law.


**VIII. Story and Marshall (1803)**

> Marshall delivering the opinion in *Marbury v. Madison*. The Supreme Court defin[itive]ly assumes power to declare statutes void for unconstitutionality.
>
> John Donnelly, Jr.
> to Cass Gilbert

As originally proposed, the Donnellys intended Chief Justice John Marshall as the sole figure featured on the Eighth Panel, handing down *Marbury v. Madison*.[102] The final version instead places him together in conversation with Associate Justice Joseph Story about that most famous of decisions, recognized from the outset as the first formal invocation of judicial review by the Supreme

Court, thus comprehending its authority to judge the constitutionality of congressional legislation. The sculpted discussion didn't occur as the decision came down, of course. It couldn't have, for Justice Story only joined the Supreme Court in 1812, nine years later. But discuss the case they surely did, during an abiding friendship over more than two decades shared on the bench.[103]

"It is emphatically the province and duty of the judicial department to say what the law is." That's perhaps the most oft-quoted phrase from *Marbury*. But it's made only in service of Marshall's framing of a more elemental principle: "Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void."[104]

This power of judicial review may seem obvious now. And yet, even then it wasn't some recent pretense, newly discovered or imagined. Rather, it was a step along a path entirely within the legal tradition begun by Magna Carta. As noted above, Edward I accepted the *Confirmatio Cartarum* in 1297. This confirmation of the Great Charter strengthened the principle of *higher law* existing beyond any person and above any government—so much so that it included express provision that "if any Judgement be given from henceforth contrary to the Points of the Charters aforesaid by the justices, or by any other our Ministers that hold Plea before them against the Points of the Charters, it shall be undone, and holden for nought."[105]

Sir Edward Coke himself certainly appreciated the meaning and promise of this idea. His famous dictum in *Bonham's Case* in 1610 presaged *Marbury v. Madison* by nearly two hundred years:

> And it appears in our books, that in many cases, the common law will controul acts of parliament, and sometimes adjudge them to be utterly void; for when an act of parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will controul it, and adjudge such act to be void.[106]

Nor was judicial review a power unintended under the new Constitution. In *Federalist* No. 78, Alexander Hamilton recognized it explicitly:

> The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.[107]

Chief Justice Marshall was himself the thirteenth appointment made to the Supreme Court. Of his twelve predecessors, at least Oliver Ellsworth, James Iredell, Bushrod Washington, and James Wilson had plainly stated in opinions or elsewhere that the power of judicial review existed and encompassed the ability to declare as void any laws repugnant to the Constitution—with John Blair, Samuel Chase, William Cushing, John Jay, and William Paterson also appearing to assume it.[108] And Alfred Moore had at least considered the subject in detail, having argued as North Carolina Attorney General in the state-court case of *Bayard v Singleton*, famous for being a precursor to *Marbury*.[109]

The decision can itself be found at 5 U.S. (1 Cranch) 137 (1804). The parallel citation means that it's in the first volume reported by William Cranch, who served for nearly fifteen years as the second Reporter of Supreme Court Decisions amidst his own longer term as Judge and Chief Judge of the United States Circuit Court of the District of Columbia. This means by circumstance that the volume includes Cranch's own preface, with his musings on what he perceived as the momentous task before him—one no less daunting than the work of Julian and his *Digest* in the Third Panel. It is of a piece with the lessons that Chief Justice Marshall surely imparted to Justice Story in that moment captured by the Eighth Panel. For Cranch there explains the obligations incumbent upon him as the reporter to provide the written record of decisions—with its importance being primarily to remove what he deemed "that *uncertainty of the law*, which is so frequently, and perhaps so justly, the subject of complaint in this country," being at the time "attributed to the want of American reports." Within his preface also comes this remarkable meditation on restraint and humility in the exercise of the judicial role:

> In a government which is emphatically stiled a government of laws, the least possible range ought to be left for the discretion of the judge. Whatever tends to render the laws certain, equally tends to limit that discretion; and perhaps nothing conduces more to that object than the publication of reports. Every case decided is a check upon the judge. He can not decide a similar case differently, without strong reasons, which, for his own justification, he will wish to make public. The avenues to corruption are thus obstructed, and the sources of litigation closed.[110]

Just over one hundred pages further in, Cranch then reported *Marbury v. Madison*, instantly becoming at its moment in 1803 a signal defense of our constitutional principles against encroachment from the legislative and executive branches of government. It's by now a deeply rooted part of the American legal tradition. The Supreme Court has cited it at least once in 135 of its Terms since handing it down, including all but seven since the conclusion of the Second World War.

The Eighth Panel's inclusion of Justice Story also unmistakably symbolizes a further idea on the rule of law, providing a richer and more nuanced lesson than one conveyed by Chief Justice Marshall standing alone. And that is, the legal principles supporting the Supreme Court—and indeed, the aspirations of the Preamble that are the keystone of the Constitution—must be passed on, each generation to the next. For Marshall and Story both no doubt understood that what fades from memory with the passage of time can be just as menacing an adversary to the rule of law as the actors on stage in a given modern day. Over generations, we discard the lessons of the past, or simply forget them altogether.

In this way, Justice Story undertook in his acclaimed **Commentaries on the Constitution of the United States** to sum up for future legal generations the lessons given to him by Chief Justice Marshall and more. Nearly 250 pages are devoted to the importance and primacy, within its sphere, of the federal judiciary.[111] As to this power of judicial review specifically, Justice Story explained:

> The universal sense of America has decided that, in the last resort, the judiciary must decide upon the constitutionality of the acts and laws of the general and State governments, so far as they are capable of being made the subject of judicial controversy. It follows, that when they are subject to the cognizance of the judiciary, its judgments must be

> conclusive; for otherwise they may be disregarded, and the acts of the legislature and executive enjoy a secure and irresistible triumph.[112]

*So that the judgments of the courts may be not disregarded.* An abbreviated paraphrase of Justice Story's point, perhaps, but it is one that begins to capture the connecting line between the persons and events celebrated by the Eight Panels, from Greek and Roman tradition through to the English and American constitutional experience. For time has shown that the rule of law depends upon those laws being written down in a considered way, and then improved, taught, learned, and finally handed along, so that each generation may itself renew those protections.

## Conclusion

The Bronze Doors were greeted with immediate acclaim upon installation in early 1935.[113] As proof, look no further than to the selection of John Donnelly, Jr. to model the doors for the John Adams Building of the Library of Congress, which would open barely four years later.[114] That later work celebrated deities and cultural heroes associated with the history of the written word. Likewise, the eight, brief scenes depicted by Cass Gilbert and the Donnellys at the Supreme Court fully summon the development of the rule of law, from its earliest stages into a bulwark that stands against tyranny.

In many ways, this span from the Trojan War to *Marbury v. Madison* covers an ineffably long sweep. But insofar as the American experiment takes part, it's of rather recent innovation and understanding. And also of fragility. Preservation of the rule of law requires sustained care and attention over time, fortified by moments and persons of great courage. Seen this way, the Bronze Doors are a testament to an enduring obligation not merely to learn the lessons of bitter experience, but also to record them in our written laws. For only then may future generations hope to survive later challenges worthy of being cast as a Ninth Panel, and a Tenth, and forward into history.

Discernable at the bottom right of the Bronze Doors, in the bottom right corner of the Fifth Panel devoted to Magna Carta, is a faint signature—*John Donnelly*. The adage goes that a picture is worth a thousand words. But in the right hands, the picture surely captures more. Late in his own life, John Donnelly, Jr. provided his own crisp assessment of the Bronze Doors. It's a worthy endorsement, one fully in mind not only of the events rendered on the Eight Panels, but also of their place among those many artistic ventures shared with his father. The final words of appreciation here are thus rightly his:

> *Out of all our monumental projects, spread over two lifetimes, the Supreme Court doors are the only work that we ever signed—that's how important they were.*[115]

## ENDNOTES

[1] Final Report of the United States Supreme Court Building Commission, 25 (S. Doc. No. 88, 76th Cong. 1st Sess. 1939).

[2] *Ibid.*, 24.

[3] *See* Lucille A. Roussin, *The Temple of American Justice: The United States Supreme Court Building*, 20 Chap. L. Rev. 53–57 (2017); Earl Warren, *Chief Justice William Howard Taft*, 67 Yale L.J. 353, 360–62 (1958).

[4] *See generally* Cass Gilbert, Jr., *The United States Supreme Court Building*, 72 Architecture 301 (1935); Suzy Maroon, The Supreme Court of the United States (1995); Catherine Hetos Skefos, *The Supreme Court Gets a Home*, Yearbook 1976 Sup. Ct. Hist. Soc'y 25 (1976); Supreme Court Historical Society, *The Supreme Court Past and Present Part III: The Past Fifty Years*, 3 Sup. Ct. Hist. Soc'y Q. 7 (1981).

[5] *See* Cass Gilbert, Life and Work (Barbara S. Christen & Steven Flanders eds., 2001); Sharon Irish, Cass Gilbert, Architect: Modern Traditionalist (1999); Geoffrey Blodgett, *Cass Gilbert, Architect: Conservative at Bay*, 72 J. Am. Hist. 615 (1985).

[6] Final Report of the United States Supreme Court Building Commission, 17.

[7] Letter from Dan Ryan to Senator Robert Wagner (Feb. 23, 1932), John Donnelly, Inc. Research Files, Office of the Curator, Collection of the Supreme Court of the United States.

[8] *See* Jane Emlyn Donnelly McGoldrick, *John Donnelly, Architectural Sculptor*, 33 Hastings Hist. 1, 3–5 (2003); *John Donnelly, 80, Stone Carver, Dies*, N.Y. Times (July 12, 1947).

[9] Letter from John Donnelly, Jr. to Cass Gilbert (Dec. 7, 1931), John Donnelly, Inc. Research Files, Office of the Curator, Collection of the Supreme Court of the United States; Letter from Cass Gilbert to David Lynn (April 19, 1933), John Donnelly, Inc. Research Files, Office of the Curator, Collection of the Supreme Court of the United States.

[10] Letter from John Donnelly, Jr. to Cass Gilbert, *ibid.*, 1–2.

[11] Letter from Cass Gilbert to Matthews Brothers Manufacturing Co. (Apr. 20, 1933), John Donnelly, Inc. Research Files, Office of the Curator, Collection of the Supreme Court of the United States.

[12] Roussin, *The Temple of American Justice*, 57–69 (summarizing symbols throughout the building).

[13] *See* Thomas E. Waggman, *The Supreme Court: Its Homes Past and Present*, 27 A.B.A. J. 283, 288 (1941); Journal of the Supreme Court of the United States, October Term 1935, 1.

[14] Letter from John Donnelly, Jr. to Cass Gilbert (Sept. 27, 1932), John Donnelly, Inc. Research Files, Office of the Curator, Collection of the Supreme Court of the United States.

[15] For a concise summary of the construction and iconography of the Bronze Doors, see David Mason, *The Supreme Court's Bronze Doors*, 63 A.B.A. J. 1395 (1977).

[16] *See* William L. MacDonald, The Panethon: Design, Meaning, and Progeny 12–13 (1976); Siro Cinto et al., Pantheon, Storia e Futuro 29 (2007).

[17] *See* Emerson H. Swift, *The Bronze Doors at the Gate of the Horologium at Hagia Sophia*, 19 Art Bulletin 137, 145 (1973); Emile M. van Opstall, *On the Threshold*, 31, *in* Sacred Thresholds: The Door to the Sanctuary in Late Antiquity (Emile M. van Opstall ed., 2018)

[18] Eloise M. Angiola, "*Gates of Paradise" and the Florentine Baptistery*, 60 Art Bulletin 242, 246 (1978).

[19] Christen & Flanders, Cass Gilbert, 277;

[20] Jonathan P. Ribner, *Henri di Triqueti, Auguste Preault, and the Glorification of Law Under the July Monarchy*, 70 Art Bulletin 486, 491–92 (1988); *see also* 2 Sam. 12 (David and Bathsheba); Gen. 4 (Cain and Abel).

[21] Information for the following two paragraphs comes from the excellent website of the Architect of the Capitol. *See* https://www.aoc.gov/explore-capitol-campus/art/.

[22] Final Report, 13; Donnelly McGoldrick, 4.

[23] Homer, The Iliad bk. 18 ll. 337–427, 459–505 (Robert Fitzgerald trans., Anchor Press 1974).

[24] *See* Michael Gagarin, Early Greek Law 24 (1989).

[25] David Luban, *Some Greek Trials: Order and Justice in Homer, Hesiod, Aeschylus and Plato*, 54 Tenn. L. Rev. 279, 284–87 (1987).

[26] Homer, The Iliad, bk 18 ll 466–79.

[27] *See* Gagarin, 24; Hans Julius Wolff, *The Origin of Judicial Litigation Among the Greeks*, 4 Tradito 31, 40–42 (1946).

[28] *See generally* Theodore Ziolkowski, The Mirror of Justice: Literary Reflections of Legal Crises 23–24 (1997); Wolff, *The Origin of Judicial Litigation* ; Luban, *Some Greek Trials*, 284–87.

[29] *See generally* Galen N. Thorp, *William Wirt*, 33 J. Sup. Ct. Hist. 227 (2008).

[30] 22 U.S. 1 (1824).

[31] *Ibid.*, 184.

[32] *See generally* Fernanda Pirie, The Rule of Laws: A 4,000-Year Quest to Order the World (2021); H.F. Jolowicz, Historical Introduction to the Study of Roman Law (1965); Hans Julius Wolff, Roman Law: An Historical Introduction (1951); T. Corey Brennan, 1 The Praetorship in the Roman Republic (2000).

[33] *See* Pirie, The Rule of Laws, 98–108.

[34] *Ibid.,* 108–09.

[35] Wolff, Roman Law, 73.

[36] *See generally* J.M. Kelly, *The Growth Pattern of the Praetor's Edict*, 1 Irish Jurist 341 (1966); Alan Watson, *The Development of the Praetor's Edict*, 60 J. Roman Stud. 105 (1970).

[37] *See* Pirie, Roman Law, 109.

[38] 296 F.2d 569, 579 (5th Cir. 1961) (quoting S.P. Scott, 3 The Civil Law bk. 9 tit. 3 (1932)).

[39] Ibid., 570, 582; *see* Article 177 of the Louisiana Civil Code.

[40] 18 U.S. 207, 262 n.kk (1820) (citing OEuvres de D'Aguesseau, bk. 7, 391 (1819)).

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[43] *See generally* Bryan Walker, The Fragments of the Perpetual Edict of Salvius Julianus 1–33 (1877); Kaius Tuori, *Hadrian's Perpetual Edict: Ancient Sources and Modern Ideals in the Making of a Historical Tradition*, 27 J. Legis. Hist. 219 (2006).

[44] *See generally* A.W. Lintott, *Cicero on Praetors Who Failed to Abide by Their Edicts*, 27 Classical Q. 184 (1977).

[45] Sohm et al., The Institutes, 98 (emphasis in original).

[46] Edmund Burke, Speech on Conciliation with America (Albert S. Cook ed., 1906) (1775).

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[49] Edward Gibbon, 7 The Rise and Fall of the Roman Empire ch. 44 (J.B. Bury ed., 1906).

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[52] *Ibid.*, 452.

[53] *See* A. Arthur Schiller, Roman Law: Mechanisms of Development §§ 12–16 (1978).

[54] *See generally* Cary R. Alburn, *Corpus Juris Civilis: A Historical Romance*, 45 A.B.A. J. 562 (1959).

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[62] *See generally* M. Honoré, Tribonian (1978); Arthur E.R. Boak, The Master of Offices in the Later Roman and Byzantine Empires (1919).

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[67] *Magna Carta*, cls. 1 & 13; *see also* Adams, Origin of the English Constitution, 211 (as to cl. 1) & 217–29 (as to cl. 13, and related cls. 12 & 14).

[68] Maitland, Constitutional History of England, 15.

[69] 143 S. Ct. 1369, 1376 (2023) (as to Takings Clause of Fifth Amendment, quoting *Magna Carta*, at cl. 18); *see also Timbs v. Indiana*, 139 S. Ct. 682, 687–88 (2019) (as to Excessive Fines Clause of Eighth Amendment, quoting *Magna Carta*, at cl. 14); *Kerry v. Din,* 576 U.S. 86, 91 (2015) (as to Due Process Clause of Fifth Amendment, quoting *Magna Carta*, at cl. 29).

[70] *Magna Carta*, 17 (cls. 39 & 40); *see also* Adams, Origin of the English Constitution, 243–44.

[71] Winston S. Churchill, 1 A History of the English-Speaking Peoples: The Birth of Britain 256 (1956).

[72] 28 Edw. III, ch. 3; *see also* 2 The Statutes at Large, from Magna Carta to the End of the Eleventh Parliament of Great Britain, Anno 1761 at 97 (Danby Pickering ed., 1762) (emphasis added).

[73] Sources of Our Liberties, 23 n.2. These included affirmations by Henry III, Edward I, Edward II, Edward III, Richard II, Henry IV, and Henry V.

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[77] *Ibid.* (citing Matthew Hale, The History of the Common Law of England 152 (4th ed. 1779)).

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[81] Morris, A Great and Terrible King, 119 (quoting Madicott, Edward I, 19).

[82] 1275, 3 Edw. I ch. 1; *see also* 1 The Statutes at Large, 74.

[83] 1275, 3 Edw. I ch. II, V, IX, XII–III, XXVI–II; *see also* 1 The Statutes at Large, 78, 80–81, 83, 93.

[84] 517 U.S. 44, 171 (1996) (Souter, J., dissenting).

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[86] *See* 6 Edw. I ch. 1 (Gloucester), 12 Edw. I ch. 1 (Wales), 13 Edw. st. 1 (Westminster II), 13 Edw. I st. 2 (Winchester), 18 Edw. I ch. 1 (Westminster III), 25 Edw. I ch. 1 (*Confirmatorio Cartarum*). *See generally* Prestwich, Edward I, 267–97; Morris, A Great and Terrible King, 194–228.

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[92] *See The Trew Law of Free Monarchies*, as set forth in *The Political Works of James I* at 53 (Charles Howard McIlwain ed., 1918) (1616).

[93] Prohibitions del Roy (1608), 12 Co. Rep. 64, 64 (K.B.).

[94] Bowen, The Lion and the Throne, 65, 305.

[95] McConnell, The President Who Would Not Be King, 148.

[96] 2 Bracton on the Laws and Customs of England 2: 33 (George E. Woodbine ed., Samuel E. Thorne trans., Harvard College ed. 1977).

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[99] 1 William Blackstone, Commentaries *124.

[100] Bowen, The Lion and the Throne, 498–99.

[101] 4 Edward Coke, Institutes, *365–66.

[102] *See* Letter from John Donnelly, Jr. to Cass Gilbert (Sept. 27, 1932), John Donnelly, Inc. Research Files, Office of the Curator 3.

[103] *See* Charles Warren, *The Story-Marshall Correspondence (1819–1831)*, 21 Wm. & Mary Coll. Q. Hist. Mag. 1 (1941); An Address by Mr. Justice Story on Chief Justice Marshall (Lawyers' Co-Operative 1901) (1852).

[104] 5 U.S. (1 Cranch) 137, 177 (1803).

[105] 25 Edw. I ch. II; *see* 1 The Statutes at Large, 273–74.

[106] 8 Coke's Reports 107, 118 (1610).

[107] Alexander Hamilton, *The Federalist*, No. 78, in *The Federalist* 522 (Wesleyan 1961) (Jacob E. Cooke, ed).

[108] *See Calder v. Bull*, 3 U.S. (3 Dall.) 386, 386–94 (1798) (Chase, J.); Oliver Ellsworth, *Speech to the Connecticut Ratifying Convention* (Jan. 7, 1788), *in* 4 The Founders' Constitution 232 (Philip B. Kurland and Ralph Lerner eds., 1987); *Calder*, 3 U.S. at 398–400 (Iredell, J.); *Cooper v. Telfair*, 4 U.S. (4 Dall.) 14, 15 (1800) (Washington, J.); *Vanhorne's Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304 (C.C.D. Pa. 1795) (Paterson, J.); James Wilson, *Comparison of Constitutions, Lectures on Law* (1791), *in* 4 The Founders' Constitution 252; *Hayburn's Case*, 2 U.S. (2 Dall.) 409, 410 n.* (1792) (describing two *per curiam* circuit-court decisions, with panels that included Jay, Cushing, Wilson, and Blair). *See also* Sources of Our Liberties, 29 & n.24, *citing* Edward S. Corwin (ed.), *The Constitution of the United States: Analysis and Interpretation*, 82d Cong., 2d Sess., 1953, Senate Doc. 170, 556 n.258 (gathering citations to statements of the Framers, including those of Wilson, Rutledge, and Ellsworth); William R. Castro, *James Iredell and the American Origins of Judicial Review*, 27 Conn. L. Rev. 329 (1995) (arguing that most justices believed in the notion of judicial review prior to *Marbury*).

[109] 1 N.C. (1 Mart.) 5 (1787).

[110] *See* William Cranch, Preface, 5 U.S. (1 Cranch) iii (1803).

[111] Joseph Story, Commentaries on the United States Constitution 425–666 (1833).

[112] *Ibid.*, 429–31.

[113] Office of the Curator of the Supreme Court of the Unted States, The Bronze Doors, Information Sheet, https://www.supremecourt.gov/about/bronzedoors_5-7-2018_final.pdf.

[114] Paula Murphy, *The Irish Imprint in American Sculpture in the Capitol in the Nineteenth and Early Twentieth Centuries*, 55 Capitol Dome 31, 40–41 (2018).

[115] The Supreme Court is primarily responsible for attributing this phrase to John Donnelly, Jr. *See* https://www.supremecourt.gov/about/BronzeDoors; *see also* Mason, *The Supreme Court's Bronze Doors,* 1396.

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