Senator Daniel Patrick Moynihan once observed that public architecture “is the bone and muscle of democracy.” It is indeed fitting that Second Circuit Chief Judge Robert A. Katzmann chose to highlight this image in his perceptive foreword to Courthouses of the Second Circuit.

The Second Judicial Circuit of the United States—comprising Connecticut, New York, and Vermont—has long been recognized for the important place it holds in American jurisprudence. Momentous cases have been heard by its district and appellate judges, ranging from the Amistad “mutiny” trial concerning whether African men and women who had been transported as slaves should be freed, to the emergency ruling by a newly-appointed judge on whether publication of the Pentagon Papers could be enjoined. The cases decided in the Second Circuit mirror our nation’s history—in law, finance, politics, and culture. So, too, do the courthouses themselves. Evolving from single courtrooms in rented space in the earliest days to today’s dedicated courthouse buildings, they include Federal, Classical Revival, Romanesque, French Empire, Beaux Arts, Moderne, Art Deco and contemporary courthouses.

Bringing together architecture, history, and jurisprudence, Courthouses of the Second Circuit describes in vivid detail nineteen buildings in which the district and appellate judges of the Second Circuit do their work and discusses many historic courthouses no longer in use today. Written by members of the Federal Bar Council, and including over 220 photographs and illustrations, the book brings to life these courthouses, the work done there, and the ways in which the buildings and the cases heard in them reflect their time and place.
A 1931 cabinet drawing by architect Cass Gilbert of the Second Circuit’s proposed Foley Square Courthouse, now the Thurgood Marshall U. S. Courthouse, with the signatures of the judges who approved the drawing appearing in the lower left.
COURTHOUSES
OF THE
SECOND CIRCUIT

THEIR ARCHITECTURE, HISTORY, AND STORIES

AUTHORED BY
The Federal Bar Council

with the assistance of
The Second Circuit Committee on History and Commemorative Events

EDITORS
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FEDERAL BAR COUNCIL
The Federal Bar Council is an organization of lawyers who practice in federal courts within the Second Circuit. The purposes of the Council since its inception in 1932 have been fourfold: to promote excellence in federal jurisprudence; to protect the administration of justice; to uphold the high professional standards of the bench and bar; and to encourage friendly relations among members of the legal profession.

FEDERAL BAR FOUNDATION
The Federal Bar Foundation is a not-for-profit corporation that supports many activities of the Federal Bar Council. The purposes of the Foundation since its founding in 1964 have included: to facilitate and improve the administration of justice; and to facilitate the cultivation and diffusion of knowledge and understanding of law and the promotion of the study of the law and the science of jurisprudence. The Foundation supports, for example, the Council’s educational programs as well as publications of legal and historical interest.
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A view from the bench in the 17th-floor courtroom of the Thurgood Marshall U.S. Courthouse.
Public architecture, Daniel Patrick Moynihan told an audience in 1967, “is the bone and muscle of democracy.” What public buildings should aspire to do, he said, is to bring people together “in an experience of confidence and trust.” Nowhere is this insight more telling than in the architecture of our courthouses.

The inhabitants of this nation look to the judiciary to resolve their disputes. That ours is a country of civil peace reflects the role of courts in administering justice, fairly and efficiently. The courthouse is the place where people gather, where individuals playing different roles converge—the litigants, prosecutors, defense attorneys, jurors, judges, courthouse staff, the building maintenance crew. Where the courthouse is welcoming, it fosters a civility, essential to productive deliberation that characterizes our adversarial legal system. Justice Stephen Breyer in his foreword to *Celebrating the Courthouse* elegantly outlined the challenge facing successful courthouse architecture:

How can our work better reflect several basic tenets of modern public life: first, the fact that, in our democracy, power flows from the people; second, the need to resist the technical, atomizing forces that divide us and to encourage those forces that unify and bring us together as a community; and third, the effort to prevent our government from being perceived as a hostile, alien entity, but rather to emphasize through participation that it can and should amount to no more than our nation’s individual citizens themselves, each showing a “civic” face as each acts in his or her public capacity.

In the pages that follow, the Federal Bar Council has produced a splendid testament to the courthouses of the Second Circuit. These structures differ in period of construction, architectural design, and scale, reflecting the tastes of the times in which
The lantern of what is now the Thurgood Marshall U.S. Courthouse.
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She first became aware of courthouses when her father took her to work with him in the Bristol County Superior Court in Massachusetts. The towered stone courthouses in Fall River and Taunton, Massachusetts that seemed like fairy tale castles to her as a child she now realizes were fine examples of late 19th-century Richardsonian Romanesque architecture. One summer while working at the Bristol County Clerk’s Office, she happened upon a folder of court filings in the unsuccessful prosecution of Lizzie Borden of Fall River for allegedly murdering her parents with an ax and she immediately discovered the lure of courthouse stories.

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In early 2009, at a meeting of the Federal Bar Council’s Second Circuit Courts Committee, he and Pat McGovern innocently raised their hands to volunteer to explore an idea involving a courthouse photography book. The rest, as they say, is history.
COURTHOUSES OF THE SECOND CIRCUIT

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse (Manhattan)

SOUTHERN DISTRICT OF NEW YORK
Thurgood Marshall U.S. Courthouse (Manhattan)
Daniel Patrick Moynihan U.S. Courthouse (Manhattan)
Alexander Hamilton U.S. Custom House (Manhattan)

NORTHERN DISTRICT OF NEW YORK
James T. Foley U.S. Courthouse and Post Office (Albany)
James M. Hayler Federal Building and U.S. Courthouse (Syracuse)
Binghamton Federal Building and U.S. Courthouse (Binghamton)
Alexander Pirro U.S. Courthouse and Federal Building (Utica)

EASTERN DISTRICT OF NEW YORK
Theodore Roosevelt U.S. Courthouse (Brooklyn)
Conrad B. Duberstein U.S. Bankruptcy Courthouse (Brooklyn)
Alfonse M. D'Amato U.S. Courthouse and Federal Building (Central Islip)

WESTERN DISTRICT OF NEW YORK
Kenneth B. Keating Federal Building (Rochester)
Robert H. Jackson U.S. Courthouse (Buffalo)

DISTRICT OF CONNECTICUT
Richard C. Lee U.S. Courthouse (New Haven)
Abraham A. Ribicoff Federal Building and U.S. Courthouse (Hartford)
Brian McMahon Federal Building and U.S. Courthouse (Bridgeport)

DISTRICT OF VERMONT
Rutland U.S. Courthouse and Post Office (Rutland)
Brattleboro U.S. Post Office and Courthouse (Brattleboro)
Burlington Federal Building (Burlington)
The United States Court of Appeals for
the Second Circuit

The U.S. Court of Appeals for the Second Circuit, the appellate court for the federal district courts in New York, Connecticut, and Vermont, has long been viewed as one of the most important courts in the United States. Over the past century it has played an influential role in developing and refining American jurisprudence, ruling on some of the nation’s most significant cases. It continues in that role today, sitting in the Cass Gilbert-designed Thurgood Marshall U.S. Courthouse on Manhattan’s Foley Square.

The Second Circuit as we know it today met for the first time on June 16, 1891. (See Introduction for a history of how the Second Circuit evolved.) For the first 45 years of its existence, the Second Circuit sat in the Courthouse and Post Office, a controversial building opened in lower Manhattan in 1878 and considered by some as the height of French Second Empire style and by others as an architectural eyesore. It was a massive structure rising to 195 feet in height with frontages of 279 feet on the north narrowing to 144 feet on the south—the largest building project that had ever been undertaken by the federal government outside the District of Columbia. During these years, the Second Circuit grew from two judgeships to five, increased the number of cases it heard, ruled on subjects ranging from admiralty to obscenity, and began developing its reputation as the nation’s pre-eminent commercial court.¹

Opposite: The Cass Gilbert-designed U.S. Courthouse at 40 Foley Square, now the Thurgood Marshall U.S. Courthouse, as it looked when it opened in 1936.
Foley Square U.S. Courthouse, now known as the Thurgood Marshall U.S. Courthouse, as it appeared from the back while under construction in September 1934.
The Thurgood Marshall U.S. Courthouse tower in 2013, with the Freedom Tower under construction in the background.
Details of the interior of the Thurgood Marshall U.S. Courthouse.
on monopolists to refrain from competing with its smaller rivals because of its dominant position. Berkey Photo, both a competitor and customer of Kodak, brought suit alleging that Kodak violated the Sherman Antitrust Act and claiming that Kodak’s monopoly caused it to lose sales and pay excessive prices to Kodak for film, paper, and equipment. Many but not all of the charges arose from Kodak’s simultaneous introduction in 1972 of the “Pocket Instamatic” camera and Kodacolor II film. Although the court, in an opinion by Chief Judge Kaufman, reversed the judgment entered on a jury verdict against Kodak, it remanded the case for retrial and held that even where monopoly power is legitimately acquired, the monopolist violates Section 2 of the Act if such power is wielded “to prevent or impede competition.”

In 1980 Judge Kaufman was succeeded as Chief Judge by Wilfred Feinberg, known as a “judge’s judge: thoughtful and incisive while at the same time modest, meticulous, and restrained.” The Second Circuit’s decision on school prayer in *Brandon v. Board of Education* was among many notable decisions issued during this period. In *Brandon* the court held that students’ rights under the First Amendment’s Free Exercise Clause were not violated by the school board’s refusal to allow voluntary communal prayer meetings in public schools and that authorization of voluntary prayer would have violated the Establishment Clause: “The sacred practices of religious instruction and prayer, the Framers foresaw, are best left to private institutions—the family and houses of worship.”

Second Circuit Chief Judges since the 1980s have included James L. Oakes, Thomas J. Meskill, Jon O. Newman, Ralph K. Winter, John M. Walker Jr., Dennis Jacobs and the judge serving in that position today, Chief Judge Robert A. Katzmann. In this modern era, the court has continued to blaze trails in commercial law, constitutional law and other areas. For example, continuing its role as a prominent court in the development of antitrust law, the court in 2003 affirmed the district court’s ruling that credit-card companies Visa and MasterCard had violated Section 1 of the Sherman Act by prohibiting their member banks from issuing American Express and Discover cards, explaining that the agreements among credit-card consortium members were “far from being ‘presumptively legal’” but instead were “exemplars of the type of anticompetitive behavior prohibited by the Sherman Act.”

No recounting of the role of the Second Circuit can do more than scratch the surface. In addition to the cases and areas of law touched upon here, the Second Circuit has issued influential rulings concerning such matters as copyright, fair use, the National Prohibition Act, sovereign immunity, international law, habeas corpus, search and seizure, the Federal Tort Claims Act, Title VII of the Civil Rights Act of 1964, the Clean Water Act, the doctrine of federalism, the right to sue for fourth amendment violations committed by federal agents and many, many more.

**RENOVATIONS**

Prior to 1974, poor records were kept of changes made to the courthouse building, although it appears that at least some of the offices and chambers had been revised by then. Starting in 1974, the building interior was substantially changed when the U.S. Attorney’s Office left the courthouse and the vacated space was remodeled to provide additional courtrooms, judges’ chambers, and office space.

By the early 21st century, the building was showing its age. The water fountains were wrapped in plastic due to concern over possible leakage of lead and copper from the pipes. The 30th floor had been abandoned after water damage, the ceiling of the 25th-floor library leaked, and on the 17th floor a water pipe had burst, flooding a judicial robing room. Only the base of the building had central air conditioning, and temperatures in the tower were often too high for the window air conditioners to bring under control. These conditions, combined with other leaks and mildew, meant that at least 20 percent of the building was no longer habitable. In November 2006, the building was
On November 3, 1789, the United States Court for the District of New York, predecessor to the Southern District of New York and all other New York district courts, held its first session, presided over by District Judge and former New York City Mayor James Duane. Established under the Judiciary Act of 1789, it was the earliest operating federal court in the nation, predating by several weeks the first meeting of the Supreme Court of the United States.¹

For the first 200 years of its existence, the Southern District of New York and its predecessor, the District of New York, functioned out of one courthouse, often, in the early days, in rented space in locations ranging from a merchant’s exchange to a theater to a private home. The expansion in the number of cases heard by the court, and the resulting expansion in the number of judges, led by the late 20th century to spreading the court functions among the four main courthouses that serve the Southern District today: the Thurgood Marshall U.S. Courthouse, home of the Second Circuit Court of Appeals as well as the Southern District; the Daniel Patrick Moynihan U.S. Courthouse, which serves as the main courthouse for the Southern District; the Charles L. Brieant Jr. U.S. Courthouse in suburban White Plains; and the Alexander Hamilton U.S. Custom House in New York City, used by the United States Bankruptcy Court of the Southern District.
The District of New York's first quarters were in the second-floor public meeting room of the New York Royal Exchange, sometimes also referred to as the Exchange, or Merchant’s Exchange (erected 1752–1754 at the foot of Broad Street in New York City). Eighty-six years passed before the district court occupied a place purpose-built for its usage.

THE ROYAL EXCHANGE

The building that first housed the court was a two-story structure used by merchants to transact business, designed by architect John Watts. It “stood upon brick stilts, or arches, at the lower end of Broad Street in a line with Water Street … a very curious structure, for its ground floor was open on all sides, and in tempestuous weather the merchants who gathered there for business found it extremely uncomfortable. It had a second story which was enclosed and consisted of a single room.”

Given the court’s limited jurisdiction at that time, it is perhaps not surprising that at the court’s first session, “nothing was done, and there was nothing to do but read the Judge’s commission and admit to the bar of the new Court such gentlemen as chose to attend.” Among these was Aaron Burr, future Vice President of the United States and arch foe of Alexander Hamilton and the Federalists. Not until five months later, in April 1790, would the court hear its first case, United States of America v. Three Boxes of Ironmongery, & Co., a customs case involving the determination and assessment of duty.

FEDERAL HALL

(FORMERLY OLD CITY HALL)

In 1791, after only two years at the Royal Exchange, the district court moved to Federal Hall, at the northeast corner of Wall and Nassau Streets and at the north end of Broad Street. Originally built in 1699–1700 by an unknown architect to serve as New York’s City Hall, the building had been used for a variety of civic functions, served the British during the Revolutionary War “as the place of the main guard,” and even functioned as the City Prison, prior to being extensively redesigned and enlarged by architect Pierre Charles L’Enfant in 1788 to accommodate the two houses of Congress established by the newly ratified U.S. Constitution. Renamed Federal Hall at the time of the redesign, it was the first example of the Federal style of architecture in the United States.

As can be gleaned from historical descriptions and drawings, the redesigned Federal Hall was a grand edifice—sufficiently grand that on April 30, 1789, General Washington was inaugurated as the first President of the United States on its second-floor open gallery. The long side of the building’s rectangular main section fronted Broad Street. Its ground-floor portico featured four massive pillars in the center and two large rectangular openings on either side, with arches at either end so that it “formed an open arcade over the foot pavement.” The ground-floor design was echoed on the upper level, with four central Doric columns in front of an open gallery, crowned by a pediment, and two tall rectangular windows on either side of the center.
The Mullett Courthouse and Post Office at the south of City Hall Park viewed from the north with its surrounding buildings, including the Woolworth Building.
Espionage and Terrorism

During the height of the Cold War and the Red Scare, the House Committee on Un-American Activities (HUAC) focused its investigations on real and suspected Communists in positions of actual or supposed influence in the United States. The Justice Department wanted to indict former State Department official Alger Hiss for espionage, but the three-year statute of limitations had long since expired. To get around that obstacle, in December 1948 Hiss was called before a New York grand jury and asked whether he had ever given government documents to *Time* editor and acknowledged Soviet spy Whittaker Chambers, and whether he had ever seen Chambers after the winter of 1936. Hiss answered no to both questions and was indicted on two counts of perjury.

The first trial against Hiss, begun on May 31, 1949 before District Judge Samuel H. Kaufman, ended in a mistrial five weeks later. In a second trial, Judge Henry W. Goddard presided; on January 20, 1950, the jury returned a verdict of guilty, and Judge Goddard sentenced Hiss to five years in jail. Later that year, the Second Circuit Court of Appeals affirmed Hiss’s conviction.59

On March 6, 1951, the espionage trial of Julius and Ethel Rosenberg and Morton Sobell began before U.S. District Judge Irving R. Kaufman, in courtroom 110. The same prosecutor who had won the Alger Hiss conviction, U.S. Attorney Irving Saypol, told the jury that “the evidence will show that the loyalty and allegiance of the Rosenbergs and Sobell were not to our country but to Communism, Communism in this country and Communism throughout the world.”60 The defendants,
according to the prosecution, had stolen and turned over to their co-conspirators “sketches and descriptions of secrets concerning atomic energy and sketches of the very bomb itself.” Julius and Ethel Rosenberg testified in their own defense, but to no avail. On March 29, 1951, the jury found all the defendants guilty of conspiracy to commit espionage. When he sentenced the Rosenbergs to death, Judge Kaufman declared that he considered the Rosenbergs’ crime to be “worse than murder.” The Rosenbergs were executed on June 19, 1953.

Then—Assistant U.S. Attorney Roy Cohn assisted in the prosecution, examining co-conspirator and prosecution witness David Greenglass. Ironically, Cohn was subsequently tried in the same courthouse three times by longtime Manhattan U.S. Attorney Robert Morgenthau for a variety of alleged swindles. Most famously, in a 1969 trial for bribery and conspiracy before Judge Inzer B. Wyatt, Cohn delivered his own closing statement when his lawyer was admitted into St. Vincent’s Hospital the night before with symptoms of a heart attack. Cohn was more fortunate than the Rosenbergs—he was acquitted.

Since the 1990s, the U.S. Attorney’s Office for the Southern District of New York has investigated and successfully prosecuted a wide range of international and domestic terrorism cases, including the bombings of the World Trade Center and U.S. embassies in East Africa in the 1990s. On February 26, 1993, Ramzi Yousef and Eyad Ismoil drove a bomb-laden van onto the B-2 level of the parking garage below the north tower of the World Trade Center. They then set the bomb’s timer to detonate minutes later. At approximately 12:18 p.m. that day, the bomb exploded, killing six people, injuring more than a thousand others, and causing widespread fear and more than $500 million in property damage.

The following March, four men—Mahmud Abouhalima, Ahmad Mohammad Ajaj, Nidal Ayyad, and Mohammad A. Salameh—were tried and convicted of charges that included conspiracy, explosive destruction of property, and interstate transportation for the

Top: Former State Department official Alger Hiss was convicted of perjury in a trial before Judge Henry W. Goddard. As a Congressman, Richard Nixon pursued Hiss as a secret communist based on testimony before the House Committee on Un-American Activities; the truth of the charge has been debated for many years. Bottom: Julius and Ethel Rosenberg, separated by a heavy wire screen, as they leave the Foley Square courthouse after being found guilty on charges of conspiracy to commit espionage.
Barnes appealed, asserting that the trial court’s use of an “anonymous” jury—the failure to disclose background information about jurors and the failure to inquire into prospective jurors’ ethnic backgrounds—compromised his right to a fair trial. On April 25, 1979, in a decision written by Judge Leonard P. Moore, the Second Circuit affirmed the conviction and refused to grant Barnes a new trial, seeking in its ruling to strike a balance between the need to protect jurors’ privacy during voir dire and defendants’ ability to make peremptory challenges.80

First Amendment
In 1959 Grove Press, a publisher of literary works, decided to publish an unexpurgated version of Lady Chatterley’s Lover, as part of a campaign to establish First Amendment protection of works of literary merit. The Postmaster General ruled that the book was “obscene and non-mailable,” and the publisher sued in the Southern District. District Judge Frederick van Pelt Bryan first rejected the government’s assertion that the court had to defer to the post office decision, finding that the relevant statute did not give the Postmaster General discretion to determine whether a book was obscene. Describing the case as the first time since the Second Circuit’s 1934 landmark decision on James Joyce’s Ulysses that the court was called upon to decide a federal obscenity charge against a book of comparable literary stature, Judge Bryan ruled that to be obscene, “the dominant effect of the book must be an appeal to prurient interest—that is to say, shameful or morbid interest in sex. Such a theme must so predominate as to submerge any ideas of ‘redeeming social importance’ which the publication contains.” After finding that the
The court has also had multiple occasions to address the “right of celebrity,” deciding, for example, that Cary Grant was entitled to make a claim against a magazine that superimposed his head on the torso of a model in an article about different clothing styles, but that he would have to prove that the photograph was used for advertising or for purposes of trade. It also held that under California law, the Marx Brothers’ right of publicity continued after their deaths. In the 1980s Woody Allen established that he was entitled to an injunction preventing a lookalike from pretending to be him in advertisements; the same Woody Allen sued American Apparel in 2008 for using his image without permission on billboards in New York City and Los Angeles. The 2008 case settled on the first day of trial (at the Daniel Patrick Moynihan U.S. Courthouse) for a then-record sum of $5 million. Celebrities are no strangers to the Court in other contexts, either, as exemplified by J. K. Rowling’s copyright actions against a would-be infringer and copyright claimant concerning her Harry Potter books (Rowling won both). Libel cases were brought by Gen. William C. Westmoreland against CBS for a television documentary that dealt with intelligence estimates of enemy strength during the Vietnam War (settled post-trial), and by former Israeli Minister of Defense Ariel Sharon against *Time* magazine for an article that suggested that he encouraged the murder of Palestinian refugees by a Lebanese political party. *Time* prevailed, although the special verdict form made clear that the jury found the article defamatory and untrue. Another suit against basketball great Isaiah Thomas based on sexual harassment settled post-trial.

In a case sometimes viewed as emblematic of 1980s greed, Leona Helmsley, the self-proclaimed “queen” of the Helmsley hotels and wife of billionaire Harry Helmsley, was sentenced to 18 months in prison and fined $7.1 million after a trial for tax evasion that featured testimony from a string of disgruntled Helmsley contractors and employees, including, memorably, a housekeeper who quoted Helmsley as saying “We don’t pay taxes, only the little people pay taxes.”

Television personality, cookbook author, and lifestyle expert Martha Stewart was sentenced in July 2004 to five months in prison, five months in home confinement, and two years’ probation, along with a $30,000 fine, for lying to investigators about her sale of ImClone Systems stock in late 2001. In March 2004, after a highly publicized five-week jury trial before Judge Miriam Goldman Cedarbaum, Stewart had been found guilty of conspiracy, obstruction of an agency proceeding, and making false statements to federal investigators.

**THE DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE**

Having moved to the Thurgood Marshall U.S. Courthouse in 1936 when 11 judges served on the Southern District, the district court by 1961 had more than doubled in size and by 1990 had expanded to include 28 district judges. The position of magistrate judge (then called “magistrate”) was established in 1968, and in 1978 Congress also created the position of bankruptcy judge, as part of a reorganization of the bankruptcy system. With the addition of all of those positions, plus the welcome continued service of senior district court judges, the lack of space in the Thurgood Marshall U.S. Courthouse—then the only courthouse for
CHAPTER THREE

THE NORTHERN DISTRICT
OF
NEW YORK

The Northern District of New York covers the largest geographic area of any New York federal district. It includes 32 upstate New York counties, bounded on the north by Canada and the St. Lawrence River, on the east by Lake Champlain and the States of Vermont and Massachusetts, on the South by the State of Pennsylvania and the Southern District of New York, and on the west by the Western District of New York.

The district came into existence by Act of April 9, 1814, which divided the original District of New York into two separate districts, the Northern District of New York and the Southern District of New York. Judge Matthias B. Tallmadge, the more senior of the two judges then serving the District of New York, was assigned to the Northern District. That assignment of the more senior judge to the Northern District has led one chronicler to claim that it should be viewed as the eldest child of its District of New York “Mother Court,” challenging the direct lineage asserted by the Southern District.

In 1900 the Northern District’s 17 westernmost counties were carved out to become the Western District of New York. With the separation of the Western District, Binghamton and Syracuse terms were added to the Albany, Utica, and Auburn terms of the Northern District, and Syracuse was designated a place for holding the circuit court, which still existed at that time. The Northern District gained three more counties—Columbia, Green, and Ulster—in 1978, when those

counties were separated from the Southern District of New York.

The federal courthouses currently in use in the Northern District are the James M. Hanley Federal Building in Syracuse, the James T. Foley U.S. Post Office and Courthouse in Albany, the Federal Building and U.S. Courthouse in Binghamton, and the Alexander Pirnie Federal Building in Utica. The modern, geometric Hanley Building was completed in 1976. The Foley courthouse and the Binghamton Federal Building and U.S. Courthouse both were built as part of a wave of New Deal courthouse construction that took place during the 1930s, each replacing earlier buildings from the 1880s. Utica’s Alexander Pirnie Federal Building was constructed during the 1920s on the site of an earlier 1880s courthouse building, portions of which were incorporated into the new structure. For nearly 100 years, the Northern District was also served by a courthouse in Auburn, since transferred to Cayuga County. That courthouse was built in 1888–1890 in Richardsonian Romanesque style.

Memorable copyright, patent, and trademark rulings, such as an 1887 decision that “Alexander Graham Bell was and is the original and first inventor of the telephone,” have been heard in the courthouses of the Northern District. The district experienced an explosion of business during the era of Prohibition, as bootleggers were caught transporting liquor across the Canadian border. To deal with the press of this business, one judge held special one- or two-day “boozed terms” for malefactors to come in and be sentenced, according to a contemporary news account. During the same era, the government made two attempts in the Northern District to convict the bootlegger Arthur
Flegenheimer, better known as “Dutch Schultz,” of tax fraud, one heard in a no-longer-used courthouse in rural Malone, the hometown of Judge Frederick H. Bryant. The district has had its share of war protest cases and, in hard times, of bankruptcy cases. The broad array of other subjects over which its judges have ruled have included First Amendment, civil rights, and prisoner rights issues.

AUBURN, NEW YORK: THE OLD POST OFFICE AND COURTHOUSE

The Old Post Office and Courthouse in Auburn, New York, was designed by the Supervising Architect of the U.S. Treasury Department, Mifflin E. Bell, in distinctive Richardsonian Romanesque style. The courthouse was built between 1888 and 1890, with expansions occurring in 1913–1914 and 1937. The lot on which it was built lies in the civic and commercial core of downtown Auburn. It is a solid, asymmetrical two-and-a-half-story building, roughly rectangular in plan. The lower walls are made of limestone, with red brick beginning at the second level. The roof is shingle-clad slate. Two massive arched entrances flank a cylindrical three-story limestone tower on the southwest corner. On the third level, triangular dormer windows on either side of the tower extend above the roofline almost to the height of the tower, clad in brick and framed in granite. Various sections of the complex roofline are ornamented by elaborate foliate-motif frieze carvings and large modillions—ornamental brackets under cornices. The building also includes a two-and-a-half-story stair tower.

Over its long period of use, the Auburn courthouse saw notable trials. In 1916 an early mail-fraud case was brought against the promoters of a weight-gain product known as “Sargol,” first sold in 1908. Widely marketed as a product that could put pounds of good, solid flesh onto a thin weakling, Sargol had rapidly become a hot seller and revenue producer for its Binghamton-based owners. Its advertisements extolled the virtues of being fat and plump; for example, one headed “Let Us Make You Fat” showed two beachgoers who appeared to say of a considerably leaner couple nearby, “Gee! Look at that pair of skinny scarecrows! Why don’t they try Sargol!”

Sargol’s marketing campaign attracted the scrutiny of the New York Tribune’s muckraking journalist Samuel Hopkins Adams and, eventually, of the federal government, resulting in the 1916 indictment. The 12-week jury trial was prosecuted by Assistant U.S. Attorney Frank J. Cregg before U.S. District Judge George W. Ray, with defendants represented by former U.S. Attorney George B. Curtiss and New York City attorney Abel I. Smith.

More than 40 witnesses travelled to Auburn from throughout the country to testify that they had taken Sargol and failed to gain weight. Among the medical experts called by the government to testify that taking Sargol would not affect a person’s weight was Dr.
One of the two imposing public entrances to the Foley courthouse. An eight-foot high eagle carved from Vermont marble by sculptor Albert T. Stewart sits inset above each entrance to the Foley courthouse just in front of an Art Deco aluminum screen by artist Benjamin Hawkins.
Eureka marble, rising from a granite base with vertical lines of windows emphasizing the height of the building. The main facade has two monumental public entrances, one at each end, and is slightly recessed in the center. When discussing the building, the architects used the term “modern classical” to describe the bones of the building, instructing observers, “Squint your eyes, look in perspective and note the classical proportions.”

Wide granite stairs at each end of the courthouse, lead up to the entrances. Sculptures of imposing eagles, more than eight feet high, are inset above each entrance, just in front of Art Deco aluminum screens by artist Benjamin Hawkins. The eagles were carved from a 17-ton Vermont marble block by English-born New York sculptor Albert T. Stewart.

Sculptor Stewart also was commissioned to design a bas-relief frieze band for the building. Perhaps the building’s most remarkable exterior feature, the frieze runs high along the north, east, and west facades at the fifth-floor level, attracting the eye upward. To make the frieze scenes visible from the street, Stewart modeled its figures as large as eight feet tall. The scenes celebrate the three traditional federal functions originally served within the Foley building: post office, custom house, and federal court. On the front, or west, facade of the building, the scenes relate to the transport and delivery of mail. The images on the north side relate to the shipping and inspection of goods. Images on the south facade show legal proceedings.
Top: Oil-on-canvas murals by Ethel M. Parsons on the ceiling of the James T. Foley U.S. Courthouse and Post Office's massive lobby depicting the seven continents. Bottom left: Parsons' mural originally showed Europe and the flags of its nations as they appeared in 1935, but the post-World War II German flag was later painted over the original 1935 German swastika. Bottom right: The mural of North America.
Top: The Art Deco interior of the Foley courthouse. Bottom left: The Foley courthouse’s interior stairway has marble treads, black marble risers, and aluminum railings with stylized inserts designed by Italian artist Enea Biafora. Bottom center and right: Stylized motifs in the courthouse’s interior stairway railing such as the scales of justice relate to the building’s multiple original functions.
Two striking contemporary courthouses and a restored Romanesque building dating back to 1892 serve the wide-ranging docket of the Eastern District of New York. In Brooklyn, the district court sits in the Theodore Roosevelt U.S. Courthouse, where a Cesar Pelli–designed building, completed in 2006, smoothly integrates with the 1960s Emanuel Celler Courthouse. Due south, Eastern District bankruptcy proceedings take place in the Conrad B. Duberstein U.S. Bankruptcy Courthouse, the same building that once served as the district court’s first permanent home. Restored and expanded in 2005 by R. M. Kliment & Frances Halsband Architects, and now listed on the National Register of Historic Places, the Duberstein building also contains the U.S. Postal Service, the U.S. Attorney’s Office, and the U.S. Trustee’s Office.

In Central Islip, Long Island, the district court’s home is the starkly modern Alfonse M. D’Amato U.S. Courthouse, opened in 2000, designed by architect Richard Meier. Both the two modern courthouses and the redesigned Duberstein courthouse use glass and light-filled interior space to exemplify the transparency of the justice system and its openness to the public. The architecture also reflects and embodies the accessibility and sense of collegiality for which the Eastern District has become known over its 150-year history.

Opposite, top to bottom: Theodore Roosevelt U.S. Courthouse, connected by a central entranceway to the Emanuel Celler U.S. Courthouse; Conrad B. Duberstein U.S. Bankruptcy Court; Alfonse M. D’Amato U.S. Courthouse.
The Theodore Roosevelt U.S Courthouse in winter showing the narrower aspect the building presents from the side.
building’s design would block views and sunlight, draw more cars to congested downtown Brooklyn, and worsen air pollution. Judge Robert P. Patterson Jr. ruled against the resident group, finding that they had failed to prove that the project violated environmental laws. Nonetheless, the building’s design was modified to create a more tapered, curved building.

Above the base, the tower is designed with setbacks and gently curved tiers along the north and south faces. The finished building also includes tall, narrow limestone panels alternating with enameled glass that emphasize the building’s verticality. Streamlined aluminum finials on the upper tiers evoke New York’s older skyscrapers. Providing a dramatic “gateway building” into Brooklyn, the new federal courthouse appears narrow from Brooklyn Heights, but wider when seen from the Brooklyn Bridge.

As part of the Art in Architecture Program, two bronze sculptures by Lisa Scheer mark the courthouse entrance. The 14-foot-high abstract cast bronze sculptures stand on 10-foot concrete pylons. They evoke flames rising upward, perhaps echoing the torch of the Statue of Liberty. The sculptures are identical but rotated 180 degrees from each other so that they never look the same from a single vantage point. Scheer designed the lighting of the sculptures so that the flames would be particularly dramatic when illuminated at night.

In 2000 Senator Daniel Patrick Moynihan attended the ribbon-cutting ceremony, marking the commencement of construction. By September 11, 2001, the 15th story of the structural frame had been completed. But after the terrorist attacks of September 11 on the World Trade Center towers, construction was halted to allow the crew to assist in clearing Ground Zero. Once
CHAPTER FIVE

THE WESTERN DISTRICT OF NEW YORK

The Western District of New York comprises the 17 westernmost counties of New York State, which were carved out from the original Northern District by Act of Congress in May 1900. Pennsylvania lies to the south, Lake Erie to the west, and Lake Ontario and Canada to the north. The district includes the cities of Buffalo and Rochester, as well as Niagara Falls, the Genesee River, the Finger Lakes, and Chautauqua Lake. Congress provided that court sessions were to be held in Buffalo and Rochester, and, if necessary, in Canandaigua, Elmira, Jamestown, and Lockport.

In the earliest days of the district, cases continued to be heard in U.S. Post Office or combined U.S. Post Office and Courthouse buildings in Rochester, Buffalo, Elmira, Jamestown, and Lockport, just as they had been before the Western District was created. In Canandaigua, cases originally were heard in leased space in the Ontario County Courthouse, an 1859 Greek Revival building designed by architect Henry Searle. Susan B. Anthony’s historic federal trial and conviction for voting took place in this courthouse in 1873, while Canandaigua was still situated within the Northern District of New York. After 1912, Canandaigua cases were heard in the U.S. Post Office and Courthouse building.

Today the district court sits in Rochester in the Kenneth B. Keating U.S. Courthouse, where the district court moved from its earlier home in the 19th-century Rochester Post Office and Courthouse Building. The earlier building now

Opposite, top to bottom: the Kenneth B. Keating Federal Building; the Robert H. Jackson U.S. Courthouse.
power salutes and a refusal to follow court orders. Contempt citations followed as crowds outside carried signs seeking to “Free the Buffalo Nine.” The case, which ultimately resulted in a mixed verdict, drew considerable media attention and became the subject of a symposium featuring the writer Susan Sontag.\textsuperscript{18}

A modern-era terrorism case was heard in the courthouse in 2006. Six men, sometimes referred to as the “Lackawanna Six” or “Buffalo Six,” pled guilty before Judge William M. Skretny to having provided material support to a foreign terrorist organization after traveling to Yemen to hear Osama bin Laden speak a few months before the September 11 terrorist attacks. It was the first time U.S. citizens were charged under a 1996 statute forbidding material support to foreign terrorist organizations. The prosecution in the Dillon courthouse proved to be a security challenge because the courthouse lacked such security safeguards as separate access for judges and prosecutors. Special security forces were detailed to the courthouse during the proceedings.\textsuperscript{19}

The District Court for the Western District ceased using the Dillon courthouse in 2011, when it moved to the Robert H. Jackson U.S. Courthouse.

**THE ROBERT H. JACKSON U.S. COURTHOUSE**

On November 28, 2011, a sleek, glass-clad, elliptically shaped computer-age federal courthouse opened in Buffalo. Designed by architects Kohn Pederson Fox, it now houses the District Court for the Western District and has offices for U.S. Attorneys, marshals, and the probation service. The new courthouse is named in honor of Chautauqua County native and former Associate Justice of the Supreme Court Robert Jackson. Jackson also was the Chief Prosecutor in the Nuremberg war crimes trials.

The Jackson Courthouse was many years in the making. Originally, when it appeared that the court’s business in Buffalo had outgrown the available space in the Dillon Courthouse, an annex to the Dillon Courthouse was contemplated. But increased security...
regulations for all new courthouse construction made that plan impossible, and planning for a new courthouse began. The project ran into numerous snags, including a federal moratorium on courthouse construction, GSA funding cuts, and competition from many other cities that vied for new buildings. But the Buffalo courthouse received support from New York’s congressional delegation, which fought for its funding. Once begun, the building project benefited from an enormous investment of time and effort by Chief Judge Skretny and former Chief Judge Richard J. Arcara.

The courthouse’s primary architect was Bill Pederson, a founding partner and design partner of Kohn Pederson Fox and an experienced courthouse architect. According to Pederson, the Buffalo courthouse used an elliptical design to help meet the challenges of GSA budget requirements without sacrificing design elements, while still meeting modern technology requirements and the stringent post–September 11 courthouse-security requirements. The elliptical shape has less exterior wall surface than a rectangular building and therefore reduces one of the most expensive ingredients of the structure. And rather than glass for exterior walls, the building used precast concrete panels, which were then coated with translucent glass panels, giving a light-reflective visual effect. The concrete panels help meet the very specific federal standards of resistance to potential explosives.

Ground for the building was broken in 2007. It was topped off in 2009. Both Judges Skretny and Arcara signed the beam, as did some local ironworkers and others. In covering the topping-off ceremony, the Buffalo journal Business First reported that both judges had worked in the steel industry in their youth (Judge
Arcara had tied rods for the Iron Workers union, and Judge Skretny had spent a summer working at Republic Steel, and memories of those early days were evoked as the last steel beam was placed atop the courthouse.18

Several design elements are intended to make the courthouse welcoming to the public. They include an atrium facing Niagara Square and leading into the main courthouse building. In the first-floor lobby, a glass-covered pavilion has the text of the U.S. Constitution etched in glass and placed so that the words cast shadows as people enter the courthouse. Project oversight included making sure each word of the Constitution was carefully vetted.

On the other side of the pavilion lobby, monumental floor-to-ceiling glass panels are installed, each one a different color. The glass panels were created by artist Mangold.

*Above:* Elliptical northern elevation.

*Opposite:* The southern elevation of the Jackson courthouse faces the McKinley Monument in Niagara Square.

*Following pages:* The glass-covered pavilion of the first floor lobby at night showing the Mangold panels.
Chapter Six

The District of Connecticut

The United States District Court for the District of Connecticut is one of the original 13 districts established by the Judiciary Act of 1789. It holds court today in New Haven, Hartford, and Bridgeport. In New Haven, the district court occupies the Richard C. Lee U.S. Courthouse, a Classical Revival building completed in 1919, redolent with character, and now the oldest courthouse in the district. In Hartford, it is located in the unadorned yellow brick and granite Abraham A. Ribicoff Federal Building and U.S. Courthouse. In Bridgeport, the court sits in the modernist 1967 Brien McMahon Federal Building and U.S. Courthouse, the most recently built of the district’s federal courthouses.

The colorful history of the district, however, extends back far earlier than these relatively modern courthouses. The district’s first judge, Richard Law, was appointed on September 24, 1789. Judges following Law included Pierpont Edwards, son of Jonathan Edwards, the fiery Calvinist theologian of the Great Awakening. Until 1927, only a single judgeship would be authorized for the district.¹

Connecticut is the site of the nation’s first law school, which opened in Litchfield under the auspices of Tapping Reeve, a brother-in-law of Aaron Burr. Reeve had tutored Burr in law and then apparently decided to teach more widely. Graduates of the Litchfield Law School went on to found Yale Law School. Second Circuit Judge José A. Cabranes, lecturing in 1983 as part of a series on the

history of the Second Circuit’s courts, noted that Connecticut lawyers were “an unusually scholarly lot” and that its judges have figured prominently on the Second Circuit Court of Appeals. The early members of the trial bar were not only learned, according to Judge Cabranes, they were also required to be entertaining. Tools of the trade for lawyers included charm, looks, and stamina. In sober New Haven, the city that gave America “blue laws,” contemplating the wisdom of the law was an approved pastime, and almost any trial could draw a throng of spectators.2

In the early days, federal court sessions were held alternately in Hartford and New Haven in courtrooms lent by the state and located in the state capitol buildings. Both cities were capitals of the state until 1873, when Hartford was established as the sole seat of government. The federal court did not sit in a federally owned building until 1861 in New Haven and 1882 in Hartford.

EARLY HISTORY
HARTFORD
The Old State House where the court sat in Hartford was built in 1796 in dignified Federal style, high on a hill overlooking the Connecticut River. Generally attributed to the well-known New England architect Charles Bullfinch, it is believed to be his first public building; it remains in use today as a museum.

Its first story, which rises 20 feet, is made of Portland, Connecticut brownstone. The second and third stories are patterned brick. The cornice is of wood. The principal entrance is located on the east facade. It has a center porch made of brownstone and three open arches, with the middle arch taller and wider than the other two. A flight of stairs leads to the entrance. All of the first-story windows are surrounded by arches capped with fan-shaped brownstone blocks. A double brownstone horizontal band called a string course separates the first from the second story; a single brownstone
The Amistad Case

Perhaps the most renowned federal case tried in the District of Connecticut in the early days, one that would play a part in the abolitionist movement, arose from events aboard the Spanish schooner La Amistad (or Amistad). Proceedings unfolded in the courtrooms of both the Old Statehouse in Hartford and the Statehouse in New Haven before the case was ultimately decided in the United States Supreme Court.

In the summer of 1839, the Amistad sailed from Havana, Cuba, to Principe, a Cuban coastal town. The ship was transporting a group of prisoners who had been captured in Africa and brought to Havana although an 1817 treaty between Spain and Britain had sought to end the slave trade into the Spanish colonies, and local law therefore prohibited importation of slaves after 1820. Those sailing the Amistad included Pedro Montez and Jose Ruiz, Spanish subjects who intended to sell the prisoners as slaves, as well as other crew. On the fifth night at sea, as a storm distracted the captain and his crew, a Mendi African man named Cinque managed to pick the lock on his shackles with a loose nail he had found and freed himself and his fellow prisoners. Cinque and his compatriots rushed a cargo hold that stored a shipment of knives intended for cutting sugarcane, seized the weapons, and staged a rebellion, killing the captain of the schooner, Ramon Ferrer, and the ship’s cook, who is claimed to have told the Africans that the Spanish sailors were planning to cook and eat them. The former prisoners let the two remaining Spanish captors, Montes and Ruiz, live, in hopes that they could steer the ship back to Africa.

The former captives instructed their surviving captors to sail them east, back to their homes in West Africa. Montez and Ruiz complied during the daytime, but after nightfall they steadily steered the boat west toward the United States, hoping to land somewhere in the southern portion of the country. Instead, after six weeks of travel, the ship came to the eastern tip of Long Island, where the Amistad was found at anchor off Culloden Point by the United States brig Washington, which was performing a coastal survey under the
Ammi B. Young, in an Italianate palazzo style typical of mid-19th-century post office buildings. With their rounded arches and symmetrical facades, such buildings were in marked contrast to neoclassical designs. The Connecticut District Court sat in this building from its opening in 1860 until 1917.

Richard C. Lee U.S. Courthouse
Now the oldest courthouse in the District of Connecticut, the Richard C. Lee U.S. Courthouse was built in 1913–1919. Its cornerstone was laid by former President William Howard Taft on June 4, 1914. A Classical Revival building containing fine woodwork and stonework, the courthouse had its most dramatic hour 50 years later, when it narrowly avoided being demolished as part of a mid-1960s New Haven redevelopment project. That the building survives today is testimony to the power of judge-inspired civic activism and timely lobbying.

President Taft declared at the cornerstone laying in 1914, “We are building today a building which will evidence the majesty and usefulness of the United States Government and will add significance and importance to this wonderful municipal center.”64 Behind his words was an ironic twist, one of two that have since become part of courthouse lore. Two years previously, during the extended post-1912 election lame-duck session, a public-works appropriation bill was making its way through Congress, and President Taft had initially signaled his opposition to an appropriation for a new federal building in New Haven. However, the departing President was planning to leave Washington to teach constitutional law at the Yale Law School. An appropriation was ultimately included for a post office and courthouse building in New Haven, because, courthouse lore has it, President Taft was reluctant to veto a bill for a major building project in his newly adopted city.

The courthouse was designed by James Gamble Rogers, the architect for a number of Yale University’s buildings just across New Haven Green. The building was constructed under the Tarsney Act, which allowed the Treasury Department to hire private architects for government buildings. Over the two decades of its life, the Act had proved controversial because of the allegedly excessive cost of using private, nongovernmental architects. Indeed, the courthouse was the last building constructed under the Act. Rogers’s design—for a Greek-inspired building that encompassed both a U.S. post office and a judicial courthouse with offices and two courtrooms—won out against five other plans.

The courthouse was part of a design plan authored by landscape architect Frederick Law Olmsted Jr. (son of the designer of Central Park) and architect Cass Gilbert, both leading designers of the age. Their design was inspired by the City Beautiful movement, which sought, through monumental architecture, to enliven cities and enlighten citizens. While this vision was never fully realized, the courthouse stands as a stunning example of what these city planners sought to accomplish.

Located on the east side of New Haven Green, the courthouse’s most notable feature is its entrance porch extending across ten Corinthian columns clad in whitish-gray Tennessee marble. The porch is low to the ground, and the extended length of columns effectively ties the courthouse to the street, harmonizing it with

The U.S. Custom House and Post Office, New Haven, Connecticut.
the other government buildings surrounding the green. Between the porch and the triangular pediment above is a frieze carrying a verse from Proverbs 9:1 that was the subject of the Reverend John Davenport’s 1639 sermon when the members of the Connecticut colony decided to form their government: “Wisdom hath builded her house; she hath hewn out her seven pillars.” Other inscriptions on the building commemorate the members of the colony’s first governing body (known as the General Court) and illustrious New Haven citizens.

When the courthouse was built, it gained attention in the architectural press, particularly in a lengthy 1919 article in Architectural Forum. The magazine piece complimented the building as “nicely calculated” to harmonize with its setting on the New Haven Green opposite two colonial-style churches and as capturing the spirit of government buildings of the age. “Its elegance and repose,” the magazine opined, “due to careful proportioning and to extreme restraint in the scheme of architectural embellishment, endow it with a distinction adequate to its purpose and clearly express the dignity and grandeur appropriate to a public building.”

In the interior, one enters what was originally the customer hall for the post office, a space with marble floors and pilasters. The post office’s working area has been remodeled into two substantial courtrooms, decorated in a neoclassical mode.

The highlights of the building are on the second floor, where the entrance lobby for the original main courtroom is a magnificent 90 x 20–foot marble room with 20 marble columns topped by bronze scrolled Ionic capitals.

With its windows overlooking the green, the light and ornate lobby forms a bright counterpoint to the
The three courthouses that now serve the District of Vermont—located in Rutland, Burlington, and Brattleboro—elegantly personify the state’s unique characteristics: sensible, dignified, and consummately democratic. Comprising only 2 percent of the Second Circuit’s population and 15 percent of its land area, the District of Vermont never aspired to compete, at least in volume of cases, with its more litigious neighbors to the south. In this sense, as Chief Judge Albert W. Coffrin observed in 1985, the district “is often viewed with considerable envy by any who may be struggling to keep abreast of a burgeoning docket.” Size and population are only two of the factors explaining the lesser volume of litigation in Vermont’s courts. The plain fact is, as Judge Coffrin wryly observed, that “rank and file Vermonters simply have not been litigiously inclined to any very great degree.” Vermont’s rural economy historically provided “primarily for life’s basic needs and little more,” making its residents “practical and frugal.” As a result, most Vermonters “shunned the expense of lawyers” as generally unnecessary and “resorted to litigation . . . only in the most compelling of circumstances.” Judge Coffrin’s theory was that the character of Vermont’s people was shaped by the state’s early struggles for independence and a desire to be free from the influences of overbearing neighboring states. These traits created a “citizenry of independent spirit, reserved demeanor and conservative leanings” seeking to forge its destiny without “outside help or judicial intervention.”
As Vermont has continued to evolve from its entry into the fledgling Union as the 14th state, its courts have steadfastly preserved their special character, marked by a rootedness in the past, an utter lack of pretension, and an abiding respect for the rights of the individual. Such values were exemplified when, upon taking his judicial oath in 1972, Judge Coffrin used the occasion to acknowledge his personal faith in the “dignity of man,” pledging to rededicate himself to the “proposition of equal justice under law.” When he retired in 1989, Judge Coffrin was praised for his willingness to take positions and stand up for them and “be responsible, whatever the consequences of it,” as well as for “a fairness, a sense of objectivity and yet a flexibility” and “no rigid sound philosophy but rather a concern for concrete problems of practical, everyday justice.” It is unsurprising that some of the district’s most prominent and impactful litigations (especially in recent years) have revolved around social and policy issues vital to the individual Vermont citizen—cutting-edge cases involving health, the environment, civil liberties, and the delicate balance between the power of government and individual rights.

EARLY HISTORY
The District of Vermont was formed in 1791 when, shortly after ascension to statehood, Vermont’s first federal judge, Nathaniel Chipman, was appointed by President George Washington. A Yale graduate, Chipman was said to “possess a great intellect,” having pursued “a systematic course of study” throughout his life of Hebrew, the Old and New Testaments, and Latin poetry.

Chipman had been a key figure in Vermont’s stormy path to statehood. Conflicting land grants issued by the
Duke of York and the Governor of New Hampshire in the mid-18th century had resulted in a 30-year litigious and sometimes violent dispute between New York and Vermont settlers. During this period, Ethan Allen, Vermont’s great folk hero, emerged with his Green Mountain Boys to take up the cause of the Vermont-side settlers. Ignoring the Yorkers’ efforts to establish a governmental presence in the area, the settlers instead governed themselves through the appointment of town committees. While the Revolutionary War eased tensions, it did not resolve them. Allen and his followers declared themselves an independent republic in 1777 which oddly enough they named “New Connecticut.” But the settlers soon dropped that name, adopting instead the name “Vermont” from “Verd Mont” (“green mountain”), as used by the French explorer Samuel de Champlain in 1609 to describe Vermont’s mountains.

Nathaniel Chipman was instrumental in assisting in the final resolution of this long-standing territorial dispute. As a private lawyer he instigated a movement (in part through correspondence with Alexander Hamilton) to extinguish the land claims of the New York grantees and helped to negotiate a settlement. Following an arduous process, through which New York surrendered its land claims in exchange for a payment of $30,000, the Republic of Vermont was admitted to the Union. At its outset, the district court was in two locations—in Windsor each May and in Rutland in early October. A courthouse in Windsor was later erected in 1852 and remained in use until 1995. This impressive but modest structure still functions as a post office. Designed by Department of the Treasury Supervising Architect Ammi B. Young, it is a fine example of the Italianate Revival style.

**RUTLAND COURTHOUSES**

One of the district’s first courthouse locations (in addition to Windsor) was Rutland, Vermont, then a regional center for commerce, mining, and agriculture. Exemplifying Vermont’s frugal (as well as functional)

This two room wood frame building served as the Rutland County Courthouse (1784–1792) and the meeting place for the Vermont legislature (October 1784 and 1786). It was also the site of the of the first U.S. District Court session in Vermont in May 1791.
The first floor of the Rutland courthouse displays six murals by Stephen J. Belarski that depict scenes of Vermont’s early history including, from top left, Benedict Arnold’s engagement with British forces on Lake Champlain; Vermont’s first freeing of a slave; and other scenes of early Vermont history.
Hon. Thurgood Marshall, Associate Justice of the Supreme Court.
U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

JUDGES OF THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

Number of judges who have served on the court: 71

Anderson, Robert Palmer (1964–1978)
Cabranaes, José Alberto (1994–present)
Calabresi, Guido (1994–present)
Cardamone, Richard J. (1981–present)
Carney, Susan Laura (2011–present)
Chase, Harrie Brigham (1929–1969)
Chin, Denny (2010–present)
Clark, Charles Edward (1939–1963)
Coxe, Alfred Conkling Sr. (1902–1917)
Droney, Christopher Fitzgerald (2011–present)
Feinberg, Wilfred (1966–2014)
Frank, Jerome New (1941–1957)
Friendly, Henry Jacob (1959–1986)
Hall, Peter W. (2004–present)
Hand, Augustus Noble (1927–1954)
Hand, Learned (1924–1961)
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FOREWORD


INTRODUCTION

See J. Woodford Howard Jr., Courts of Appeals in the Federal Judicial System: A Study of the Second, Fifth, and District of Columbia Circuits 142 (Princeton University Press 1981) (noting the view expressed in a late-1960s survey of circuit judges that the Second Circuit was the front-runner in prestige based on its business, its bench, and its bar, with the D.C. Circuit coming in second); id. at xix (referring to the Second Circuit as “the nation’s leading commercial court”); Jeffrey Toobin, The Talk of the Town: George’s Choice, New Yorker, Jan 18, 1993, at 31 (“[T]he Second Circuit is often called the second most important court in the nation.”).


Judiciary Act, ch. 20, § 9, 1 Stat. 73, 76-77 (1789).

Id. at § 4, 1 Stat. at 74-75.


See generally Glick, 24 Cardozo L. Rev. at 1-7.

Id. at 7; see also 11 Annals of Cong. 38 (1802).

Judiciary Act, ch. 4, § 6, 2 Stat. 89, 90 (1801).


Act of March 8, 1802, ch. 8, 2 Stat. 132 (repealing the Judiciary Act of 1801).

Judiciary Act, ch. 31, 2 Stat. 156 (1802) (also sometimes known as the “Amendatory Act”).


Morris, supra note 2, at 44 n.*.


Act of April 9, 1814, ch. 49, 3 Stat. 120.
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