

The U.S. Court of Appeals for the Armed Forces Courthouse: A History

John Ruskin, in *The Stones of Venice*, one of the most influential artistic works of the 19th century, wrote:

We require from buildings, as from men, two kinds of goodness: first, doing their practical duty well: then, that they be graceful and pleasing at doing it, which last is itself another form of duty.

For nearly a century, the elegant little building at 450 E Street, Northwest, has been fulfilling these requirements: serving first the D.C. Circuit's and then U.S. Court of Appeals for the Armed Forces' practical needs, and performing that function in a "graceful and pleasing" manner which must elevate the thoughts and feelings of those who enter it. Justice, like men, does not live by bread alone; the dispensing of justice cannot but be advanced by its being done in surroundings that emphasize the importance of what takes place there. It is the great good fortune of our court that it has been able to dispense justice in such surroundings for more than 60 years.

In 2010, we marked the 100th anniversary of the occupation of the courthouse. When completed, it was the first federal courthouse in the District of Columbia to be built as such. The Supreme Court was located in the Capitol until 1935. The lower federal courts at the beginning of the 20th century were located in the D.C. City Hall, the oldest part of which dates to 1820. The City Hall is next door to our courthouse and was recently renovated as a home for the D.C. Court of Appeals (the state supreme court for the District). The renovation was long and difficult, but the result was impressive. It is well worth a look.

There was definitely something in the air in the early 20th century. In 2007, we heard cases under our Project Outreach in New Orleans and Indianapolis. In New Orleans, we were privileged to hear one case in the ceremonial *en banc* courtroom of the Fifth Circuit, which will hold at least 20 judges. In Indianapolis, the chief judge of the Southern District of Indiana showed us around the equally ornate, if smaller, courtroom that he uses on a daily basis. Both courthouses are stunning examples of the Beaux Arts classical style in favor for official buildings until the 1930s. Both have marble, mosaics, frescoes, and the like which produce an overwhelming effect of grandeur.

Similar buildings can be found in many of America's cities, and I would suggest at least three reasons for this efflorescence.

First, the Evarts Act of 1891, which set up the modern federal judiciary with a system of intermediate circuit courts of appeals, for the first time established a non-itinerant federal judiciary of sufficient size to warrant housing it in purpose-built courthouses. Second, the need for courthouse space coincided with the rise of the City Beautiful movement, which called for the rationalization and beautification of American cities on classical principles of order, balance, and rationality. Those of you who know something of the history of Washington, D.C., know that the present National Mall—and the buildings surrounding it—is one of the great monuments of that movement; in the 19th century, it looked very different, much more like Central Park in New York City. Finally, I would not underestimate the influence of one man, William Howard Taft, the only circuit judge ever to be elected President and the only President to become Chief Justice. Taft was a strong believer in raising the quality, influence, and dignity of the federal judiciary, and properly housing it was essential to those ends. As Chief Justice, he was a principal proponent of a separate building for the Supreme Court, a campaign which, as we know, resulted in Cass Gilbert's great marble palace behind the Capitol after Taft's death. While our courthouse was authorized under Theodore Roosevelt, virtually all of the building, and its occupation by the D.C. Circuit, took place under Taft.

Those of you who know our courthouse will know that it is very different in tone from ornate courthouses like those in New Orleans and Indianapolis. It is smaller, less ornate, and was dedicated exclusively to judicial business (many of these courthouses doubled, and some still double, as post offices.)

The architect of our building was Elliott Woods (1865–1923), who served from 1902 until his death as architect of the Capitol. His tenure in that position saw the building of the first House and Senate office buildings (now the Cannon and Russell buildings). Both of these were designed by Carrère and Hastings, a well-known firm which also did the New York Public Library. Consulting architect on the courthouse project was Paul Pelz, who was primarily responsible for the Library of Congress (now the Jefferson Building), probably the most ornate example of Beaux Arts architecture in America.

From the beginning, the courthouse was meant to be a part of a formal, balanced, ensemble of classical buildings, centered on the old City Hall, which would adorn Judiciary Square. Indeed, the

first plans for the courthouse had it as an extension to the City Hall, with a slightly more Georgian look than its present form. When the decision was made to erect a separate building, little had to be changed in Woods' interior design; the building was detached, turned 90 degrees to the north, and given a more ornate exterior. The plans for an ensemble of buildings had to wait for the New Deal. Built in 1937, the Juvenile Court building at 4th and E Streets, built is a near copy of Woods' design, but differs in detail and lacks the grace and elegance of the original building. Corresponding buildings—still classical but with a bit of Art Deco detail—were built across E Street somewhat later. All of these buildings, particularly the Juvenile Court, suffered greatly from neglect in the 1980s and 1990s but have since been restored. The northern anchor of the ensemble is not a Beaux Arts building, but Montgomery Meigs' enormous Romanesque Pension Building (now the National Building Museum.)

When occupied in 1910, the courthouse had three functioning floors plus a basement that was used for building systems and storage. The first floor, as today, housed the clerk's office and related functions; the second floor contained three judges' chambers, a ceremonial lobby, the courtroom, and the judges' conference room. The third floor, which today houses two judges' chambers and the library, was left unfinished until 1937. While the the third floor ceilings are lower and the windows shorter than on the second floor, the construction was done with remarkable sensitivity to the original interior finish. One can see, however, the stringencies which the Depression imposed on the project. The second floor doors are mahogany, the fittings brass, and the floors are marble. The third floor doors are walnut, the fittings nickel, and floors wood.

From the occupation of the building by the Court of Military Appeals in 1952 to the expansion of the court to five judges in 1991, the two third-floor chambers and the chamber on the east side of the second floor were occupied by judges, while the two chambers on the west side were carved up into office space. The dropped ceilings and partitions in these chambers were removed in 1991, when they were restored to their original appearance and function. In the 1990s, the basement was redone to provide needed office and library space. The most recent change is the addition of an underground parking garage, opened in 2006, which is shared with the District of Columbia courts and connects directly with the courthouse. The City Hall project included a tunnel from the courthouse and City Hall to a loading dock on 4th Street, providing easier and more secure access.

The exterior is of granite at the basement level and Indiana limestone above, 100 by 125 feet in dimensions. The north facade on E Street has an Ionic portico, with an entrance loggia at street level and a balcony on the second-floor level. One very nice touch in these days of security mania is that the second-floor windows retain their original function as French doors to the balcony; on pleasant days, courthouse workers eat lunch on tables provided for the purpose on the balcony. The east and west (long) elevations differ only in minor detail, both having five large central windows illuminating judges' chambers. The south elevation, which



faces a small park and the 1970s Brutalist Moultrie Courthouse (the home of the D.C. Superior Court), has pilasters framing three large windows which illuminate the judges' conference room.

The main public areas of the courthouse are on the second floor. The lobby is 61 by 25 feet, floored with black and white marble squares. The walls are decorated with Ionic pilasters, and the whole is illuminated by the three tall windows/French doors which give access to the balcony. The ceiling has a fretwork band with acanthus quatrefoils. The courtroom is, of course, the center of the building. It is 66 by 41 feet with a ceiling height of 35 feet. It was originally lit by a large skylight, which suffered from chronic leaks. In 1956, it was roofed over and is now lit artificially from above. The decoration in the courtroom is significantly more ornate than that of the lobby. The paired pilasters are Corinthian and are fluted. The ceiling rises from an elaborate cornice with ogee, egg and dart, and dentil moldings. The skylight is surrounded by a fretwork band.

One of the most remarkable features of the courtroom is the survival, in daily use, of virtually all of the original furnishings. The mahogany judges' bench was originally built to accommodate five judges; thus, no subsequent reconstruction was necessary. Three of the massive judges' chairs are also original. The bench is decorated with frets, dentils, and pilasters; the podium, counsels' tables, and clerk's and bailiff's tables all are decorated with uniform fretwork. A 1939 photo of the six D.C. Circuit judges (including future Chief Justice Fred Vinson and future Justice Wiley Rutledge), shows the bench and the curtain screen behind it just as they are today. The present courthouse has three ornate judges' desks, with fret and acanthus designs that replicate the ceiling work in the lobby. Judge Erdmann and I each have one, and the third is elsewhere in the building.

Also of note on the second floor, though not a public area, is the judges' conference room behind the courtroom. The ceiling has three groined vaults—unique in the building except for the barrel vault in the library, which has since been covered over by a dropped ceiling. As mentioned before, there are three large windows facing south, which illuminate the room. Massive pilasters frame the windows, with coffered arches springing from them and dividing the vaults. There are two identical fireplaces on the ends of the room, each bearing a decorative tablet carrying the national eagle and shield.



How did a court less than two years old enter into this inheritance? As Sen. Everett Dirksen said in a different context, “It was an absolute, unadulterated, unmitigated, unrefined, unconfined deal.” When the D.C. Circuit prepared to leave the courthouse for its new building on Constitution Avenue (now the Prettyman Courthouse), the new Court of Military Appeals was temporarily using the courtroom of the Court of Customs and Patent Appeals (CCPA, later incorporated into the Federal Circuit) in the current Internal Revenue Service building in the Federal Triangle. That courtroom was only in use a few days a month. According to the USCAAF’s historian, Jonathan Lurie, Chief Judge Robert Quinn first attempted to get the old Supreme Court chamber in the Capitol but was rebuffed by the chairman of the Senate Rules Committee. The chief judge of the D.C. Circuit had made an informal agreement with the chief judge of the CCPA that it could move into the courthouse when the D.C. Circuit vacated it. The CCPA was thus happy to have the Court of Military Appeals share its courtroom, since they expected to move shortly. Chief Judge Quinn, drawing on contacts from his days as governor of Rhode Island, simply went around this arrangement and got an appointment with President Truman, whom he persuaded to direct the Public Buildings Commissioner to allocate the building to the Court of Military Appeals. The chief judge of the D.C. Circuit, in ignorance of this, informed Quinn that there would be no room for the Court of Military Appeals in the new Constitution Avenue courthouse, and that the old courthouse would be declared surplus. Presidential intervention thus cleared the way for us to move into the current building, which we did in October 1952. The reaction of the CCPA judges is not recorded in Lurie’s book.

So here we are, more than a century into the life of this extraordinary building and more than 60 years into our court’s occupation of it. The building’s survival in such fine condition is due to many factors—for one thing, it has always been used for its original purpose, an appellate courthouse, so there has been no need to do major surgery on it and the very fine fittings have remained in the building. Also, the construction and renovation that has taken place (such as the finishing of the third floor in 1937) have been done with sensitivity to the integrity of the building. Finally, unlike the rest of the Judiciary Square ensemble, it never fell into the hands of the D.C. government. Ultimately, those who have occupied and cared for the building for the last century have clearly felt

a sense of stewardship for this national treasure and have done what is necessary to keep it in first-rate condition. Here, I must pay tribute to the courts’ present building manager, Joe Lusk—an outstanding civil servant to whom all of us who work in the building owe a great deal. Joe is ever-vigilant in the difficult task of maintaining a century-old structure.

In 1984, a contractor working for the General Services Administration wrote a summary of the significance of the courthouse for its nomination to the National Register of Historic Places. It concisely sets out the remarkable character of this national treasure:

The [courthouse] is a particularly fine and remarkably early example of revived (20th century) Greek Revival architecture. ... The ...

building is exceptionally well-executed. The materials are fine without being lavish, and the refined restraint displayed throughout the structure exemplifies the best architectural thought of the conservative school during the first decade of this century. This singularly harmonious building is extravagant by modern standards in its use of space, fully a third of which is devoted to stairs, passages, and stately lobbies. The dignity of the law and esteem in which it should properly be held are well expressed by the setting provided by this building. There is in Woods’ building no false note of pomposity or meretricious display. A judicious restraint and fine sense of balance mark this judicial structure, one of the handsomest of its period among Government buildings.

In 2010, we commemorated the 100th anniversary of the opening of the courthouse with a special session of court, at which Chief Justice John Roberts and Chief Judge David Sentelle of the D.C. Circuit joined us to unveil a plaque that now hangs in the lobby stairwell. For those of you who know the courthouse well, I suggest that you look at it with fresh eyes the next time you enter. For those of you who do not know it, please come to Washington, D.C., and visit us. In my time on the court, I have come to a new appreciation of the repose, elegance, balance, and order of this great structure, and hope that many others will do so as well. ☉