

A QUICK FIX FOR CONSTITUTIONAL ADDICTS

Members of the Alaska Bar Association will be interested in the opportunity to join the Supreme Court Historical Society, created in 1974, a non-profit organization devoted to expanding public awareness of the history and heritage of the Supreme Court. A useful Web site at www.supremecourthistory.org will supply pertinent details.

Until 1974 there was no single organization devoted to preserving and collecting the Court's artifacts and memorabilia. Now, with the support of the Court itself, the Society collects and displays the Court's history and heritage, specifically in exhibits located at the Supreme Court itself. This is really a must see for the young'uns if only to remind them that their parents are not responsible for everything that happens in this republic.

If you visit the Supreme Court you will find the Society's bookstore located on the premises, together with gifts which may cause (in effect) one to be moderately amused or to collapse on the federal floor beneath, and I leave it to individual conscience whether to weep or cheer. But history needs artifacts and if they are supplied-to-measure, discretion leaves to historians the task of sorting out the truth from our generation's violations of good taste. Those bobble-headed dolls of The Nine are not for sale; not there, at any rate.

Important historical research is supported and published by the Society. *The Journal of Supreme Court History* contains scholarly articles on the history of the Court, its members and those who have appeared before it. It is, in a phrase, a darn cheap way of getting one's fix of constitutional history.

The privileges and immunities clause may be viewed as a vestigial remnant of the Fourteenth Amendment. For proof, look no further than the Supreme Court's decision in *In re Lockwood*, 154 U.S. 116 (1894)[clause not offended by Virginia law restricting membership to the Bar to males]. The article in question is *Women As Supreme Court Advocates, 1879-1979*, by Mary L. Clark.

In addition, the lawyer who wishes to keep firmly in mind how to position his client as victim (albeit a knowing victim) of patent fraud, will

want to read John Roberts' article on *Oral Advocacy and the Re-emergence of a Supreme Court Bar*. (Both Prof. Clark and Judge Roberts' are published in Vol. 30, No. 1 of the Journal's latest issue.) Of course, Judge Roberts is known as one of the leading advocates before the high court, with 32 appearances to his credit.

His article underlines the holding of the case (in question) by pointing to the enthusiasm with which Justice Douglas demanded of counsel the name of the person drafting an offending affidavit; the lawyer fainted dead away, as Roberts tells us, hitting his head on the table on the way to the floor. Court was adjourned and a doctor summoned. When argument resumed, the lawyer – bruised but unbowed – stood up, looked at Justice Douglas, and said that “he had”. The case in question is *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). Like the .org says, someone has got to save all of this institutional history, and it's not bound into the United States Reports.

This is the kind of constitutional history that sticks to the ribs, particularly when a writer supplies photographs and lithographs which do not often enliven the pages of the law review articles which are generated by our 12,000 law professors in the United States.

A newsletter, *The Supreme Court Historical Society Quarterly*, contains more information on the history of the Court, along with the lion's share of announcements of Society events, upcoming lectures, black-tie functions and other woof-woofs: the kinds of events that make tough Alaskans want to get on a plane and go there *to see and be seen*. Of course, the Society's members receive significant discounts on subscriptions to these and on its other publications. Unfortunately, there are limits to all of these perks: you're not going to be allowed to sit on the marbled flanks of the building, as the Supreme Court's own constables will shoo you away. On the other hand, if you are admitted to practice before the court, you may enter the august library and ask, *Now, just who the heck was Modestinus?* Good question.

Your \$75 annual membership in the Society allows you discounts on subscriptions to all of its publications, as noted. But you will also receive a copy of *Equal Justice Under Law*, a beautifully illustrated volume prepared in cooperation with the National Geographic Society.

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Do not hesitate to accept this invitation to join the Society. “The Society assists the Court as collector, preserver and storyteller of the Court’s distinguished past,” and we have Chief Justice Rehnquist’s word on it. “In this endeavor, the Society deserves recognition and support for its work.” After all, if Alaskans don’t support the Society, folks from lesser states will just have to pick up our share and then claim the credit that is duly ours.

Apparatus

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