A close-up photograph of a stone carver wearing a grey hard hat and safety glasses, focused on his work. He is using a chisel to carve a brick wall. The background is a textured brick wall with a semi-circular archway visible on the right. The lighting is bright, highlighting the textures of the brick and the carver's concentration.

The Art and Craft of Justice

A guide to
the stone carvings
and inscriptions of the
John Joseph Moakley
United States Courthouse,
Boston, Massachusetts

The Art and Craft of Justice

Dedicated to John Benson

Whose supervision and execution of the stone carvings and inscriptions of the John Joseph Moakley United States Courthouse in Boston provide tangible evidence that a single person making a single thing can do justice with art and craft.

On the front cover: Stone carver John Benson applying stain to letters carved at the main entry to the courthouse.

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DISCOVERING JUSTICE

James D. St. Clair Court Public Education Project
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

A guide to
the stone carvings
and inscriptions of the
John Joseph Moakley
United States Courthouse,
Boston, Massachusetts



Introduction by
Anthony Lewis

Photography by
Peter Vanderwarker

Text by
Douglas P. Woodlock

Participating in a Democratic Conversation about the Law

Words carved in stone have adorned the public buildings of democracies since ancient Athens. In this country especially the art of the stone carver has been used to express civic ideals. The familiar example is the inscription above the great columns of the Supreme Court building in Washington, DC: EQUAL JUSTICE UNDER LAW.

Inscriptions are an important feature of the new United States Courthouse in Boston. There are over thirty of them, inside and outside the building. Like the motto that the Supreme Court presents to the world, they articulate the hopes—and the commitments—of our society.

Each of the inscriptions is a separate reflection about the law. They are history. They are passion. Together they form a discussion about what the law can and should do in a free society. They are a democratic conversation.

Passion is not far below the surface of the quotation from Justice Oliver Wendell Holmes on one wall of the Jury Assembly Hall, and it provides an insight into the history of the democratic conversation. The quotation is from Holmes's dissenting opinion in *Abrams v. United States*, decided in 1919. The issue was this: President Wilson had sent U. S. forces to Russia after the Bolshevik Revolution. A group of radicals threw pamphlets from the roofs of buildings in New York City objecting to Wilson's policy. For this insignificant gesture—Holmes called the unsigned pamphlets “puny anonymities”—group members were prosecuted on charges of sedition, convicted and sentenced to twenty years in prison. In the jingoistic atmosphere of World War I, few objected. Moreover, although the First Amendment to the Constitution forbade Congress to abridge “the freedom of speech,” the Supreme Court had never—not once—invoked the amendment to protect the speech of radical dissidents.

When the Supreme Court upheld the convictions and savage sentences in the *Abrams* case, Justice Holmes wrote the first Supreme Court opinion asserting the fundamental value of freedom of speech in our constitutional system. Joined in dissent by Justice Louis D. Brandeis, he began by saying that it was “perfectly logical” to persecute people for their opinions. If you have no doubt about your ideas or your power, he said, you “naturally” want to “sweep away all opposition.” But then he went on with the words presented in raised lettering on the wall of the

Jury Assembly Hall, urging that truth is better reached by “free trade in ideas.” And still his judicial passion was not spent.

“That at any rate is the theory of our constitution,” Holmes wrote. “It is an experiment, as all life is an experiment. . . . While that experiment is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death.”

What extraordinary language. But wasn't it wasted in a dissenting opinion? Not at all. Courts that apply in concrete cases the majestic generalities of the Constitution—“freedom of speech,” “equal protection of the laws”—can be moved to change their understanding by wisdom and experience. And dissenting opinions are part of that process.

For a decade after the *Abrams* decision, the Supreme Court continued to uphold the repression of radical speakers with Holmes and Brandeis dissenting. They were as eloquent as Pericles in their defense of liberty. Indeed, Brandeis was influenced by Pericles' funeral oration to the ancient Athenians in his 1927 opinion in *Whitney v. California*, a passage from which appears on the wall opposite the Holmes quotation in the Jury Assembly Hall. Gradually their eloquence persuaded the country and the Court. Their passion has become the orthodox view of the First Amendment.

There is a paradox in the American political system, and there always has been. We live in a democracy, and we elect our legislators and executives, federal and state. But the Constitution puts limits on what elected politicians can do. And judges often must decide, from case to case, where those limits are. They do so, over time, in a conversation among themselves and with lawyers and the public. That is the conversation overheard among the stone carvings and inscriptions of this building. It is a conversation in which all those encountering these inscriptions are invited to participate.

The paradox is more apparent than real, for the world learned, in the twentieth century, that democracy is not safe without protection of fundamental rights. And so countries around the world, from Ireland to South Africa, have copied the American system of judicially enforceable constitutional rights.

It is an experiment, Holmes said, as all life is an experiment. But it has worked for more than two hundred years.

—Anthony Lewis, *August 1998*

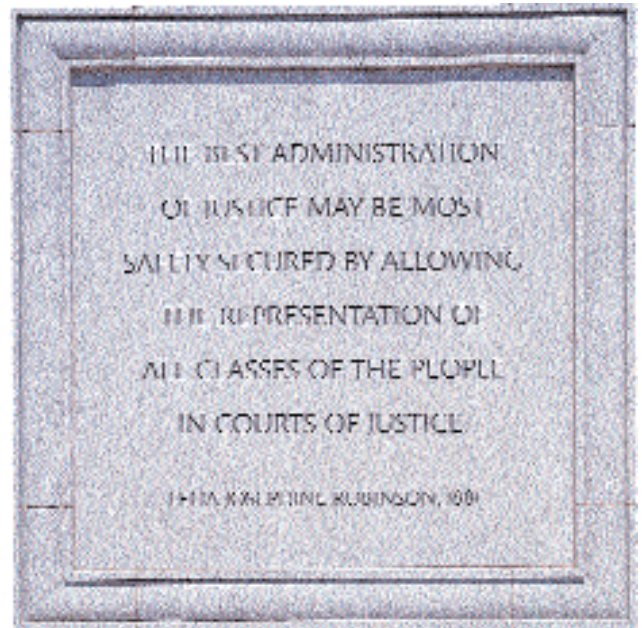
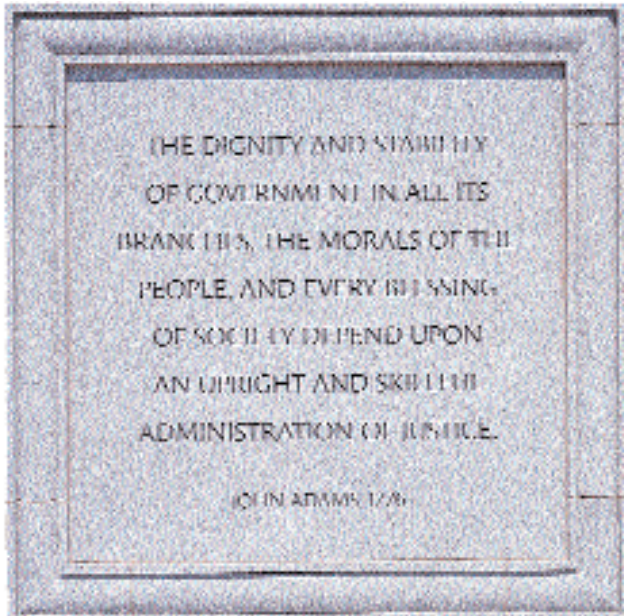
(Anthony Lewis, a columnist for the *New York Times*, has written extensively about the Supreme Court of the United States.)

John Adams

In the spring of 1776, as the leading figures from the American colonies began to prepare for consideration by the Continental Congress of the question whether to declare independence from the British Crown, John Adams wrote a pamphlet entitled *Thoughts on Government*.

Adams was a Massachusetts lawyer who would become the first Vice President and the second President of the United States. In the passage from the pamphlet that is inscribed on this tablet, placed at the entrance to the courthouse, Adams contended that society depends upon competence and integrity in the administration of justice. In this connection, he argued for a separation of powers: “The judicial power ought to be distinct from both the legislative and the executive, and independent of both, that so it may be a check upon both, as both should be checks upon that.” The distinctiveness of the judicial power, Adams maintained, requires that the judges’ “minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men.”

The principles of government Adams outlined in his pamphlet—the separation of powers and judicial independence—were embodied in the Massachusetts Constitution of 1780, of which he was the principal draftsman, and the Constitution of the United States, which was drafted seven years later.

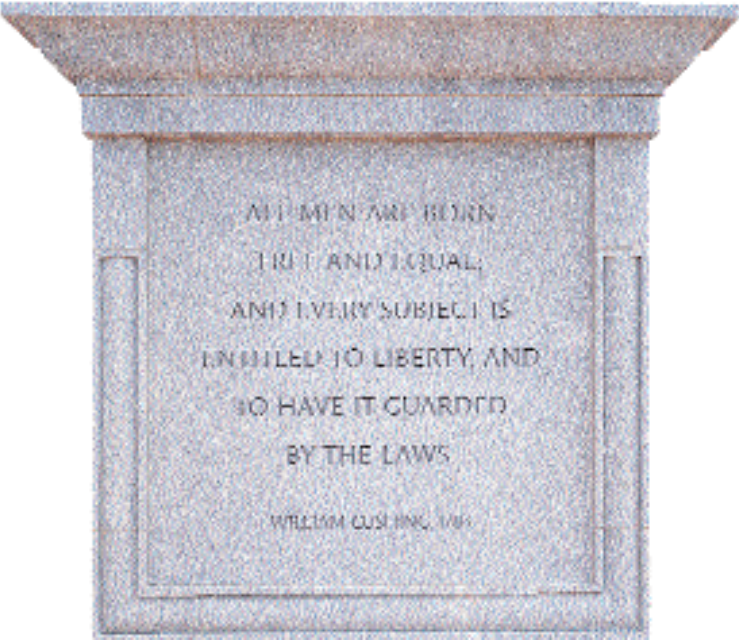


Lelia Josephine Robinson

In 1881, when Lelia Josephine Robinson graduated cum laude from Boston University Law School, she ranked fourth in her class. Her academic success boded well for success as a lawyer, but she faced a significant hurdle: No woman had ever been admitted to practice law by the courts of Massachusetts.


The Supreme Judicial Court of Massachusetts invited Robinson to prepare a brief in support of her application to be a lawyer. Because she was not a member of the bar, however, she was not permitted to present oral argument. In an opinion by Chief Justice Horace Gray, who would later be appointed to serve as an associate justice of the Supreme Court of the United States, the highest court of Massachusetts unanimously rejected Robinson’s application, relying on the failure of the state legislature to provide expressly that women could become members of the bar.

The opinion of the Supreme Judicial Court denying the admission of women to the practice of law was speedily reversed by the Massachusetts legislature, which affirmed the argument Robinson made in her brief, an excerpt of which is inscribed on this tablet at the entrance to the courthouse. To obtain the consent of all segments of society in the rule of law, the entire community must have the right to participate in the process of administering justice.



ALL MEN ARE BORN
FREE AND EQUAL,
AND EVERY SUBJECT IS
ENTITLED TO LIBERTY, AND
TO HAVE IT GUARDED
BY THE LAWS

WILLIAM CUSHING, 1780



MEN AND WOMEN
WERE CREATED EQUAL.
THEY ARE BOTH MENTALS
AND ACCOUNTABLE BEINGS,
AND WHATSOEVER IS RIGHT
FOR MAN TO DO,
IS RIGHT FOR WOMAN

SARAH M. GRIMKÉ, 1837

William Cushing

Seven years after the adoption of the Declaration of Independence, which asserts that all men are created equal, slavery continued to be practiced throughout the United States; Massachusetts was no exception. As a consequence, a Worcester County slaveowner assumed he was on solid legal ground when he defended against a criminal case that charged him with the assault and battery of Quock Walker, one of his slaves. The slaveowner argued his right to treat his “property” in any way he chose.

Chief Justice William Cushing of the Massachusetts Supreme Judicial Court held that slavery had been effectively abolished in 1780, when Massachusetts adopted its new constitution. In the passage inscribed on this tablet, Cushing paraphrased the language of freedom and equality found in the Declaration of Independence. At the core of Cushing’s holding is the proposition that it is the obligation of the courts to protect the liberties of every person.

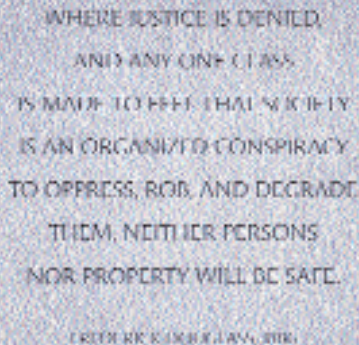
Cushing later became the first justice from Massachusetts to sit on the Supreme Court of the United States, when President Washington made the initial appointments to that Court following the passage of the Judiciary Act of 1789. In 1795 he declined Washington’s appointment as Chief Justice but served as an Associate Justice until his death in 1810.

Sarah M. Grimké

Sarah Grimké was born to a wealthy, aristocratic, and conservative family in South Carolina, where her father served as the equivalent of the chief justice of the state. Yet she and her sister Angelina became among the most prominent voices calling for the abolition of slavery and the equality of persons.

Facing intense opposition to abolition in their native South, the Grimké sisters moved to the North, where they were highly influential abolitionist lecturers. But prejudices against the appearance of women on public platforms resulted in a veiled attack on their work in a pastoral letter issued by the General Association of Congregational Ministers of Massachusetts, which decried women preachers and women reformers. This opposition led Sarah Grimké to broaden the focus of the abolition movement to include a defense of women’s rights.

In her reply to the ministers, part of which is inscribed on this tablet, Sarah Grimké emphasized the equality of men and women. By extending the language of equality found in the Declaration of Independence and in Chief Justice Cushing’s *Quock Walker* decision striking down slavery in Massachusetts, Sarah Grimké underscored the shared rights and responsibilities of all persons for the creation of a moral community.



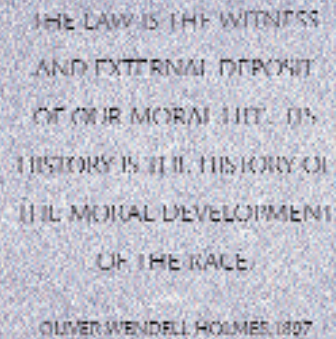
WHERE JUSTICE IS DENIED,
AND ANY ONE CLASS
IS MADE TO FEEL THAT JUSTICE
IS AN ORGANIZED CONSPIRACY
TO OPPRESS, ROB, AND DEGRADATE
THEM, NEITHER PERSONS
NOR PROPERTY WILL BE SAFE.
FREDERICK DOUGLASS, 1845.

Frederick Douglass

Born a slave in Maryland, Frederick Douglass escaped from slavery in 1838 and moved to New Bedford, Massachusetts. He soon became an orator for the Massachusetts Anti-Slavery Society. A powerful and commanding presence, Douglass argued for the emancipation of slaves and for equality of social, economic, and spiritual opportunities.

Douglass was actively involved in recruiting black men to be soldiers during the Civil War and assisted in recruiting the celebrated 54th and 55th Massachusetts African-American regiments, in which his own sons were among the first recruits. After the Civil War, Douglass became the United States Marshal for the District of Columbia and the United States Minister to Haiti.

In a speech given on the twenty-fourth anniversary of the emancipation of the slaves of the District of Columbia, a passage from which is quoted in the inscription on this tablet, Douglass warned that when the law permits any segment of society to feel disenfranchised, the very foundations of justice—the security of persons and property—are put at risk. Thus, in order to avoid undermining those foundations, the law must strive to assure equal opportunity for all segments of society.



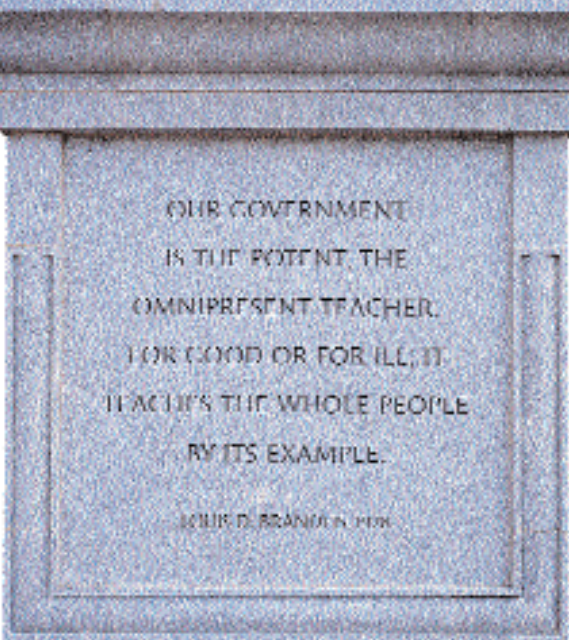
THE LAW IS THE WITNESS
AND EXTERNAL DEPOSIT
OF OUR MORAL LIFE. ITS
HISTORY IS THE HISTORY OF
THE MORAL DEVELOPMENT
OF THE RACE.
OLIVER WENDELL HOLMES, 1897.

Oliver Wendell Holmes

While he was a Justice of the Massachusetts Supreme Judicial Court, Oliver Wendell Holmes delivered one of the most influential speeches in the history of law, “The Path of the Law,” at the Boston University Law School. Later published in the *Harvard Law Review*, the speech had a bracing effect on American legal thought.

In the passage inscribed on this tablet, Holmes described the growth of the law as a reflection of the moral values of the society. Using a geological metaphor, he identified ways in which different generations and societies leave evidence of their moral value systems through their expressions of the law. But Holmes was careful to distinguish between his description of the law as evidence of society’s values and the proposition that what is legal is moral or what is illegal is immoral. He argued instead for a clear-eyed analysis of the legal process through which the courts bring public force to bear in order to resolve controversies and thereby evidence the moral values of their communities.

Holmes was appointed by President Theodore Roosevelt to the Supreme Court of the United States in 1902, where he served until 1932.



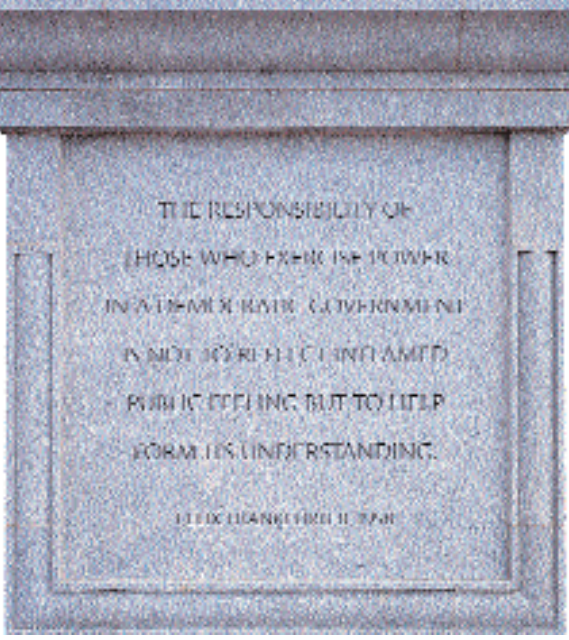
OUR GOVERNMENT
IS THE POTENT, THE
OMNIPRESENT TEACHER.
FOR GOOD OR FOR ILL, IT
TEACHES THE WHOLE PEOPLE
BY ITS EXAMPLE.

LOUIS D. BRANDEIS, 1916

Louis D. Brandeis

The responsibility of the government to act in an exemplary fashion in all its dealings with all its citizens, particularly in protecting their privacy rights, was frequently emphasized by Justice Louis D. Brandeis, whom President Woodrow Wilson appointed to the Supreme Court in 1916, where he served until 1939. While a lawyer in private practice in Boston, Brandeis had written an influential law review article concerning the right of privacy. The passage inscribed on this tablet is from his opinion in *Olmstead v. United States*, where Brandeis dissented from a Supreme Court decision that upheld the use of illegal wiretapping to develop evidence of criminal activity.

Brandeis wrote that, “[i]n a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously.” He went on to observe that, “[i]f the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.” Brandeis therefore maintained that the government must be held to high standards in providing an example for the rest of society.



THE RESPONSIBILITY OF
THOSE WHO EXERCISE POWER
IN A DEMOCRATIC GOVERNMENT
IS NOT TO REPEL OR INFLAME
PUBLIC FEELING, BUT TO LIFT
FORM ITS UNDERSTANDING.

FELIX FRANKFURTER, 1948

Felix Frankfurter

During the controversy that led President Eisenhower to call out paratroopers to implement judicial orders of the United States District Court in Arkansas, which were aimed toward desegregating the Little Rock schools, the Supreme Court took the unprecedented step of issuing a unanimous opinion in *Cooper v. Aaron*, which was signed separately by each of the Justices upholding those orders.

Shortly thereafter, Justice Felix Frankfurter—who had been a professor of law at the Harvard Law School prior to his appointment in 1939 to the Supreme Court by President Franklin D. Roosevelt—wrote a separate opinion in the case that specifically addressed the responsibilities of community leaders during times of crisis. The passage from that opinion inscribed on this tablet instructs that it is the duty of civic leadership in such times “to find specific ways to surmount difficulties” in upholding the rule of law.

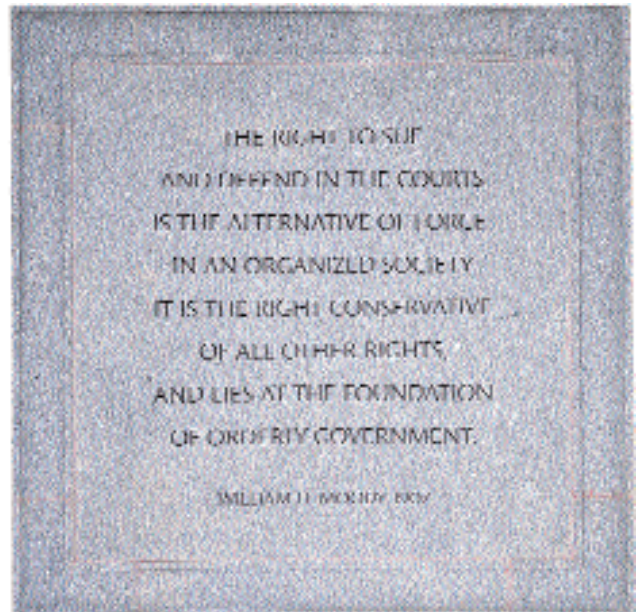
Noting that compliance with decisions of the Supreme Court, “as the constitutional organ of the supreme Law of the Land, has often, throughout our history, depended on active support by state and local authorities,” Frankfurter, who served on the Supreme Court until 1962, urged that the nation’s shared “moral heritage” should provide a basis for defusing opposition to the Court’s rulings.

William H. Moody

The legal process for controlled resolution of controversies through trial in the courts is the mechanism civilized societies have established to avoid resort to such self-help remedies as vengeance and retribution. William H. Moody, who was appointed to the Supreme Court of the United States in 1906 by President Theodore Roosevelt, captured this dimension of the legal process in this passage from his opinion in *Chambers v. Baltimore & Ohio Railroad*.

Moody was himself a skilled courtroom advocate who served as a Massachusetts district attorney and was appointed to the Supreme Court while he was serving as United States Attorney General. His tenure on the Supreme Court was cut short barely two years later, however, when he developed a disabling illness.

The right to conduct litigation, Moody wrote, “is one of the highest and most essential privileges of citizenship, and must be allowed by each State to the citizens of all other States to the precise extent that it is allowed to its own citizens.” This equality of access to the process of litigation is so critical to the federal system that he found it protected by the United States Constitution.



John F. Kennedy

Five months before his assassination, President John F. Kennedy was required to call out the National Guard to carry out an order of the United States District Court in Alabama that directed the admission to the University of Alabama of two qualified Alabama residents, who happened to be African-American. President Kennedy’s speech from the Oval Office explaining that decision invoked the moral dimensions to the law.

In the passage inscribed on this tablet, President Kennedy equated equal justice under law with the golden rule. He identified the problem as whether “all Americans are to be afforded equal rights and opportunities,” terming the issue “as old as the scriptures and as clear as the American Constitution.”

President Kennedy’s speech announced the submission to Congress of what would become, after his assassination, the Civil Rights Act of 1964. That statute, perhaps the most important civil rights measure of the twentieth century, provides a legislative basis for equal opportunity for all citizens. But President Kennedy cautioned that “legislation cannot solve this problem alone. It must be solved in the homes of every American in every community across our country.”

WE ARE COMMITTED
PRIMARILY WITH A MORAL ISSUE.
THE HEART OF THE QUESTION IS
WHETHER WE ARE GOING TO TREAT
OUR FELLOW AMERICANS
AS WE WANT TO BE TREATED.
JOHN F. KENNEDY 1961

Felix Frankfurter

The most basic elements of a fair legal proceeding consist of identifying the issues at stake clearly and providing the interested parties an opportunity to address those issues. Those elements were disregarded in certain proceedings that were conducted to address concerns about this nation's internal security at the beginning of the Cold War following World War II.

In the passage from his separate opinion in *Joint Anti-Fascist Refugee Committee v. McGrath, Attorney General* that is inscribed on this tablet, Justice Frankfurter emphasized the value of notice and the opportunity to be heard as mechanisms for discovering truth. Frankfurter maintained that use of these mechanisms was critical for “generating the feeling, so important to a popular government, that justice has been done.”

For a democratic society, Frankfurter wrote, “the validity and moral authority of a conclusion largely depend on the mode by which it was reached.” He warned that a fair process is especially critical “at times of agitation and anxiety, when fear and suspicion impregnate the air we breathe.” Frankfurter observed that “appearances in the dark are apt to look different in the light of day,” because “secrecy is not congenial to truth-seeking.”

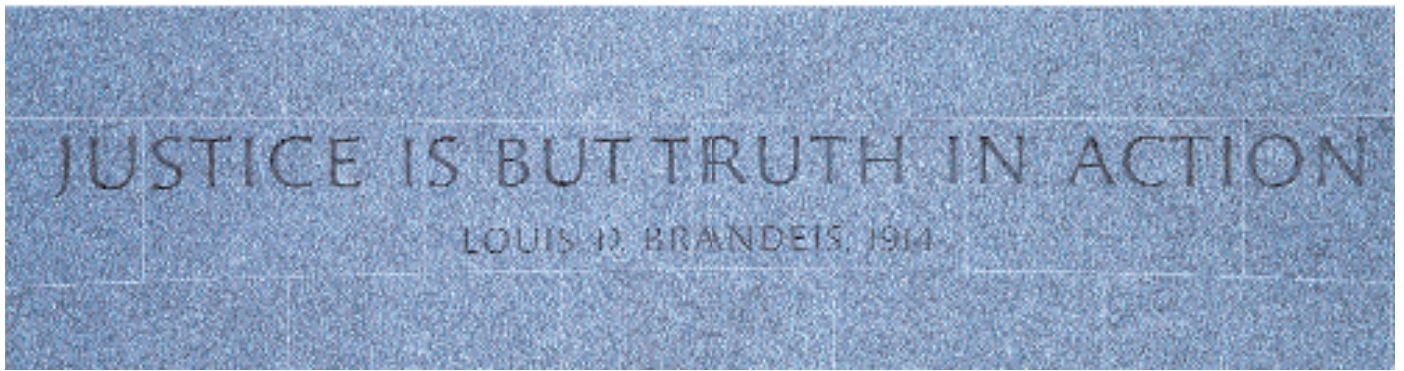


Barbara Jordan

Barbara Jordan, the congresswoman from Texas who spoke so powerfully and eloquently during her tenure as a member of the Judiciary Committee of the House of Representatives that considered articles of impeachment against President Richard Nixon in 1974, was a graduate of the Boston University Law School. Her memorable remarks at the opening of the committee's proceedings captured the profound personal responsibility of those addressing that constitutional crisis. “I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution,” she said.

Jordan's last public appearance before her death on January 17, 1996, was at a gathering in her honor of Boston University Law School alumni. In the brief remarks inscribed on this tablet regarding the role of the lawyer, Jordan urged those involved in the legal process to remain faithful to their larger community and to practice their profession with measured advice for their clients.

The counsel provided by Jordan is particularly important for parties engaged in the strains and antagonisms of the adversary process. It has purposefully been positioned to be the last quotation encountered by persons passing through security into the courthouse itself.



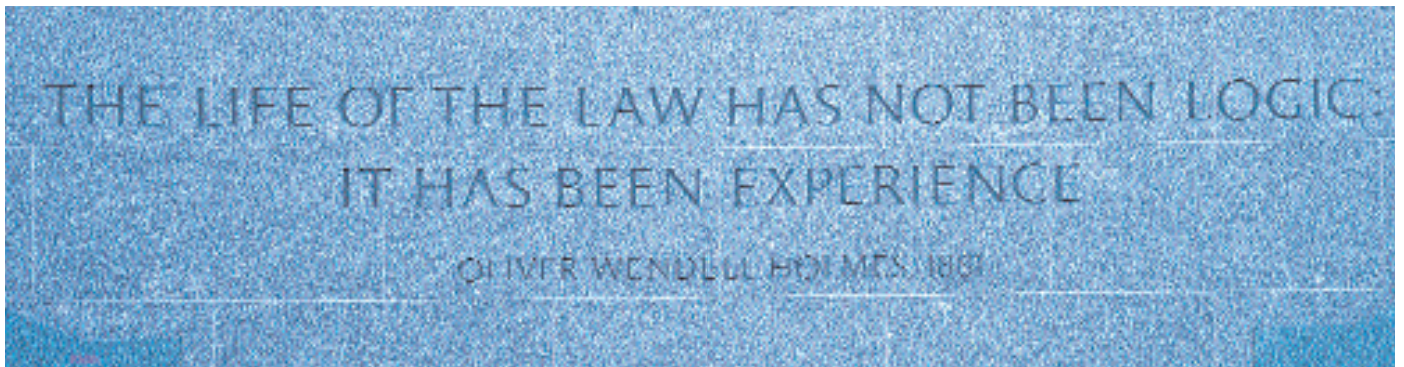
Entrance Stairways

The inscriptions at the stairways from the Old Northern Avenue and Harborpark entrances to the main public floor of the courthouse are drawn from addresses by two great justices of the Supreme Court of the United States from Massachusetts—Louis D. Brandeis and Oliver Wendell Holmes. Each was delivered shortly before the speaker left the practice of law to become a judge.

At the stairway in the main-entry rotunda is a hand-carved inscription of a portion of a speech by Louis Brandeis concerning an issue of complex economics, a topic with which Brandeis grappled throughout his career. By casting the issue as one of justice and truth, however, Brandeis characteristically raised the discussion above mere economics. In the speech, Brandeis told his audience that “we cannot expect to have justice done unless we have a mind that is free to act on such facts as may be presented.” By locating the inscription from Brandeis at the base of the stairway leading up to the entrances to the courtrooms, the

fact-finding role of the courts in the pursuit of justice is emphasized.

A hand-carved inscription from a series of lectures Oliver Wendell Holmes gave shortly before his appointment to the Supreme Judicial Court of Massachusetts is located at the stairway at the entry from the Harborpark. Holmes demonstrates a more historical and philosophical conception of the law than the fact-intensive approach of Brandeis. Holmes did not reject logic, but rather explained later in the lecture that “the felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed.” He went on to observe that “in order to know what [the law] is, we must know what it has been and what it tends to become.” By locating the inscription from Holmes at the base of the stairway from the Harborpark, the role of society’s shared experience outside the courthouse in shaping the law is emphasized.





Jury Assembly Hall

The purpose of the American jury is to provide a calm and reasoned evaluation—by a fair cross section of the community—of the disputed factual issues embedded in legal controversies. Placed in raised lettering in the jury assembly hall are quotations from Justices Holmes and Brandeis encouraging full and tolerant discussion.

On the shorter wall is a passage from a dissent by Justice Holmes to a decision of the Supreme Court that upheld the prosecution of political dissidents. The core principle in political discussion identified by Holmes is that “the ultimate good desired is better reached by free trade in ideas.”

On the long wall is a passage from an opinion by Justice

Brandeis in *Whitney v. California*, a Supreme Court case involving another prosecution of political dissent. Drawing his inspiration from Pericles’ oration to the Athenians in the fifth century BC, Justice Brandeis outlines in eloquent and passionate prose the fundamental elements of our nation’s political philosophy. He concludes by observing “that the greatest menace to freedom is an inert people” and “that public discussion is a political duty.”

These passages are designed to shape the attitudes of those assembled in this room and to encourage the open-minded deliberative process required of juries and, indeed, of all those concerned with the public’s business.

*Jury Assembly Hall Inscriptions —
Oliver Wendell Holmes*

WHEN MEN HAVE REALIZED THAT
TIME HAS UPSET MANY FIGHTING
FAITHS, THEY MAY COME TO BELIEVE
EVEN MORE THAN THEY BELIEVE
THE VERY FOUNDATIONS OF THEIR
OWN CONDUCT THAT THE ULTIMATE
GOOD DESIRED IS BETTER REACHED

BY FREE TRADE IN IDEAS - THAT THE
BEST TEST OF TRUTH IS THE POWER
OF THE THOUGHT TO GET ITSELF
ACCEPTED IN THE COMPETITION OF
THE MARKET,

AND THAT TRUTH IS THE ONLY
GROUND UPON WHICH THEIR
WISHES SAFELY CAN BE CARRIED OUT
THAT AT ANY RATE IS THE THEORY
OF OUR CONSTITUTION.

OLIVER WENDELL HOLMES, 1919



*Detail of oil painting of Justice Holmes by Charles Sidney Hopkinson
Courtesy of Art & Visual Materials, Special Collections Department,
Harvard Law School Library*

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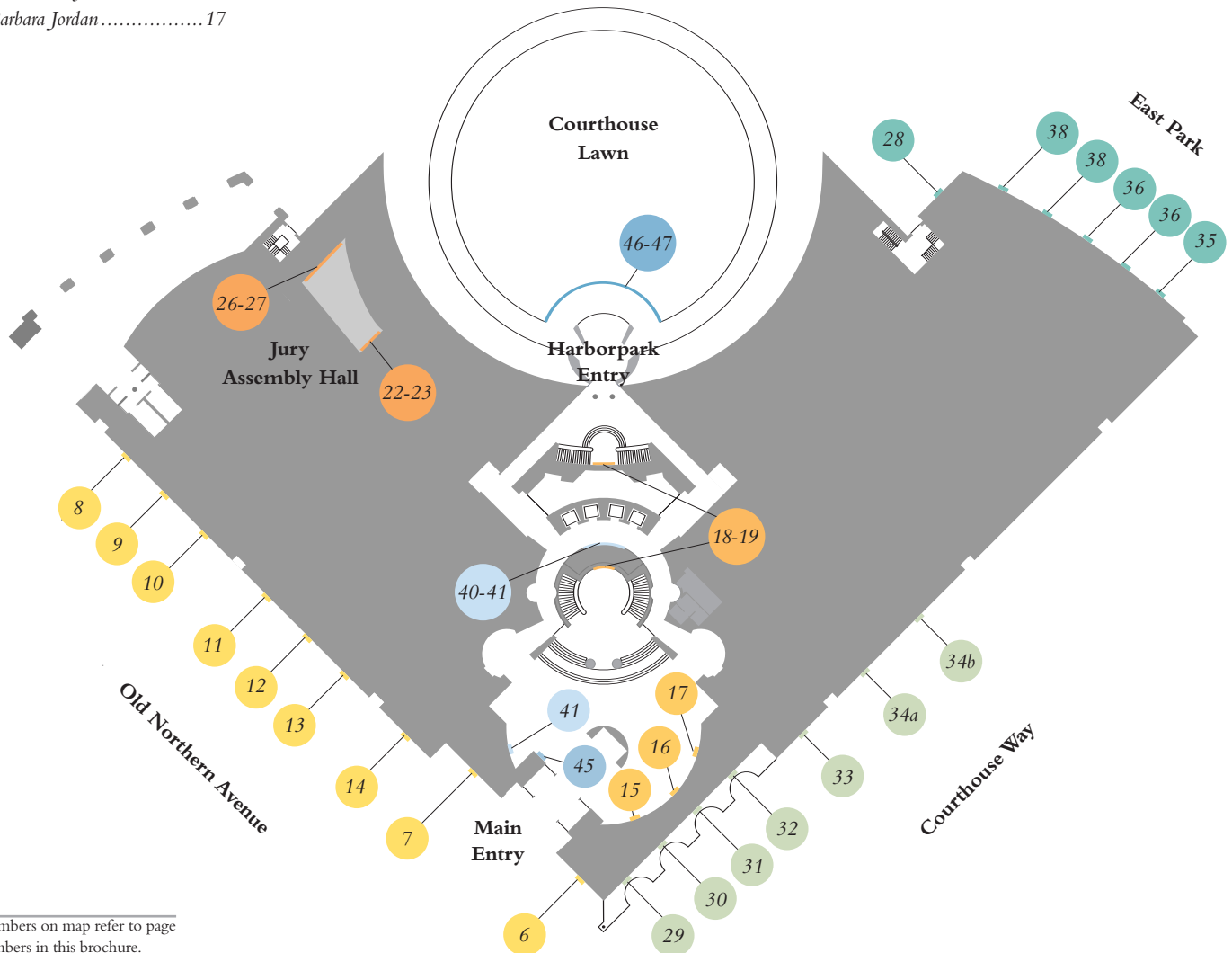
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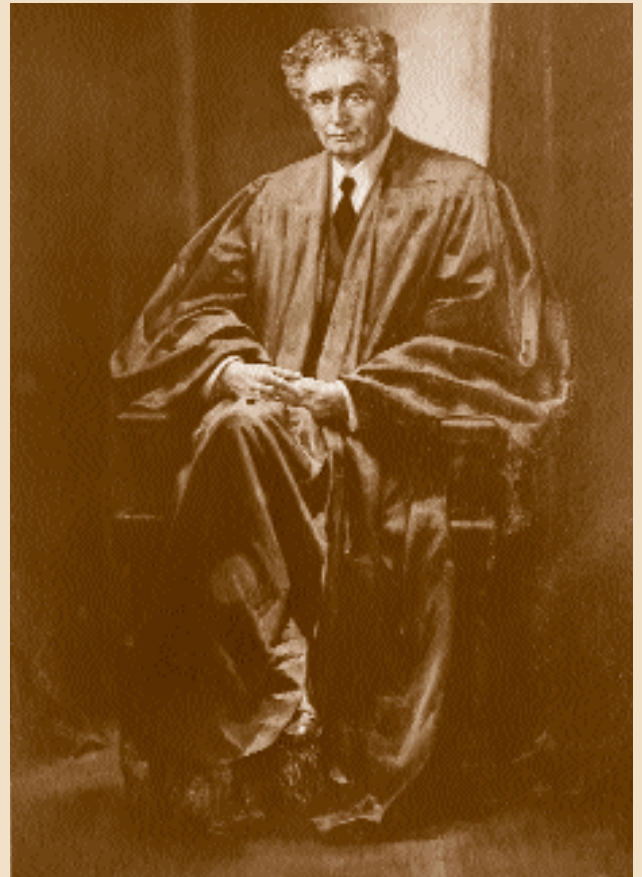
*Jury Assembly Hall Inscriptions —
Louis D. Brandeis*

THOSE WHO WON OUR INDEPENDENCE BELIEVED THAT THE FINAL END OF THE STATE WAS TO MAKE MEN FREE TO DEVELOP THEIR FACULTIES; AND THAT IN ITS GOVERNMENT THE DELIBERATIVE FORCES SHOULD PREVAIL OVER THE ARBITRARY.

THEY VALUED LIBERTY BOTH AS AN END AND AS A MEANS. THEY BELIEVED LIBERTY TO BE THE SECRET OF HAPPINESS AND COURAGE TO BE THE SECRET OF LIBERTY.

THEY BELIEVED THAT FREEDOM TO THINK AS YOU WILL AND TO SPEAK AS YOU THINK ARE MEANS INDISPENSABLE TO THE DISCOVERY AND SPREAD OF POLITICAL TRUTH;

THAT WITHOUT FREE SPEECH AND ASSEMBLY DISCUSSION WOULD BE FUTILE; THAT WITH THEM, DISCUSSION AFFORDS ORDINARILY ADEQUATE PROTECTION AGAINST THE DISSEMINATION OF NOXIOUS DOCTRINE;



*Detail of oil painting of Justice Brandeis by Eben F. Comins
Courtesy of Art & Visual Materials, Special Collections Department,
Harvard Law School Library*

THAT THE GREATEST MENACE TO FREEDOM IS AN INERT PEOPLE; THAT PUBLIC DISCUSSION IS A POLITICAL DUTY AND THAT THIS SHOULD BE A FUNDAMENTAL PRINCIPLE OF THE AMERICAN GOVERNMENT.

LOUIS D. BRANDEIS 1927

Abigail Adams

(Left) John Adams maintained a lively correspondence with his wife Abigail throughout the period they were separated while he attended to his work on the business of the new nation. He consulted with her on all manner of issues and consequently sent her a copy of the Declaration of Independence after it was completed the week of July 4, 1776.

In the passage from the letter inscribed on this tablet, Abigail Adams reflects upon the importance of a firm foundation to assure a sound government. Her prayer for such a durable basis to the nation's political structure has largely been realized through the basic documents of American political life: the Declaration of Independence, the Constitution of the United States, and the constitutions of the several states.

The Declaration of Independence

(Right) The colonists who met in Philadelphia in 1776 to declare their independence from the British Crown felt obligated to explain what they were doing. The drafting of their Declaration was delegated to a committee comprised of Thomas Jefferson together with John Adams, Benjamin Franklin, Robert R. Livingston, and Roger Sherman. Jefferson prepared the original draft, which was reviewed by the committee before it was presented to Congress on June 28, where revisions were made before its final adoption on July 4.

The passage inscribed on this tablet is from the second paragraph of the Declaration. It sets forth the fundamental principles of American government: equality, unalienable rights, and a government whose authority depends on the consent of those governed.

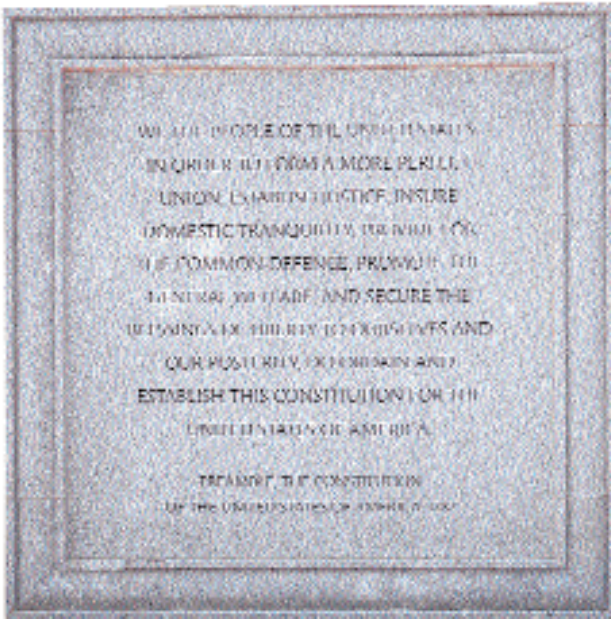
WE HOLD THESE TRUTHS TO BE SELF EVIDENT THAT ALL MEN ARE CREATED EQUAL THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS THAT AMONG THESE ARE LIFE LIBERTY AND THE PURSUIT OF HAPPINESS THAT TO SECURE THESE RIGHTS GOVERNMENTS ARE INSTITUTED AMONG MEN DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED

THE DECLARATION OF INDEPENDENCE 1776

The Constitution: The Preamble

(Left) The drafters of the Constitution of the United States understood that an overview—or preamble—should set forth succinctly, but eloquently, the purposes of the organizing document for the new nation. The full preamble to the Constitution is inscribed on this tablet.

The preamble begins with an identification of the authors as “We the People,” emphasizing the full engagement of all members of the community in the process of creating the new government. After noting the need to improve upon the national government created under the Articles of Confederation and to create “a more perfect union” of the states, the preamble announces the first goal of the new Constitution to be that of establishing justice.



The First Amendment

(Right) The First Amendment of the Constitution, which is inscribed on this tablet, sets forth the rights of the people to gather together, to exercise freedom of speech, and to be free from the constraints of an established religion. At the core of the First Amendment is the right of the people to assemble peaceably and seek from their government a response to their needs and concerns.

The First Amendment, as with all of the first ten amendments to the Constitution—known collectively as the Bill of Rights—was a direct response to the desire on the part of the states that ratified the original Constitution to make explicit the rights of the people secured against the federal government.



The Fourteenth Amendment

(Left) Immediately following the Civil War, the Reconstruction Congress sought to realign the relations of the individual states to the federal government. The Fourteenth Amendment to the Constitution, a portion of which is inscribed on this tablet, fundamentally altered the balance of power between the states and the national government.

The states became expressly obligated by the federal government to provide due process whenever they undertook to deprive a person of life, liberty, or property. The states were similarly required to provide equal protection of the law to any person within their jurisdiction. Over the years, many of the rights secured against the federal government by the first ten amendments to the Constitution were incorporated into the requirements the Fourteenth Amendment imposed upon the states.

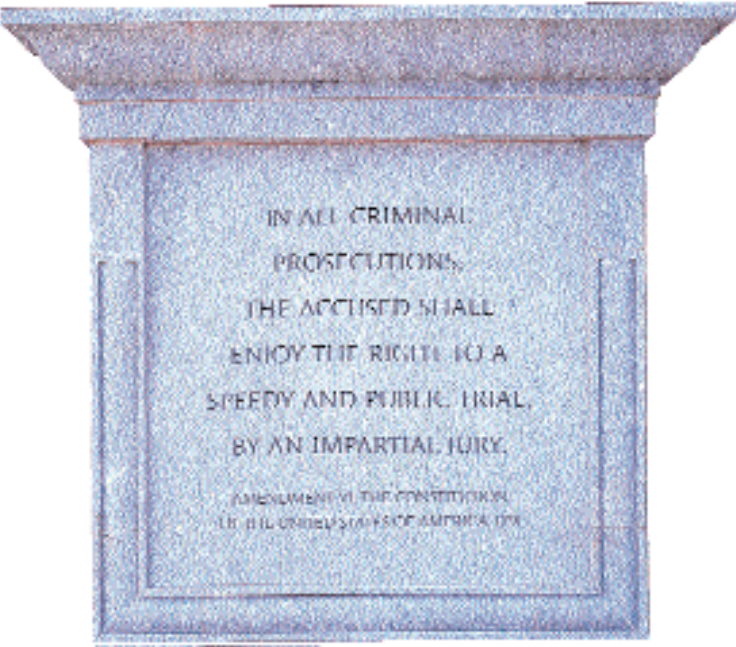


The Fourth Amendment

(Right) The right of privacy is protected by the Fourth Amendment to the United States Constitution. This limits the ability of the government to engage in searches and seizures. The Fourth Amendment, a portion of which is inscribed on this tablet, requires that any search be reasonable. In a separate section, the obligations of the government in obtaining a search or seizure warrant are described.

These protections were among the most important for which the American Revolution was fought. The ability of the British Crown to obtain general warrants for searches had constituted a fundamental concern for the American colonists. When, shortly after the adoption of the Constitution, they came to draft their Bill of Rights, they made sure to provide explicit protections against such arbitrary government power through this addition to the Constitution.

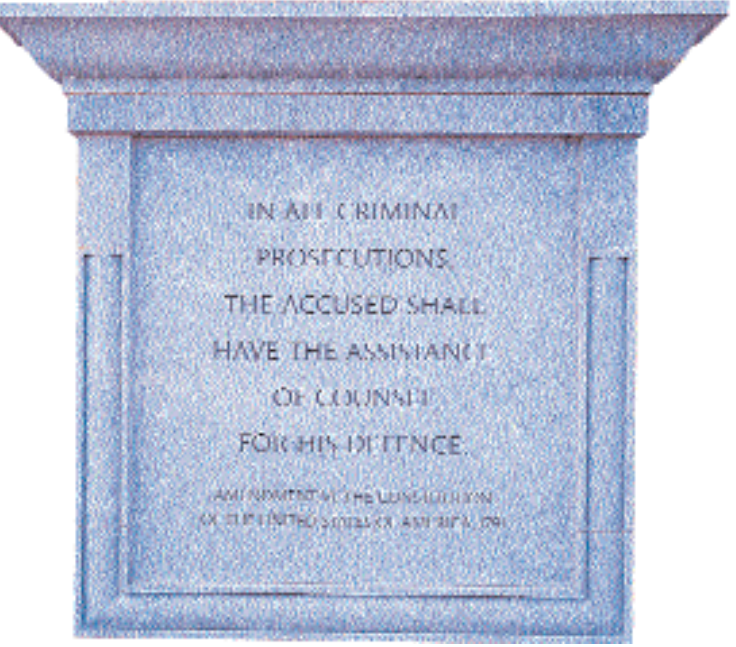




IN ALL CRIMINAL
PROSECUTIONS,
THE ACCUSED SHALL
ENJOY THE RIGHT TO A
SPEEDY AND PUBLIC TRIAL,
BY AN IMPARTIAL JURY.
AMENDMENT VI THE CONSTITUTION
OF THE UNITED STATES OF AMERICA, 1791

The Sixth Amendment

(Above and below) The Sixth Amendment to the Constitution provides protections for persons accused of crime. Those protections are designed to ensure a fair, open, and prompt disposition of any criminal charge



IN ALL CRIMINAL
PROSECUTIONS,
THE ACCUSED SHALL
HAVE THE ASSISTANCE
OF COUNSEL
FOR HIS DEFENSE.
AMENDMENT VI THE CONSTITUTION
OF THE UNITED STATES OF AMERICA, 1791




THE DEMOCRATIC SYSTEM OF
GOVERNMENT IS ONE IN WHICH
THE WILL OF THE PEOPLE IS THE SOURCE
OF PUBLIC POWER, THE POLITICAL
ORDER IS SUBORDINATE TO
THE RIGHTS OF MAN, AND THE FREE
PARTICIPATION OF THE PEOPLE IN
COLLECTIVE DECISIONS IS ASSURED.
1952

The Constitution of Puerto Rico

In 1915, Congress gave the United States Court of Appeals for the First Circuit, headquartered in Boston, jurisdiction over certain appeals from what was then the Territory of Puerto Rico. In 1952, the people of Puerto Rico enacted a constitution and organized their own government. Their constitution transformed Puerto Rico from a United States territory into a commonwealth. In the passage from the constitution's preamble inscribed on this tablet, the basic principles of popular sovereignty, individual rights, and participatory government that lie at the center of the democratic system are declared fundamental to the government of Puerto Rico.

The Constitution of Rhode Island

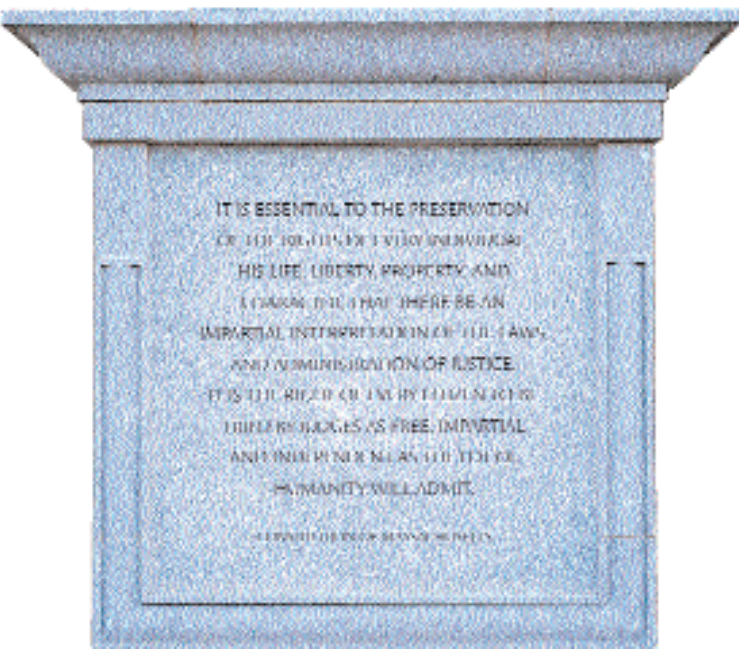
In 1790, Rhode Island became the last of the original thirteen states to ratify the Constitution of the United States. Once it joined the union, its federal courts were assigned to what became the First Circuit. The passage inscribed on this tablet is excerpted from Section 2 of Rhode Island's Declaration of Certain Constitutional Rights and Principles. It recognizes that the obligation of government to secure the common good and to allocate equitably the obligations of the state form the foundation of the government of Rhode Island.



ALL THE GOVERNMENTS
ARE INSTITUTED FOR THE PROTECTION
OF THE LIFE, LIBERTY AND HAPPINESS OF THE PEOPLE
AND ALL LAWS THEREFORE, WHICH ARE
MADE FOR THE GOOD OF THE WHOLE
AND THE BURDEN OF THE STATE
OUGHT TO BE FAIRLY DISTRIBUTED
AMONG ITS CITIZENS.
DECLARATION OF CERTAIN RIGHTS AND PRINCIPLES

The Constitution of Massachusetts


When Massachusetts prepared its post-revolutionary constitution in 1780, the first part of the document was the Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts. The Massachusetts constitution treats the impartial interpretation of the laws by an independent judiciary as essential to the rights of its people. The emphasis of the Massachusetts constitution on an impartial and independent judiciary became a model for the federal Constitution, which was ratified by Massachusetts in 1788. In 1789, Massachusetts became one of the initial jurisdictions within what became the First Circuit of the United States courts.



IT IS ESSENTIAL TO THE PRESERVATION
OF THE JUSTICE, LIBERTY AND PROPERTY
OF THE PEOPLE THAT THERE BE AN
IMPARTIAL INTERPRETATION OF THE LAWS
AND ADMINISTRATION OF JUSTICE
IT IS THE RIGHT OF THE PEOPLE TO
ELECT FREE, IMPARTIAL
AND INDEPENDENT JUDGES
WHICH ALL MANKIND WILL ADMIT.
DECLARATION OF RIGHTS

The Constitution of New Hampshire

The New Hampshire Bill of Rights, enacted in 1784, contains the passage inscribed on this tablet. The several virtues the drafters of the New Hampshire constitution believed to be necessary for good government are described. In 1788, New Hampshire became the ninth state to ratify the United States Constitution. Because the Constitution became effective upon the acceptance by nine states, New Hampshire's vote was the final one needed for ratification. New Hampshire has been a member of what has become the First Circuit since the First Judiciary Act of 1789.




A BILL OF RIGHTS
TO THE FUNDAMENTAL PRINCIPLES OF
THE CONSTITUTION, AND A CONSTANT
ADHERENCE TO JUSTICE, MODERATION,
TEMPERANCE, INDUSTRY, FRUGALITY,
AND ALL THE SOCIAL VIRTUES,
ARE INDISPENSIBLY NECESSARY
TO PRESERVE THE BLESSINGS OF LIBERTY
AND GOOD GOVERNMENT.

AS PASSED BY THE REPRESENTATIVE ASSEMBLY
IN 1784

The Constitution of Maine

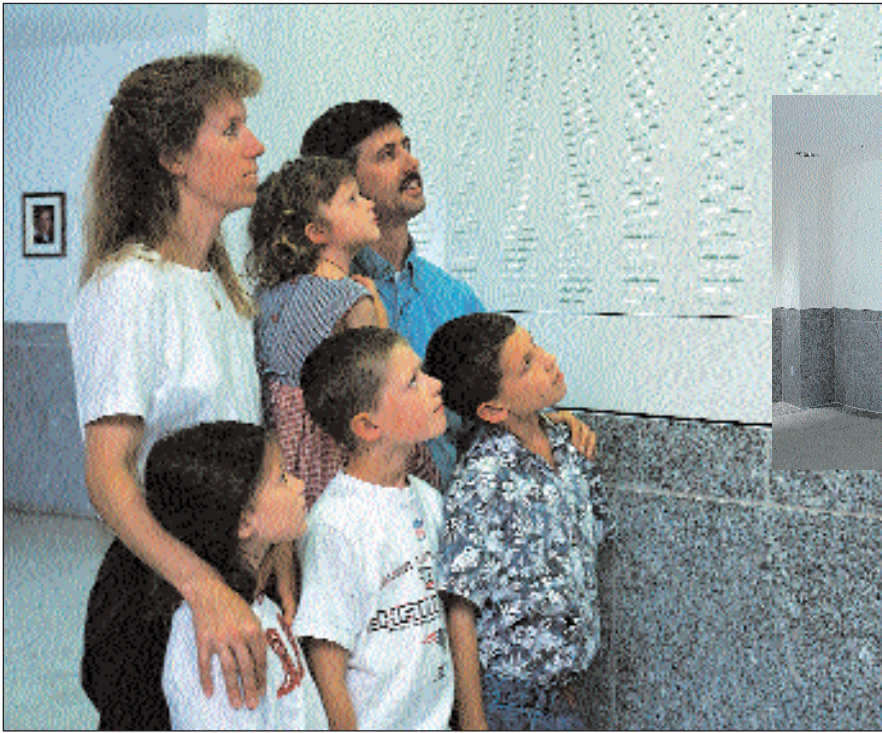
When the Constitution of the United States was ratified, Maine was a part of Massachusetts, but it became a separate state in 1820 when the voters of the district of Maine supported separation from Massachusetts. It immediately joined the First Circuit of the United States courts when it elected statehood.

In this passage, which was enacted—in slightly different form—in the original Constitution of Maine as an element of its Declaration of Rights, Maine emphasizes the ideal of open courts accessible to all persons and providing justice without corruption or delay.



EVERY PERSON WHOAN INJURY
IN LIBERTY OR IN THE PERSON OR
THE PERMANENT INTELLECTUAL PROPERTY
OR IMMEDIATELY SHALL HAVE REMEDY
IN THE COURSE OF LAW AND THAT
A JUDICIAL OFFICE SHALL BE ALMINISHED TO
TRIPPLY AND WITHOUT DELAY
COMPLETELY AND WITHOUT DELAY
PROMPTLY AND WITHOUT DELAY.

CONSTITUTIONAL MAIN



The registry embodies a permanent recognition of all those who, through their art and craft, have provided tangible evidence of the proposition presented by Daniel Webster in his reflection on the life and work of a great federal judge from Massachusetts.

Daniel Webster and the Registry of Designers and Builders

When Joseph Story, the great Justice of the Supreme Court of the United States from Massachusetts, died in 1845, United States Senator Daniel Webster, then leader of the Massachusetts bar, was called upon to deliver memorial remarks. The final tablet that a visitor to the courthouse encounters before leaving the building through the main doors to Old Northern Avenue is inscribed with Webster's famous description of justice as "the great interest of man on earth," which is excerpted from his memorial speech.

That speech also employed the metaphor of construction and architecture as descriptive of the law. Webster contended that those involved in building the structure of the law connect "with that which is and must be as durable as the frame of human history." Webster's metaphor is presented above a registry of designers and builders, which is located at the very core of the courthouse, across from the elevators on the first floor. The names of the more than 2,500 people who worked to construct this building are presented in raised lettering on that registry.





Congressman John Joseph Moakley speaking at the Dedication Ceremony, April 18, 2001.

Dedication of the John Joseph Moakley United States Courthouse

When President George W. Bush made the legislation naming this building the John Joseph Moakley United States Courthouse the occasion for his first Rose Garden signing ceremony, Congressman Moakley responded with a graceful speech observing that it was a great honor to have the building named after him. The congressman, for once, had it only half right. To be sure, it is an honor to have the building named after him; but it is equally an honor for this building to bear his name.

One way to understand why that is so is to quote from a letter that Justice Stephen G. Breyer sent to Congressman Moakley. Justice Breyer writes of remembering

not just your dedication and effectiveness in seeing that the courthouse was built, but also your original vision. You wanted a courthouse that both would work for the judges and the judicial system and also would serve the community in which it was built. You wanted it to be a catalyst for the economic development of the area and you wanted it to belong not just to the judges or to the lawyers, but to the entire Boston community.

I hope and believe the courthouse does carry out that vision, for it is both a symbol of justice and an important practical example of how our government can and should involve, belong to, and help the people whom it is meant to serve. That, it seems to me, is what you always have stood for throughout your life of public service.

This courthouse in this location carries out, as Justice Breyer writes, Congressman Moakley's original vision. Even more fundamentally, this building aspires to the values of public service embodied in the congressman's life.

When we began the design of this building, we tried to explain to the architect, Henry N. Cobb, why courts were distinctive governmental bodies. A court well run, we told him, attempts to provide a citizen with a high public official who is prepared to spend as much time as is necessary to resolve that citizen's dispute fairly. At its foundation, this represents government conducted on a person-to-person level. For people not directly engaged, these disputes may often seem to present trivial controversies. But I can assure you that there is nothing trivial about them for those who are involved; the judge who fails to recognize that is a judge who fails to do justice.

Person-to-person government is precisely what Joe Moakley has always been about. Everyone who ever served on Joe Moakley's staff talks about his passion for case work. They frequently evoke the image of him "on the phone urging someone to get Mrs. O'Leary her Social Security check." The ultimate measure of a democratic government's effectiveness—whether in the courts or through a legislator's attention to constituent service—is the willingness and ability to provide every person with a sympathetic hearing and a fair shake.

And from these seemingly trivial matters are constructed, brick by brick, larger lessons about our democratic life. They are the lessons that caused our architect to choose brick as the predominant material for this building. As a biographer of the

founder of the congressman's political party wrote in explaining why Thomas Jefferson designed Monticello and the University of Virginia in brick, it is "the common building material from which a democratic quality emerges; it is capable of assuming noble proportions and intentions, yet it is plain and honest."

The spirit of Joe Moakley is imbedded in the brick of this building, and with the naming that presence has become manifest. His name has been hand carved at the front door under the supervision of John Benson, the master craftsman who executed all the carvings for this structure.

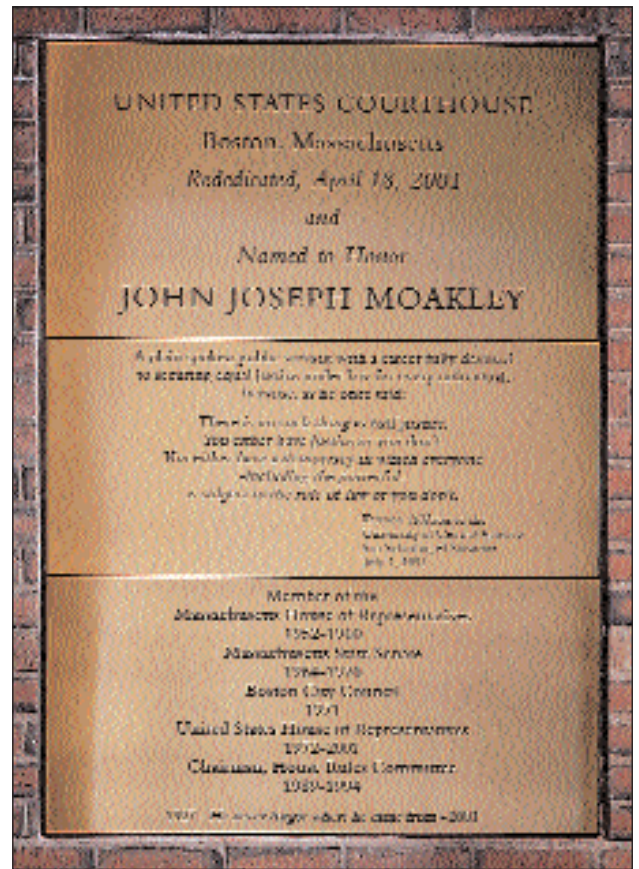
And to understand how the brick of this building embodies Joe Moakley's spirit, you should also look closely at the plaque inset in the brick of the arch at the front door.

Carved in that plaque is a quotation that captures plainly and honestly the noble proportions and intentions of Congressman Moakley's career. It comes from a speech that he gave at the University of Central America, in El Salvador, about the rule of law and democracy and justice, in which he held the highest officials of that ravished nation to institutional responsibility. "There is no such thing as half justice," he said. "You either have justice or you don't. You either have a democracy in which everyone—including the powerful—is subject to the rule of the law, or you don't."

That quotation enters into the conversation among the inscriptions that John Benson has carved throughout this building. In particular, it reflects application of the principle stated by Justice Louis D. Brandeis in the quotation encountered at the main staircase stairs on the other side of the entrance hall: "Justice Is But Truth in Action."

I suspect that Justice Brandeis would understand that there was more to Congressman Moakley's speech that day nearly a decade ago in El Salvador than what we had space to capture on the plaque. Confronting a recalcitrant military who attempted to cover up their murder of six Jesuit priests, a housekeeper, and her daughter, Joe Moakley went on to echo Justice Brandeis and tell them, "Truth is not the enemy... Without the truth ... government cannot lay claim to truly democratic institutions."

That approach is all that a courthouse can aspire to stand for. I can think of no higher honor for a courthouse than to be named after a man whose public service has embodied the search for equal justice under law for all, whether it is Mrs. O'Leary looking to receive her Social Security check on a timely basis or General René Emilio Ponce being held to responsibility for the misdeeds of the powerful institution he



When Congressman Moakley died on Memorial Day, May 28, 2001, a local television station aired an interview of him conducted just before the Courthouse Dedication Ceremony, barely a month earlier. Asked what words he hoped to see on the dedication plaque memorializing the naming of the courthouse after him, Congressman Moakley responded: "He never forgot where he came from."

commanded. To be true to its name, such a courthouse must be—as Congressman Moakley has been throughout his life—committed to offering a sympathetic hearing, providing a fair shake, and speaking truth to power. It is the responsibility of those of us fortunate enough to work in this building to maintain that commitment.

—Judge Douglas P. Woodlock

from his remarks at the dedication ceremony of the John Joseph Moakley United States Courthouse, April 18, 2001



Harborpark

In 1991, when the Fan Pier site was selected for the new Federal Courthouse in Boston and the design began, Stephen Breyer—then Chief Judge of the United States Court of Appeals for the First Circuit and elevated to the Supreme Court of the United States in 1994—began the planning process by identifying the true beneficiaries of

the project. *This most beautiful site in Boston does not belong to the judges, it does not belong to the lawyers, it does not belong to the federal government, Breyer said. It belongs to the public.* This description of the ultimate ownership of the site has been inscribed on the granite border between the courthouse and the lawn of the public Harborpark.

DISCOVERING JUSTICE
James D. St. Clair
Court Public Education
Project

John Joseph Moakley
United States Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

