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The U.S. Constitution
A National Historic Landmark
Theme Study

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SUPREME COURT OF THE UNITED STATES

1986

THE U.S. CONSTITUTION

A NATIONAL HISTORIC LANDMARK THEME STUDY

BY

DR. HARRY A. BUTOWSKY

NATIONAL PARK SERVICE

DEPARTMENT OF THE INTERIOR

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THE U.S. CONSTITUTION NATIONAL HISTORIC LANDMARK THEME STUDY

INTRODUCTION

On March 13, 1984, Chief Justice Warren Burger, Mr. Howard Westwood, senior partner of the law firm of Covington and Burling, and Edwin C. Bearss, Chief Historian of the National Park Service, met in Washington, DC, to discuss a proposed National Historic Landmark Theme Study of the Constitution of the United States as part of the commemoration of the Bicentennial of the Constitution to be celebrated in 1987. At this meeting the participants agreed that the purpose of the study was to identify sites associated with the Supreme Court's landmark decisions that have resulted in the growth of the Constitution and have had such a tremendous effect on our Nation, particularly in defining the powers of the branches of the federal government and the rights and responsibilities of the states and the people. The study was also to identify and recognize sites associated with the giants of the court.

At the suggestion of Chief Justice Burger, an additional meeting was held with Dr. Mark W. Cannon, Administrative Assistant to the Chief Justice, Dr. David O'Brien, Visiting Scholar at the court and Professor at the University of Virginia, Dr. Maeva Marcus, editor of the multi-volume documentary series on the early court, Mr. Jim Charleton, National Park Service Historian, and Mr. Bearss, on March 30, 1984, to examine the proposed Constitution Theme Study in greater detail.

At this meeting the participants recognized a number of potential problems that confronted the study. These problems included:

(1) A wide diversity of opinion concerning what were the most significant cases.

(2) The National Historic Landmark practice of excluding from consideration events that have occurred within the past 50 years which would rule out a number of significant cases.

(3) The fact that many sites potentially associated with significant cases such as Ernesto Miranda's house in Phoenix, Arizona, Miranda v. Arizona, 384 U.S. 436 (1966), have only marginal value as evidence of significant aspects of those cases.

In order to begin the study and to resolve the issue of the selection of the appropriate cases, Mr. William H. Allen of Covington and Burling, and one time law clerk to Chief Justice Earl Warren, was asked to prepare a list of cases for consideration in the theme study.

In his memorandum dated January 9, 1985, "Cases Construing the Constitution," Mr. Allen recognized the following points:

(1) No selection of cases can possibly encompass the entire Constitution.

(2) The selection of cases should not be dependent on the previous identification of a site associated with the case or the survival of a site known to be associated with a case.

(3) Cases such as Dred Scott v. Sandford, 19 Howard 393 (1857), while not significant to a lawyer, even as a step in the historical development of doctrine, may be highly significant to an historian.

(4) There should be no arbitrary temporal standards, but cases decided within the last 10 to 30 years have to be considered with special care before they are selected to be sure that the conclusions drawn from these cases are not dated by changing case law and perspective within the next few years.

In his memorandum Mr. Allen selected 123 cases that reflect a wide body of opinion regarding what is significant. His criteria for selection included the following:

(1) Cases that would be on everyone's list.
(2) Cases for which there is a large if not complete consensus in the scholarly community.
(3) Cases that illustrate a particular constitutional point.
(4) Cases that best represent a line of constitutional doctrine.
(5) Cases that are historically significant.
(6) Cases whose doctrinal future may be in doubt but which ruled for a period of time.
(7) Cases that were significant but were subsequently overruled.

All of the cases suggested by Mr. Allen were examined as part of the theme study and are addressed in the section of this report titled: SELECTED CONSTITUTIONAL DECISIONS AND OTHER SITES.

ADDITIONAL CASES AND SITES

In August 1985 I was assigned the Constitution Theme Study for completion. After my review of Mr. Allen's list I decided to add a number of cases that were of historical significance, although not necessarily significant in terms of current case law. Some examples of these cases are given below:

(1) Worcester v. Georgia, 6 Peters 515 (1832)-- Marshall held that the Cherokee nation was a distinct political community within which "the laws of Georgia can have no force...."

(2) United States v. Gettysburg Electric Railway Company, 160 U.S. 668 (1896)-- Supreme Court affirmed the constitutionality of acquiring private property for Gettysburg National Park and established the principle that the preservation of nationally important historic sites and buildings is a legitimate purpose of the Government of the United States.

(3) Delima v. Bidwell, 182 U.S. 1 (1901); Downes v. Bidwell, 184 U.S. 244 (1901)-- Supreme Court held that the Constitution protected the inhabitants of colonial territories in their basic civil rights, but did not confer citizenship on them.

(4) Northern Securities Company et al. v. United States 193 U.S 197 (1904)-- First action under the Sherman Anti-Trust Act upheld by the Court. Created a moral climate that permitted government to control the actions of business.

(5) Lane v. Wilson, 307 U.S. 268 (1939)-- Oklahoma's law perpetually disenfranchising black voters who failed to register between April 30, 1916, and May 11, 1916, is ruled unconstitutional.

In addition to examining cases, I investigated sites associated with the signers of the Constitution not already designated as National Historic Landmarks, justices of the Supreme Court and other courts, famous lawyers and scholars of the Constitution, and sites associated with significant events in the history of the Constitution. A list of these additional sites is contained in the section titled: SELECTED CONSTITUTIONAL DECISIONS AND OTHER SITES.

As a result of this effort I determined that 165 existing National Historic Landmarks and units of the National Park System (NPSy) already illustrate the history of the Constitution. These sites are described in the section of this report titled: EXISTING NATIONAL HISTORIC LANDMARKS AND UNITS OF THE NATIONAL PARK SYSTEM (NPSy) THAT REFLECT ONE OR MORE AREAS OF CONSTITUTIONAL HISTORY.

For the 155 new cases and sites examined I discovered the following:

I

Many famous cases are represented today by no surviving property. Examples of this class include:

Charles River Bridge v. Warren Bridge, 11 Peters 420 (1837)-- Court ruled that grants by state legislatures may not be construed as exclusive unless they specifically state so. (Both of these bridges are no longer extant.)

II

In some cases the primary property associated with the facts of the case was no longer extant but an existing National Historic Landmark could represent the case.

McCullough v. Maryland, 4 Wheaton 316 (1819)-- Congress has the power, as necessary and proper to carry out its express powers, to incorporate the Bank of the United States.

Sites:

(a) The Baltimore Branch of the Second Bank of the United States occupied the second floor of a two-story building in the historic financial and business center of Baltimore. Its precise address is unknown. Since this area was leveled by a fire in 1904 it is unlikely that the building survives. A search of the records of the Maryland Historical Trust and the Baltimore Commission for Historical and Architectural Preservation failed to yield any information about this structure.

(b) Andalusia (Nicholas Biddle Estate), 1.4 miles north of Philadelphia on State Road, Bucks County, Pennsylvania, 1794; 1834 Thomas U. Walter-- Residence of Nicholas Biddle, head of the Second Bank of the United States, famous as President Jackson's opponent in the struggle to recharter the Bank. To the original house, whose north front is an outstanding example of the Regency style in the U.S., he added a wing modeled on Greek temples. (National Historic Landmark.)

III

Many cases have surviving property associated with the facts of the case but the property no longer possesses sufficient integrity to warrant designation.

Crandall v. Nevada, 6 Wallace 35 (1867)-- Capitation tax on interstate passengers is ruled unconstitutional.

Site: St. Charles Hotel--Muller's Hotel (Pony Express Hotel), South Carson Street, Carson City, Nevada (National Register Property).

The St. Charles Hotel housed the Pioneer Stage Coach Company. Mr. Crandall worked for the Pioneer Stage Coach Company and had his office in the building. The property has been severely mutilated over the years and lacks integrity. Alterations include but are not limited to the following: removal of the one-story porch, alteration of the sills of the second floor windows, application of stucco in 1930 and removal of stucco by sandblasting resulting in damage to softer brick exterior, removal of cornices, placement of a two-story, brick, shed-roofed addition to the rear, placement of a one-story concrete addition to two-story addition, and the alteration of the interior spaces of the lobby. (No integrity.)

IV

In some cases I was able to determine the appropriate site associated with the facts of the case but was not able to determine the location or survival of the structure.

Pollock v. Farmer's Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895)-- Income tax is ruled unconstitutional as a direct tax, not apportioned among the states by population, insofar as it reaches income from real or personal property.

Sites:

(a) Charles Pollock's Home, Boston, Massachusetts. (Unable to locate.)
(b) Farmers Loan and Trust Company, New York City. (Unable to locate.)

V

Some cases have surviving property but it was not practical to nominate this property for designation as a National Historic Landmark.

Fletcher v. Peck, 6 Cranch 87 (1810)-- The courts, and particularly the United States Supreme Court, in the exercise of their power and duty to apply the governing law, may declare state enactments unconstitutional.

Site: This case involved the disputed sale of 15,000 acres of land within a larger 500,000-acre tract. The location of this land is as follows: Mississippi River, where latitude 32 degrees 40 minutes north of the equator intersects same, running thence along the same parallel of latitude a due east course to the Tombigbee River, thence up the said Tombigbee to where the latitude of 32 degrees 43 minutes 52 seconds intersects the same, thence along the same parallel of latitude a due west course to the Mississippi; thence down the said river, to the place of beginning. (Site not appropriate for designation.)

VI

Some cases had surviving property but this property was not sufficiently associated with the facts of the case to warrant nomination.

Home Bldg. & Loan Ass'n v. Blaisdell, 290 U.S. 398 (1934)-- The contract clause does not invalidate a state mortgage moratorium law relieving homeowners of the threat of foreclosure.

Site: Vacant lot in Minneapolis, Minnesota, Lot Eight (8), Block Twenty (20), Wilson, Bill & Wagners addition to Minneapolis. (Property is not meaningful to the facts of the case.)

VII

Some cases were already represented by existing National Historic Landmarks.

Ex parte Milligan, Wallace 2 (1866)-- Martial law may not be constitutionally imposed where civil courts are open.

Sites:

(1) Davis (David) House, 1000 E. Monroe Street, Bloomington, Illinois--2-story Italian Villa-style brick mansion built for Associate Justice of the Supreme Court David Davis. He wrote the majority opinion in Ex parte Milligan (1866), restricting the right of military courts to try civilians. (National Historic Landmark.)

(2) Garfield (James A.) Home (Lawnfield), 1059 Mentor Avenue, Mentor, Ohio--Garfield represented Milligan in his defense before the Supreme Court in 1866. (National Historic Landmark and National Historic Site.)

VIII

There were some cases that exhibited a combination of some or all of the above situations.

Dartmouth College v. Woodward, 4 Wheaton 518 (1819)-- The contract clause bars legislative impairment of corporate charter.

Sites:

(1) Woodward-Lord House, 16 North Park Street, Hanover, New Hampshire--The Woodward-Lord House was built in 1802 by William H. Woodward, a lawyer and grandson of Eleazar Wheelock (the first President of Dartmouth College), in anticipation of his marriage. Woodward was both the secretary and treasurer of Dartmouth College and a participant in the Dartmouth College Case. Woodward died in 1818, before the resolution of the case. According to tradition the house was the meeting place on at least one occasion of the Board of Trustees of Dartmouth University. A search of records at Dartmouth College failed to yield any documentation to support this claim.

After the death of William Woodward his widow sold the house (1830) to Nathan Lord, President of Dartmouth College. In 1894 the house was sold to Dartmouth College for use as college administrative offices. Between 1911 and 1920 the house was empty. In 1920 the Woodward-Lord House was moved from its original location on the Dartmouth Mall to 41 College Street in Hanover. In 1927 the house was sold to Professor Arthur Fairbanks whose wife was the granddaughter of President Lord. In 1944 Mary Fairbanks (daughter of Arthur Fairbanks) gave the house to the college. In the 1960s the house was moved to its present location at 16 North Park Street. Over the years the Woodward Lord House has been completely remodeled and changed to meet the needs of its various owners. These changes include the enlargement of the entranceway into the living room, the attachment of an ell at the rear of the house for use as a kitchen, the cutting of a door in the back wall to service the ell, addition of other doors and windows on the first floor not original to the house, subdivision of the second floor bedrooms with the addition of additional bedrooms, closets and bathrooms, addition of a classic style front porch, and the removal of original closets on both the first and second floors. The house is currently used for foreign student housing. (Moved; no integrity.)

(2) Dartmouth Hall, on the Dartmouth College Green, Hanover, New Hampshire--Dartmouth Hall is the replacement for the original Dartmouth Hall that burned in 1904. The original Dartmouth Hall was constructed from wood and is believed to have been designed by Bezaleel Woodward with the aid of plans by local carpenters. Dartmouth Hall burned again in 1935. With the exception of the use of brick rather than wood, and slightly wider proportions, and window

details, the exterior is almost an exact copy of the original. The floor plan has been radically changed with a large lecture hall replacing the original two-story chapel. (Replacement building.)

(3) Webster Cottage, 32 North Main Street, Hanover, New Hampshire-- The Webster Cottage was originally situated at the southeast corner of North Main Street and Webster Avenue. It was moved to Kiewit Street in 1928 and to its present location on North Main Street in 1967. Daniel Webster rented a room at the cottage between 1800 and 1801 while an undergraduate at Dartmouth College. A vestibule was added to the cottage sometime in the nineteenth century. The structure now serves as a house museum for the Hanover Historical Society. (Moved; not sufficiently associated with the facts of the case.)

(4) Wheelock House, 4 West Wheelock Street, Hanover, New Hampshire-- The Wheelock House was built in 1773 by President Eleazar Wheelock as his residence. After Eleazar Wheelock's death in 1779 the house passed to his son John, the new President of Dartmouth College. John Wheelock lived in the house until his death in 1817. Between 1837 and 1838 the Wheelock House was moved from its original location on East Wheelock Street to make way for the construction of Reed Hall. After 1846 the original gambrel roof was changed to the present steep A-roof, the entry was fancied up, and a side porch was added. In 1900 the house was extensively remodeled and used as the town library for Hanover. In 1912 brick library stacks were added to the rear.

The Wheelock House is now owned by the Institute of Current World Affairs and the interior spaces have been remodeled for office use. (Moved; no integrity; not sufficiently associated with the facts of the case.)

(5) Webster (Daniel) Family Home (The Elms), S. Main Street, W. Franklin, New Hampshire-- Used by Daniel Webster as a home, vacation retreat, and experimental farm. Gravesites of his parents and four brothers and sisters are located here. (National Historic Landmark.)

IX

There were some cases that upon review did not meet the test of national significance or were too recent to determine national significance.

Reynolds v. United States, 98 U.S. 145 (1878)-- Federal law making bigamy a crime in the territories may be applied to a Mormon claiming polygamy is a religious duty. (Not believed to be nationally significant.)

Wesberry v. Sanders, 376 U.S. 1 (1964)-- Art. I, Sec. 2, required that congressional districts be equal in population. (Too recent to determine national significance.)

X

Finally, there were those cases that were found to be too recent to determine national significance but should be reexamined in the future when the passage of time will permit a more realistic assessment of their significance.

Mapp v. Ohio, 367 U.S. 643 (1961)-- The exclusionary rule is applicable to the states.

Site: Dollree Mapp House, 14705 Milverton Road, Cleveland, Ohio

Too recent to determine national significance. Should be reexamined in the future.

XI

In addition to cases, other classes of sites were examined. Examples include:

(1) Constitutional sites not related to specific cases.

(a) Supreme Court Building, 1 First Street, NW, Washington, DC (Recommended for designation.)

(b) First Bank of the United States, Third Street, Philadelphia, Pennsylvania (Recommended for designation.)

(c) Second Bank of the United States, Chestnut Street, Philadelphia, Pennsylvania (Recommended for designation.)

(d) Blennerhassett Island, in Ohio River between Ohio and West Virginia-- Blennerhassett Island is the site of the Aaron Burr Conspiracy in 1806. Aaron Burr and Harman Blennerhassett used the island to stage a private military operation down the Mississippi for private gain. Burr was charged with treason for his role in this conspiracy and brought to trial in federal circuit court in Richmond, Va., where John Marshall, Chief Justice of the United States, presided. Burr was eventually acquitted for the case against him did not meet the terms of the Constitution's definition of treason. The island has shifted in the years since 1806 and has no integrity.

2. First Ratification of the U.S. Constitution

Site: Old State House, Dover, Delaware-- The Old State House was constructed from 1787 to 1792 on or near the site of the actual ratification of the Constitution by the State of Delaware on December 7, 1787. The actual location of the ratification site is uncertain. (National Register Property.)

3. Ratification of the U.S. Constitution by New Hampshire

Sites:

(a) North Meeting House, Concord, New Hampshire-- This was the site of the ratification of the U.S. Constitution by New Hampshire on June 18, 1788. The North Meeting House burned in 1870.

(b) Timothy Walker House and Store, 225 North Main Street, Concord, New Hampshire-- A search of the secondary literature has failed to document any connection between this structure and the ratification of the U.S. Constitution by New Hampshire. This may be the site of the first meeting of the state legislature of New Hampshire on March 13, 1782.

XII

Another category of sites examined involved individuals who were either signers of the Consitututions or who attended the Constitutional Convention. All of these sites had previously been considered for National Historic Landmark designation and had either been rejected or deferred. No new landmarks are recommended from this list. Some examples include:

(a) Richard Bassett--Signer of the Constitution

Site: 438 State Street, Dover, Delaware.

(b) John Blair--Signer of the Constitution and Associate Justice of the Supreme Court 1789-96.

Site: John Blair House, Duke of Gloucester Street near Nassau Street, Williamsburg, Virginia.

XIII

Finally, sites associated with famous individuals associated with the Supreme Court or the Constitution were examined. Some examples include:

1. Morrison R. Waite, Chief Justice of the United States, 1874-1888

Sites:

(a) 1415 I Street, Washington, DC. (Demolished.)
(b) 27 Lyme Street, Lyme, Connecticut. (Birthplace.)

I was unable to locate any surviving property from Toledo, Ohio, where Waite practiced law prior to 1874. I was not able to determine how long Waite lived at 27 Lyme Street. This house is listed on the National Register of Historic Places as part of the Old Lyme Historic District. There is no discussion of Waite or his association with the house in the National Register Form. The Old Lyme Historic District is listed as significant in the areas of Art and Architecture.

2. Judge Learned Hand, Federal Court of Appeals for the Second Circuit

Site: Townhouse, 142 E. 65th Street, New York, New York. (Demolished.)

3. John Marshall Harlan, Associate Justice of the Supreme Court, 1877-1911

Sites:

(a) Harlan's Station (James Harlan Stone House), Salt River Road, 5 miles west of Danville, Boyle County, Kentucky. (Birthplace ruins.)

(b) John Marshall Harlan House, 14th and Euclid Avenue, NW, Washington, DC. (Demolished.)

4. Melville W. Fuller, Chief Justice of the United States, 1888-1910

Site: Bacon House, 1801 F Street, Washington, DC. (No integrity.)

5. Roger B. Taney, Chief Justice of the United States, 1836-1864

Sites:

(a) Taney Place, Calvert County, Maryland-- The owner of this property is opposed to National Historic Landmark designation. (Birthplace.)

(b) 123 South Bentz Street, Frederick, Maryland-- This property has no important association with Taney. He never lived here but owned the house at one time.

SUMMARY

The Constitution National Historic Landmark Theme Study is organized into three sections. The first section contains the introductory essay and includes the result of the survey of 155 cases/sites studied in this effort. The second section contains the nominations of the five properties recommended for designation as a result of this search. These five properties are: The Supreme Court Building, Washington, DC; The First Bank of the United States, Philadelphia, Pennsylvania; The Second Bank of the United States, Philadelphia, Pennsylvania; The Sumner Elementary School, Topeka, Kansas; and The Pittsylvania County Courthouse, Chatham, Virginia. The third section contains a list of 165 existing National Historic Landmarks and units of the National Park System (NPSy) that are significant in one or more areas of the history of the Constitution. As a result of this survey virtually all sites related to the Constitution have been either identified, nominated, or excluded for some reason.

INTRODUCTORY ESSAY
SELECTED CONSTITUTIONAL DECISIONS AND OTHER SITES

NOMINATIONS

United States Supreme Court Building, Washington, DC
The First Bank Building, Philadelphia, Pennsylvania
The Second Bank Building, Philadelphia, Pennsylvania
The Pittsylvania County Courthouse, Chatham, Virginia
The Sumner Elementary School, Topeka, Kansas

Existing National Historic Landmarks and Units of the National Park System that Reflect One or More Areas of the History of the Constitution

SELECTED CONSTITUTIONAL DECISIONS AND OTHER SITES

I. JUDICIAL REVIEW OF THE CONSTITUTIONALITY OF STATUES

(1) Marbury v. Madison, 1 Cranch 137 (1803)-- The Courts, and particularly the United States Supreme Court, in the exercise of their power and duty to apply the governing law, may declare congressional enactments unconstitutional.

Site: William Marbury's House, 3350 M Street, Washington, DC-- William Marbury's House has been substantially modified since 1803. A new first floor with store front has been added; a new third floor has been added and the interior has been subdivided into apartments. The loss of integrity coupled with the fact that the house is not sufficiently associated with the facts of the case prevent its designation as a National Historic Landmark. (No integrity.)

(2) Fletcher v. Peck, 6 Cranch 87 (1810)-- The courts, and particularly the United States Supreme Court, in the exercise of their power and duty to apply the governing law, may declare state enactments unconstitutional.

Site: This case involved the disputed sale of 15,000 acres of land within a larger 500,000-acre tract. The location of this land is as follows: Mississippi River, where latitude 32 degrees 40 minutes north of the equator intersects same, running thence along the same parallel of latitude a due east course to the Tombigbee River, thence up the said Tombigbee to where the latitude of 32 degrees 43 minutes 52 seconds intersects the same, thence along the same parallel of latitude a due west course to the Mississippi; thence down the said river, to the place of beginning. (Site not appropriate for designation.)

(3) Martin v. Hunter's Lessee, 1 Wheaton 304 (1816)-- The United States Supreme Court may review and set aside state court judgments.

Sites:

(a) The Federal District Court Building in Winchester, Virginia. (Site not found.)
(b) Piece of land in the Northern Neck, Virginia. (Site not found.)

(4) Cohens v. Virginia, 6 Wheaton 264 (1821)-- Asserts Supreme Court's sweeping and definitive interpretation of its right of appellate jurisdiction over decisions of the highest state courts.

Sites:

(a) Cohens' House, Elizabeth River Parish, Norfolk, Virginia. (Site not found.)
(b) Courthouse in Norfolk, Virginia. (Not extant.)

(5) Charles River Bridge v. Warren Bridge, 11 Peters 420 (1837)-- Court ruled that grants by state legislatures might not be construed as exclusive unless they specifically state so. (Both of these bridges are no longer extant.)

II. CASES ARISING UNDER ARTICLE I

A. THE SELECTION, ELECTION, QUALIFICATIONS, AND PRIVILEGES OF THE MEMBERS OF THE TWO HOUSES

(6) Wesberry v. Sanders, 376 U.S. 1 (1964)-- Art. I, Sec. 2, required that congressional districts be equal in population. (Too recent to determine national significance.)

(7) Powell v. McCormack, 395 U.S. 486 (1969)-- The House may not exclude a person elected to the House who possesses the constitutional qualifications despite its power under Art. I, Sec. 2, to determine the qualifications of its members. (Too recent to determine national significance.)

B. CONGRESSIONAL INVESTIGATIONS

(8) McGrain v. Daughterty, 273 U.S. 135 (1927)-- Congress has power to investigate as an incident of its power to legislate, and to compel the testimony of private citizens in connection with its investigations. (No sites found.)

C. THE LEGISLATIVE PROCESS

(9) Immigration & Naturalization Service v. Chadha, 462 U.S. 919 (1983)-- Provisions for legislative veto of executive action, save by enactment of legislation, are unconstitutional. (Too recent to determine national significance.)

D. THE LEGISLATIVE POWERS OF CONGRESS

(1) IN GENERAL

(10) McCullough v. Maryland, 4 Wheaton 316 (1819)-- Congress has the power, as necessary and proper to carry out its express powers, to incorporate the Bank of the United States.

Sites:

(a) The Baltimore Branch of the Second Bank of the United States occupied the second floor of a two-story building in the historic financial and business center of Baltimore. Its precise address is unknown. Since this area was leveled by a fire in 1904 it is unlikely that the building survives. A search of the records of the Maryland Historical Trust and the Baltimore Commission for Historical and Architectural Preservation failed to yield any information about this structure.

(b) Andalusia (Nicholas Biddle Estate), 1.4 miles north of Philadelphia on State Road, Bucks County, Pennsylvania, 1794; 1834 Thomas U. Walter--Residence of Nicholas Biddle, head of the Second Bank of the United States, famous as President Jackson's opponent in the struggle to recharter the Bank.

To the original house, whose north front is an outstanding example of the Regency style in the U.S., he added a wing modeled on Greek temples. (National Historic Landmark.)

(2) DELEGATION OF CONGRESSIONAL POWER

(11) A. L. A. Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935)-- The National Industrial Recovery Act, giving the President "virtually unfettered" discretion to approve codes of fair competition, was an unconstitutional delegation of legislative power.

Sites:

(a) Schechter Live Poultry Market, 991 Rockaway Avenue, Brooklyn, New York (Demolished.)

(b) A.L.A. Schechter Poultry Corporation, 858 East 52nd Street, Brooklyn, New York. There is no building at 858 East 52nd Street today. The closest building to this site is 860 East 52nd Street.

(3) THE COMMERCE POWER

(12) Gibbons v. Ogden, 9 Wheaton 1 (1824)-- Chief Justice John Marshall defines the congressional power to regulate interstate commerce and, invalidating New York's grant of a steamboat monopoly, establishes that by its own force the commerce clause limits the power of the states to regulate interstate commerce.

The issue involved two steamboats Stoudinger and Bellona traveling between New York and Elizabethtown, New Jersey.

Unable to locate any appropriate site associated with the facts of this case.

(13) Champion v. Ames, 188 U.S. 321 (1903)-- Congress may prohibit the interstate transportation of lottery tickets.

Sites:

(a) Pan American Lottery Company in Dallas, County, Texas--1899. This company occupied many temporary locations in Dallas in its attempt to stay one jump ahead of the law. Some of these sites are listed below:

(1) Office Building, 385 Main Street, Dallas, Texas.
(2) McCloud Hotel, Dallas, Texas.
(3) Gill Building, 369 Elm Street, Dallas, Texas.
(4) Office Building, 371 Elm Street, Dallas, Texas.

Not suitable for designation.

(14) Shreveport Rate Case, 234 U.S. 342 (1914)-- Congress may authorize setting aside an intrastate railroad rate that burdens interstate commerce by discriminating against it.

Sites:

(a) Houston, East and West Railway Company.
(b) Houston and Shreveport Railway Company.
(c) Texas and Pacific Railway Company.

Unable to locate--not meaningful.

(15) Wickard v. Filburn, 317 U.S. 111 (1942)-- Congress can constitutionally provide for penalizing Mr. Roscoe E. Filburn for growing wheat to feed his own hogs.

Site: Roscoe E. Filburn's Farm, Montogomery County, Ohio.

The Filburn Farm is no longer extant. There are no surviving buildings.

(16) Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964)-- The commerce clause empowers Congress to forbid a local motel to discriminate against people on the basis of race, color, religion, or national origin. (Too recent to determine national significance.)

(4) THE TAXING AND SPENDING POWER

(17) United States v. Butler, 297 U.S. 1 (1936)-- The power to tax and spend for the general welfare is not limited by the list of express substantive powers.

Site: Hoosac Mills Corporation, New Bedford, Massachusetts; Taunton, Massachusetts; North Adams, Massachusetts. (Not meaningful to the facts of the case.)

(5) THE WAR POWER

(18) Woods v. Cloyd W. Miller Co., 333 U.S. 148 (1948)-- Congress may regulate rents even after the cessation of hostilities, pursuant to the war power. (Too recent to determine national significance.)

E. LIMITATIONS ON LEGISLATIVE POWER

(19) Pollock v. Farmer's Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895)-- Income tax is ruled unconstitutional as a direct tax, not apportioned among the states by population, insofar as it reaches income from real or personal property.

Sites:

(a) Charles Pollock's Home, Boston, Massachusetts.
(b) Farmers Loan and Trust Company, New York City.

Unable to locate.

(20) Ex parte Milligan, Wallace 2 (1866)-- Martial law may not be constitutionally imposed where civil courts are open.

Sites:

(a) Davis (David) House, 1000 E. Monroe Street, Bloomington, Illinois-- 2-story Italian Villa-style brick mansion built for Associate Justice of the Supreme Court David Davis. He wrote the majority opinion in Ex parte Milligan (1866), restricting the right of military courts to try civilians. (National Historic Landmark.)

(b) Garfield (James A.) Home (Lawnfield), 1059 Mentor Avenue, Mentor, Ohio-- Garfield represented Milligan in his defense before the Supreme Court in 1866. (National Historic Landmark and National Historic Site.)

(c) Milligan's Home, Indianapolis, Indiana. (Unable to locate.)

(21) Ex parte Garland, 4 Wallace 333 (1867)-- Requirement for admission to practice law in the federal courts of an oath that a lawyer had not taken part in the rebellion was invalid as a bill of attainder. (Unable to identify any site associated with this case.)

F. EXPRESS LIMITATIONS ON STATE POWER

(22) Dartmouth College v. Woodward, 4 Wheaton 518 (1819)-- The contract clause bars legislative impairment of corporate charter.

Sites:

(a) Woodward-Lord House, 16 North Park Street, Hanover, New Hampshire-- The Woodward-Lord House was built in 1802 by William H. Woodward, a lawyer and grandson of Eleazar Wheelock (the first President of Dartmouth College), in anticipation of his marriage. Woodward was both the secretary and treasurer of Dartmouth College and a participant in the Dartmouth College Case. Woodward died in 1818, before the resolution of the case. According to tradition the house was the meeting place on at least one occasion of the Board of Trustees of Dartmouth University. A search of records at Dartmouth College failed to yield any documentation to support this claim.

After the death of William Woodward his widow sold the house (1830) to Nathan Lord, President of Dartmouth College. In 1894 the house was sold to Dartmouth College for use as college administrative offices. Between 1911 and 1920 the house was empty. In 1920 the Woodward-Lord House was moved from its original location on the Dartmouth Mall to 41 College Street in Hanover. In 1927 the house was sold to Professor Arthur Fairbanks whose wife was the granddaughter of President Lord. In 1944 Mary Fairbanks (daughter of Arthur Fairbanks) gave the house to the college. In the 1960s the house was moved to its present location at 16 North Park Street.

Over the years the Woodward Lord House has been completely remodeled and changed to meet the needs of its various owners. These changes include the enlargement of the entranceway into the living room, the attachment of an ell at the rear of the house for use as a kitchen, the cutting of a door in the back wall to service the ell, addition of other doors and windows on the first floor nor original to the house, subdivision of the second floor bedrooms with the addition of additional bedrooms, closets and bathrooms, addition of a classic style front porch, and the removal of original closets on both the first and second floors. The house is currently used for foreign student housing. (Moved; no integrity.)

(b) Dartmouth Hall, on the Dartmouth College Green, Hanover, New Hampshire-- Dartmouth Hall is a replacement for the original Dartmouth Hall that burned in 1904. The original Dartmouth Hall was constructed from wood and is believed to have been designed by Bezaleel Woodward with the aid of plans by local carpenters. Dartmouth Hall burned again in 1935. With the exception of the use of brick rather than wood, and slightly wider proportions, and window details, the exterior is almost an exact copy of the original. The floor plan has been radically changed with a large lecture hall replacing the original two story chapel. (Replacement building.)

(c) Webster Cottage, 32 North Main Street, Hanover, New Hampshire-- The Webster Cottage was originally situated at the southeast corner of North Main Street and Webster Avenue. It was moved to Kiewit Street in 1928 and to its present location on North Main Street in 1967. Daniel Webster rented a room at the cottage between 1800 and 1801 while an undergraduate at Dartmouth College. A vestibule was added to the cottage sometime in the nineteenth century. The structure now serves as a house museum for the Hanover Historical Society. (Moved; not sufficiently associated with the facts of the case.)

(d) Wheelock House, 4 West Wheelock Street, Hanover, New Hampshire-- The Wheelock House was built in 1773 by President Eleazar Wheelock as his residence. After Eleazar Wheelock's death in 1779 the house passed to his son John, the new President of Dartmouth College. John Wheelock lived in the house until his death in 1817. Between 1837 and 1838 the Wheelock House was moved from its original location on East Wheelock Street to make way for the construction of Reed Hall. After 1846 the original gambrel roof was changed to the present steep A-roof, the entry was fancied up, and a side porch was added. In 1900 the house was extensively remodeled and used as the town library for Hanover. In 1912 brick library stacks were added to the rear. The Wheelock House is now owned by the Institute of Current World Affairs and the interior spaces have been remodeled for office use. (Moved; no integrity, not sufficiently associated with the facts of the case.)

(e) Webster (Daniel) Family Home (The Elms), S. Main Street, W. Franklin, New Hampshire-- Used by Daniel Webster as a home, vacation retreat, and experimental farm. Gravesites of his parents and four brothers and sisters are located here. (National Historic Landmark.)

(23) Home Bldg. & Loan Ass'n v. Blaisdell, 229 U.S. 398 (1934)-- The contract clause does not invalidate a state mortgage moratorium law relieving homeowners of the threat of foreclosure.

Site: Vacant lot in Minneapolis. (Property is not meaningful to the facts of the case.)

(24) Brown v. Maryland, 12 Wheaton 449 (1827)-- A license fee on importers violates the import-export and commerce clauses; "original package" doctrine expounded. (No site identified.)

(25) Michelin Tire Co. v. Wages, 423 U.S. 276 (1976)-- Non-discriminatory state property tax on imported goods is sustained, overruling Low v. Austin, which had established the rigid "original package" rule. (Too recent to determine national significance.).

G. IMPLIED LIMITATION OF STATE POWER

(1) THE COMMERCE CLAUSE

(26) Cooley v. Board of Wardens, 12 Howard 299 (1851)-- Subjects requiring national uniformity may be regulated only by Congress under the commerce clause, but states may regulate subjects of local concern even though in commerce.

The facts of this case involved a ship leaving Philadelphia engaged in interstate commerce. (No site identified.)

(27) Edwards v. California, 314 U.S. 160 (1941)-- A California law prohibiting bringing indigents into the state is invalid under the commerce clause. (Too recent to determine national significance.)

(28) Southern Pac. Co. v. Arizona, 325 U.S. 761 (1945)-- Arizona's law limiting the length of trains is invalid under the commerce clause because it burdens interstate commerce, trains longer than what Arizona allows being the rule in other states, and does not serve a serious safety purpose.

Site: Southern Packing Company, Arizona. (Too recent to determine national significance.)

(29) Pike v. Bruce Church, Inc., 397 U.S. 137 (1970)-- The commerce clause prevents Arizona from requiring that Arizona cantaloupes be packed in Arizona, thereby keeping a company from shipping cantaloupes to its California plant for packing; the opinion states the modern test case for consistency of state laws with the commerce clause, quoted in every subsequent case.

Sites:

(a) Bruce Church, Inc., cantaloupe farm in Parker, Arizona, located on the Colorado River Indian Agency Reservation, 6,400 acres.

(b) Bruce Church Packing Plant in Blythe, California.

Too recent to determine national significance.

(30) In re Raher, 140 U.S. 545 (1891)-- Congress can allow state regulation that the commerce clause, in absence of federal legislation, would prohibit, in this case the regulation of alcholic beverages. (No site identified.)

(31) McGoldrick v. Berwind-White Coal Mining Co., 309 U.S. 37 (1940)-- A state sales tax on sales in a state commodity that comes from out of the state is sustained as consistent with the commerce clause in the opinion of Mr. Justice Stone that reflects the modern approach to state taxation. (Too recent to determine national significance.)

(32) Northwestern States Portland Cement Co. v. Minnesota, 358 U.S. 450 (1958)-- An apportioned state income tax on the proceeds of interstate commerce is constitutional, consistent with the commerce clause. (Too recent to determine national significance.)

(33) Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977)-- A state tax on the privilege of doing businesss is constitutional, consistent with the commerce clause. (Too recent to determine national significance.)

(2) OTHER

(34) Crandall v. Nevada, 6 Wallace 35 (1867)-- Capitation tax on interstate passengers is ruled unconstitutional.

Site: St. Charles Hotel-Muller's Hotel (Pony Express Hotel), 302-304-310 South Carson Street, Carson City, Nevada. (National Register Property.)

The St. Charles Hotel housed the Pioneer Stage Coach Company. Mr. Crandall worked for the Pioneer Stage Coach Company and had his office in the building. The property has been severely mutilated over the years and lacks integrity. Alterations include but are not limited to the following: removal of the one-story porch, alteration of the sills of the second floor windows, application of stucco in 1930 and removal of stucco by sandblasting resulting in damage to softer brick exterior, removal of cornices, placement of a two-story, brick, shed-roofed addition to the rear, placement of a one-story concrete addition to two-story addition, and the alteration of the interior spaces of the lobby. (No integrity.)

III. CASES ARISING UNDER ARTICLE II

A. INHERENT PRESIDENTIAL AUTHORITY

(1) DOMESTIC AFFAIRS

(35) Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952)-- President Truman's order directing the seizure of steel mills in the midst of the Korean Conflict was invalid for the lack of statutory authority.

Sites:

(a) Youngstown Sheet and Tube Company, 4 Central Square (Stambaugh Building), Youngstown, Ohio.

(b) District of Columbia District Court, Washington, DC.

This case involved many steel companies scattered across the United States. The designation of the Stambaugh Building in Youngstown, Ohio, is not appropriate to represent the facts of this case.

(2) FOREIGN AFFAIRS

(36) United States v. Curtis-Wright Export Corporation, 299 U.S. 304 (1936)--A presidential arms embargo, authorized by congressional joint resolution, is sustained; Justice Sutherland's opinion expounds the foreign affairs power as independent of the Constitution and centered in the President.

Site: Curtis-Wright Export Corporation. (Unable to locate. No address in court records.)

(B) THE TREATY-MAKING POWER

(37) Geofroy v. Riggs, 133 U.S. 258 (1890)--The treaty-making power is defined. (No site identified.)

(38) Missouri v. Holland, 252 U.S. 416 (1920)--A treaty may enlarge federal power to extend into what would be, in the absence of a treaty, the states' domain.

Site: Stultz Lake, Vernon County, Missouri, located near Nevada, Missouri. (Not appropriate.)

C. THE POWER OF REMOVAL

(39) Myers v. United States, 272 U.S. 52 (1926)--The President may discharge his appointees even in the face of a statute providing for removal only with the advice and consent of the Senate. (No site identified.)

D. EXECUTIVE PRIVILEGE

(40) United States v. Nixon, 418 U.S. 683 (1974)--A President's privilege to withhold records of private consultations with his advisors is recognized but yields to a subpoena in aid of a criminal prosecution.

Site: The Watergate Apartment Complex, Washington, DC. (Too recent to determine national significance.)

IV. CASES ARISING UNDER ARTICLE III

A. CASE OR CONTROVERSY

(41) Hayburn's Case, 2 Dallas 409 (1792)--Federal courts may not render judgments that are subject to review by the Executive. (No site identified.)

B. POLITICAL QUESTIONS

(42) Luther v. Borden, 7 Howard 1 (1848)--Federal Courts, confronted with two rival governments in Rhode Island, do not adjudicate which is the legitimate government.

Sites:

(a) Martin Luther's House, Bristol County, Rhode Island.
(b) Borden's House, Warren, Rhode Island.

Property not meaningful to the facts of the case.

(43) Baker v. Carr, 369 U.S. 169 (1962)--Federal Courts may adjudicate the constitutionality of apportionment of state legislatures.

Site: Tennessee State Capitol, Capitol Hill, Nashville, Tennessee. (Existing National Historic Landmark.)

C. PUBLIC RIGHTS

(44) Murray's Lessee v. Hoboken Land & Improvement Co., 18 Howard 272 (1855)--"Public rights" may be adjudicated outside of courts, in administrative agencies. (No site identified.)

D. LIMITATION OF SUPREME COURT JURISDICTION

(45) Ex parte McCardle, 7 Wallace 506 (1869)--Congress may remove cases from Supreme Court's jurisdiction, in the case at hand an appeal from a denial of habeas corpus.

Sites:

(a) Warren County Courthouse, Court Square, Vicksburg, Mississippi. (Existing National Historic Landmark.) McCardle's trial took place in this courthouse.

(b) McCardle's House, Warren County, Mississippi. (Demolished.)

(c) Vicksburg Daily Times, Vicksburg, Mississippi--McCardle was the editor of the Vicksburg Daily Times. (Demolished.)

E. ARTICLE III LEGISLATIVE POWER

(46) Panama R.R. v. Johnson, 264 U.S. 375 (1924)--Admiralty clause of Article III empowers Congress to legislate in respect of admiralty matters. (No site identified.)

V. CASES ARISING UNDER ARTICLE IV

A. FULL FAITH AND CREDIT

(47) Milwaukee County v. White, 296 U.S. 268 (1935)--Full faith and credit must be given to judgments of sister-state courts, even judgment for taxes. (No site identified.)

B. PRIVILEGES AND IMMUNITIES

(48) Corfield v. Coryell, 6 Fed. Cas. 546 (No. 3, 230) (C.C.E.D. Pa. 1823)--Bushrod Washington, J., on Circuit: Privileges and immunities of state citizenship cataloged. (No site identified.)

C. INTERSTATE RENDITION

(49) Kentucky v. Dennison, 24 Howard 66 (1861)--The governor of a state has a duty on the request of a fellow governor to deliver up a fugitive, but this duty cannot be enforced. (No site identified.)

D. ADMISSION OF NEW STATES

(50) Coyle v. Smith, 221 U.S. 599 (1911)--New states are admitted on an equal footing with their sister states so that Congress may not in admitting Oklahoma restrict its right to move its capital.

Site: Oklahoma State Capitol, Oklahoma City, Oklahoma-- State Capitol was constructed from 1914 to 1917 and does not date from the period of the case.

VI. CASE ARISING UNDER ARTICLE VI

(51) Florida Lime & Avocado Growers v. Paul, 373 U.S. 132 (1963)--California standards for avocadoes are not pre-empted by inconsistent federal standards; modern preemption doctrine explicated. (Too recent to determine national significance.)

VII. CASES ARISING UNDER THE BILL OF RIGHTS

A. GENERALLY

(52) Barron v. Baltimore, 7 Peters 243 (1833)--The first eight Amendments do not apply to the states by their own terms.

Site: Barron's wharf was at the foot of Alicianna Street in Fells Point, Maryland. This part of Alicianna Street was filled in and built upon by the end of the century. No trace of Barron's wharf survives.

(53) Palko v. Connecticut, 302 U.S. 319 (1937)--Due process does not include at least some aspects of the double jeopardy prohibition of the Fifth Amendment.

Site: Gilman's Music Store, 243 Fairfield Avenue, Bridgeport, Connecticut--Palko threw a brick through the window of the music store and shot and killed the policeman who came to arrest him. Murder took place on south side of Golden Hill Street. (Site not appropriate for designation.)

(54) Duncan v. Louisiana, 391 U.S. 145 (1968)--The Sixth Amendment guarantee of a jury in criminal trials is applicable to the states (contrary to a Palko dictum) because it "is fundamental to the American scheme of justice" and thus encompassed by due process. (Too recent to determine national significance.)

B. FIRST AMENDMENT

(1) FREEDOM OF SPEECH, PRESS, PETITION, AND ASSEMBLY

(55) Schenk v. United States, 249 U.S. 47 (1919)--Conviction for violation of the Espionage Act is affirmed; the Court, per Holmes, J., first states the "clear and present danger" test.

Site: Socialist Party Headquarters, 1326 Arch Street, Philadelphia, Pennsylvania (Demolished.)

(56) Gitlow v. New York, 268 U.S. 652 (1925)--The Court assumes the first amendment applies to the states; Holmes, J., dissents from a conviction by a state court of criminal anarchy based on the defendant's publications.

Sites:

(a) Revolutionary Age Newspaper, 43 West 29th Street, New York, New York--This building has a store front on the ground level with offices on the upper three levels. No integrity remains from the period dating to 1925 when the Revolutionary Age newspaper was published.

(b) Gitlow's Home, Compound, New York--This site is not sufficiently associated with the facts of the case to warrant designation as a National Historic Landmark.

(57) Whitney v. California, 274 U.S. 357 (1927)--Conviction of violating criminal syndicalism act is sustained; Brandeis, J., joined by Holmes, J., concurs with a much-quoted testimonial to the values of free speech. (Not believed to be nationally significant.)

(58) Near v. Minnesota, 283 U.S. 697 (1931)--The free speech and free press clause of First Amendment is held applicable to the states; prior restraint of scandalmongering, mean publication is unconstitutional.

Site: Saturday Press Newspaper, 240 South 4th Street, Minneapolis, Minnesota (Demolished.)

(59) Grosjean v. American Press Co., 297 U.S. 233 (1936)--A Louisiana tax on large newspapers, imposed during Huey Long's governorship, violates the First Amendment. (Not believed to be nationally signficant.)

(60) De Jonge v. Oregon, 299 U.S. 353 (1937)--Peaceable assembly for a lawful purpose cannot be made a crime.

Site: Unity Center, 68 Adler Street, Portland, Oregon. (Demolished.)

(61) West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)--Schoolchildren, Jehovah's Witnesses, have a First Amendment right not to salute the flag. (Too recent to determine national significance.)

(62) Dennis v. United States, 341 U.S. 494 (1951)--Conviction of top Communist leaders is sustained over First Amendment claims, the clear and present danger test is reframed to allow conviction for subversive teaching that seemed to pose no imminent threat. (Too recent to determine national significance.)

(63) Yates v. United States, 354 U.S. 298 (1957)--In the review of the convictions of second-string Communist leaders, the convictions are reversed and the lenient standard of Dennis is abandoned. (Too recent to determine national significance.)

(64) New York Times Co. v. Sullivan, 376 U.S. 254 (1964)--State libel actions are subject to First Amendment restrictions; public officials may not recover for libel without proof of actual malice. (Too recent to determine national significance.)

(65) Bond v. Floyd, 385 U.S. 116 (1966)--The First Amendment prevents a state legislature from refusing to seat one duly elected to membership on account of his political utterances and views. (Too recent to determine national significance.)

(66) Brandenburg v. Ohio, 395 U.S. 444 (1969)--Whitney is overruled, a conviction of violating criminal syndicalism statute is overturned, and a new free-speech standard building on a clear and present danger is enunciated. (Too recent to determine national significance.)

(67) Buckley v. Valeo, 424 U.S. 1 (1976)--Campaign expenditure limitations violate First Amendment, but contribution limitations are constitutional.

Sites:

(a) Law Offices, Covington and Burling, Washington, DC.
(b) Federal Election Commission, Washington, DC.

Too recent to determine national significance.

(2) FREE EXERCISE OF RELIGION

(68) Reynolds v. United States, 98 U.S. 145 (1878)--Federal law making bigamy a crime in the territories may be applied to a Mormon claiming polygamy is a religious duty. (Not believed to be nationally significant.)

(69) Cantwell v. Connecticut, 310 U.S. 296 (1940)--Jehovah's Witness may not be convicted of breach of the peace for proselytizing on the streets; the free exercise of religion clause of the First Amendment is held applicable to the states.

Sites:

(a) Cassius Street, New Haven, Connecticut.
(b) House at 10 Cassius Street, New Haven, Connecticut.

Woman living at 10 Cassius Street called the police and had Mr. Newton Cantwell arrested. (Property not suitable for designation.)

(3) ESTABLISHMENT CLAUSE

(70) Everson v. Board of Education, 330 U.S. 1 (1947)--The establishment of religion clause of the First Amendment is held applicable to the states; New Jersey law providing public transportation for children attending parochial schools is not a law respecting the establishment of religion. (Too recent to determine national significance.)

(71) Engel v. Vitale, 370 U.S. 421 (1962)--Official prayer in public schools is unconstitutional. (Too recent to determine national significance.)

C. FOURTH AMENDMENT

(72) Weeks v. United States, 232 U.S. 383 (1914)--Evidence obtained in violation of the Fourth Amendment is inadmissible in a federal trial.

Sites:

(a) Weeks Home in Kansas City, 834 Penn Street, Kansas City, Missouri. (Demolished.)

(b) Union Station, Kansas City, Missouri.

Mr. Weeks was arrested while working here. (Not an appropriate site for designation.)

(73) Wolf v. Colorado, 338 U.S. 25 (1949)--Fourth Amendment strictures in searches and seizures are applicable to the states but not the exclusionary rule. (Too recent to determine national significance.)

(74) Mapp v. Ohio, 367 U.S. 643 (1961)--The exclusionary rule is applicable to the states.

Site: Dollree Mapp House, 14705 Milverton Road, Cleveland, Ohio.

Too recent to determine national significance. Should be rexamined in the future.

D. FIFTH AMENDMENT

(1) GRAND JURY INDICTMENT

(75) Ex parte Bain, 121 U.S. 1 (1887)--Absent waiver, a defendent in federal court can be tried only on indictment. (No site identified.)

(2) DOUBLE JEOPARDY

(76) Kepner v. United States, 195 U.S. 100 (1904)--Double jeopardy bars government appeal of a judgment of acquittal. (No site identified.)

(77) Green v. United States, 355 U.S. 184 (1957)--Defendant cannot, consistent with prohibition of double jeopardy, be convicted of first degree murder on retrial after his second degree murder conviction was set aside. (Too recent to determine national significance.)

(3) SELF-INCRIMINATION

(78) Counselman v. Hitchcock, 142 U.S. 547 (1892)--The privilege against self-incrimination extends to testimony before a grand jury. (No site identified.)

(79) Miranda v. Arizona, 384 U.S. 436 (1966)--Police interrogations of persons in custody cannot be carried out in the absence of warnings and advice to the person being questioned concerning his right to remain silent and to have counsel.

Sites:

(a) Ernesto Miranda House, Phoenix, Arizona.
(b) Police Station, Phoenix, Arizona.

Too recent to determine national significance. Should be reexamined in the future.

(4) DUE PROCESS

(80) Bolling v. Sharpe, 347 U.S. (1954)--Segregated schools in the District of Columbia are unconstitutional; the due process clause of the Fifth Amendment comprehends principles of equal protection. (Too recent to determine national significance.)

(5) TAKING

(81) Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922)--Statute prohibiting mining coal so as to cause subsidence of neighboring improved property effects a taking for which compensation must be paid.

Site: Mahon's house in Pennsylvania, Pittston Township, Luzerne County, Pennsylvania. (Demolished.)

(82) Miller v. Scheone, 276 U.S. (1928)--Virginia may order ornamental red cedar trees destroyed to save apple orchards from cedar rust without compensating the owners of the cedar trees. (No site identified.)

(83) Berman v. Parker, 348 U.S. 26 (1954)--Government may take private land, with compensation, for development by other private parties. (Too recent to determine national significance.)

E. SIXTH AMENDMENT

(84) Powell v. Alabama, 287 U.S. 45 (1932)--Due process required the appointment of counsel in Alabama trial of indigent, friendless black youths for capital offense of rape.

Site: Jackson County Courthouse, Public Square, Scottsboro, Alabama--Located in a National Register historic district. (No integrity--the courtroom was demolished in 1954.)

(85) Johnson v. Zerbst, 304 U.S. 358 (1938)--The Sixth Amendment requires the appointment of counsel for indigents in all federal cases. (Too recent to determine national significance.)

(86) Gideon v. Wainright, 372 U.S. 335 (1963)--Counsel must be appointed for indigent defendents in all state felony cases.

Sites:

(a) Circuit Court for Bay County, Florida, 300 E. 4th Street, Panama City, Florida-- The Bay County Circuit Court is the preferred site for this case because the constitutional issue involved, the right of indigent defendents to be represented by court-appointed public counsel, concerned the fairness of the trial for Clarence Earl Gideon in this court. The courthouse was renovated in 1982 destroying the integrity of the room where the Gideon trial occurred. The old courtroom was divided into two smaller courtrooms and the balcony was removed to make room for a new floor and office space. (No integrity.)

(b) Bay Harbor Pool Room, 109 E. Everitt Avenue, Panama City, Florida-- The Bay Harbor Pool Room was the property that Gideon was accused of entering to steal money and wine. The Bay Harbor Pool Room is now abandoned and in ruins. (No integrity.)

(87) Irvin v. Dowd, 366 U.S. 717 (1964)--Prejudicial publicity deprived a criminal defendant of an impartial trial. (Too recent to determine national significance.)

F. SEVENTH AMENDMENT

(88) Minneapolis & St. Louis Ry. v. Bombolis, 241 U.S. 211 (1916)--The Seventh Amendment guarantee of jury in civil cases does not apply to the states. (No site identified.)

G. EIGHTH AMENDMENT

(89) Weems v. United States, 217 U.S. 349 (1910)--A penalty disproportionate to an offense--15 years incarceration at hard labor with chains on one's ankle, loss of all civil liberties, and perpetual surveillance for falsifying public records--is cruel and unusual punishment.

Site: Office of Bureau of the Coast Guard and Transportation of the United States in the Philippines. (Unable to verify the existence of this property.)

(90) Gregg v. Georgia, 428 U.S. 153 (1976)--Certain state statutes that provide for the death penalty are unconstitutional. (Too recent to determine national significance.)

H. PENUMBRAL MANIFESTATIONS -- The theory that any important liberty not specifically safeguarded by the Bill of Rights can be found in the penumbra, or shadow, of a specific guarantee and thus be constitutionally protected as part of that guarantee.

(91) Griswold v. Connecticut, 381 U.S. 479 (1965)--A state statute prohibiting use of contraceptives is unconstitutional.

Site: Planned Parenthood Center, Trumball Street, West Haven, Connecticut.

Too recent to determine national significance. Should be reexamined in the future.

(92) Roe v. Wade, 410 U.S. 113 (1973)--A state statute prohibiting abortion is unconstitutional.

Site: Columbo's Pizza, Mockingbird Lane, Dallas, Texas--In 1969 Norma McCorvey (Jane Roe) met here with attorneys Linda Coffee and Sarah Weddington and made the decision to fight the Texas abortion law.

Too recent to determine national significance. Should be reexamined in the future.

VII. CASES ARISING UNDER THE FOURTEENTH AMENDMENT

A. THE EARLY CASES

(93) Slaughter-House Cases, 16 Wallace 36 (1873)--The Fourteenth Amendment does not prohibit a state's authorizing a slaughterhouse monopoly.

Site: Crescent City Live Stock & Slaughter House Company, New Orleans, Louisiana. (Unable to locate--probably no longer extant.)

(94) Civil Rights Cases, 109 U.S. 3 (1883)--The Civil War amendments do not reach private racial discrimination. (The sites associated with these cases are no longer extant.)

U.S. v. Stanley

Site: Hotel in Topeka, Kansas. (Unable to locate--probably no longer extant.)

U.S. v. Ryan

Site: Maguires Theater, San Francisco, California. (Demolished.)

U.S. v. Nichols

Site: Nichols House in Jefferson City, Missouri. (Unable locate--probably no longer extant.)

U.S. v. Singleton

Robinson v. Memphis & Charleton Railroad Company

Site: Memphis and Charleston Railroad Company. (Unable to identify any specific structure associated with the facts of this case.)

U.S. v. Hamilton

Site: Nashville, Chattanooga & St. Louis Railroad. (Unable to identify any specific structure associated with the facts of this case.)

Site: Grand Opera House, New York. (This building was demolished in 1960 and an apartment building was erected on the site.)

B. DUE PROCESS

(1) PROCEDURAL DUE PROCESS

(95) Londoner v. Denver, 210 U.S. 373 (1908)--A hearing is required before land can be assessed a tax to pay for paving an abutting street. (No site identified.)

(96) Bi-Metallic Investment Co. v. State Bd. of Equalization, 239 U.S. 441 (1915)--No hearing is required before the adoption of an order increasing the valuation for tax purposes of all property in Denver. (No site identified.)

(97) Pennoyer v. Neff, 95 U.S. 714 (1878)--Due process requires notice and opportunity to participate before anyone's property or liberty interests may be impaired by a state tribunal. (No site identified.)

(98) Brady v. Maryland, 373 U.S. 83 (1963)--A prosecutor is bound to disclose exculpatory evidence to the defendant. (No site identified.)

(99) Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)--A comprehensive municipal zoning ordinance is consistent with due process.

Site: "...a tract of land containing 68 acres, situated in the westerly end of the village, abutting Euclid Avenue to the south and the Nickel Plate Railroad to the north. Adjoining this tract, both on the east and on the west, there have been laid out restricted residential plats upon which residences have been erected." (Not appropriate for designation.)

(100) Lane v. Wilson, 307 U.S. 268 (1939)--Oklahoma's law perpetually disfranchising black voters who failed to register between April 30, 1916, and May 11, 1916, is ruled unconstitutional.

Site: Boley Historic District, Boley, Oklahoma. (Existing National Historic Landmark.)

Oklahoma added the grandfather clause to its state constitution in 1910 to disfranchise the black voters of Boley and other black towns in the state.

(101) Terry v. Adams, 345 U.S. 461 (1953)--A private body sponsoring a pre-primary election may not prevent blacks from participating.

Site: Jaybird Democratic Association, Jaybird Party, Fort Bend County, Texas. (Unable to locate.)

(102) Shelley v. Kraemer, 334 U.S. 1 (1948)--State courts may not be used to enforce a racially discriminatory contract. (Too recent to determine national significance.)

(2) RACIAL DISCRIMINATION

(103) Strauder v. West Virginia, 100 U.S. 103 (1880)--Blacks may not be excluded from petit juries. (No site identified.)

(104) Ex parte Virginia, 100 U.S. 339 (1880)--Blacks may not be excluded from grand juries.

Site: Pittsylvania County Courthouse, US Business Route 29, Chatham, Virginia. (Recommended for National Historic Landmark Designation.)

(105) Plessy v. Ferguson, 163 U.S. 537 (1896)--Separate transportation facilities for blacks and whites do not deny the equal protection of the law if they are equal.

Sites:

(a) East Louisiana Railway Station, New Orleans, Louisiana. (Demolished.)
(b) Plessy House, 244 1/2 N. Claiborne, New Orleans, Louisiana. (Demolished.)
(c) John Marshall Harlan House, 14th and Euclid Avenue, NW, Washington, DC--John Marshall Harlan wrote a famous dissent in this case. (Demolished.)

(106) Korematsu v. United States, 323 U.S. 214 (1944)--Wartime exclusion of citizens of Japanese descent from West Coast is sustained.

Site: 10800 Edes Avenue Oakland, California--Korematsu's house at time of explusion order. (This property was demolished sometime in the 1950s.)

(107) Sweatt v. Painter, 339 U.S. 629 (1950)--Newly established state law school for blacks cannot be equal to an established law school and therefore a black denied admission to the established law school is denied equal protection of the law. (Too recent to determine national significance.)

(108) Brown v. Board of Education, 347 U.S. 483 (1954)--Segregration of the races in public schools is unconstitutional.

Sites:

(a) Sumner Elementary School, 330 Western Avenue, Topeka, Kansas. (Recommended for designation.)

(b) Oliver Leon Brown House (father of Linda Brown), 511 W. First Street, Topeka, Kansas. (Demolished.)

(3) SEX DISCRIMINATION

(109) Reed v. Reed, 404 U.S. 471 (1971)--A statute preferring men over women to administer intestate estates is unconstitutional as a denial of equal protection. (Too recent to determine national significance.)

(110) Harper v. Virginia Board of Elections, 383 U.S. 663 (1966)--Voting in state elections may not constitutionally be conditioned on the payment of a poll tax. (Too recent to determine national significance.)

(4) ELECTORAL DISTRICTING

(111) Reynolds v. Sims, 377 U.S. 533 (1964)--Equal protection of the laws requires both houses of a bicameral state legislature to have districts equal in population.

Site: Petitioners were residents of Jefferson County, Alabama. Possible site is the United States District Court for the Middle District of Alabama. (Too recent to determine national significance. Should be reexamined in the future.)

(112) Wesberry v. Sanders, 376 U.S. 1 (1964)--Constitution requires that congressional districts be equal in population. (Too recent to determine national significance.)

(5) DISCRIMINATORY APPLICATION OF A STATUTE

(113) Yick Wo v. Hopkins, 118 U.S. 356 (1886)--A San Francisco ordinance banning laundries in wooden buildings applied only to Chinese denies equal protection and is unconstitutional.

Sites:

(a) Yick Wo's Laundry, 318 Dupont Street, San Francisco, California. (Demolished.)

(b) Police Judges Court No. 2, San Francisco, California. (Demolished.)

(6) ECONOMIC AFFAIRS

(114) Williamson v. Lee Optical Co., 348 U.S. 483 (1955)--Statute restricting opticians but not others in fitting eyeglasses does not deny equal protection. (Too recent to determine national significance.)

VIII. CASES ARISING UNDER OTHER AMENDMENTS

A. ELEVENTH AMENDMENT

(115) Hans v. Louisiana, 134 U.S. 1 (1890)--The Eleventh Amendment bars a suit in federal court by a citizen of a state against the state. (No site identified.)

B. FIFTEENTH AMENDMENT

(116) Gomillion v. Lightfoot, 364 U.S. 339 (1960)--Gerrymander of Tuskegee, Alabama, to eliminate black voters violated the Fifteenth Amendment. (Too recent to determine national significance.)

IX. MISCELLANEOUS

(117) Cherokee Nation v. Georgia, 5 Peters 1 (1831)--Chief Justice John Marshall holds that an Indian tribe was neither a state in the Union nor a foreign nation within the meaning of the Constitution and, therefore, could not maintain an action in the Federal Courts. Upholds Indians' right to their land until title is voluntarily given to United States by treaty.

(118) Worcester v. Georgia, 6 Peters 515 (1832)--John Marshall holds that the Cherokee nation was a distinct political community within which "the laws of Georgia can have no force...."

Both of these cases are represented by existing National Historic Landmarks.

Sites:

(a) New Echota, Gordon, Georgia--First national capital of the Cherokee Nation established in 1825. (Existing National Historic Landmark.)

(b) Ross (John) House, Lake Avenue and Spring Streets, Rossville, Georgia--Two-story square-timbered log house, home of the Cherokees' most prominent leader, a hero of the 1812 Creek War, and senior Cherokee leader during the Civil War. (Existing National Historic Landmark.)

(119) Prigg v. Pennsylvania, 16 Peters 539 (1842)--Court declares unconstitutional Pennsylvania personal liberty law designed to impose stringent requirements on persons claiming runaway slaves.

Site: Court of quarter sessions, York County, Pennsylvania. (Unable to locate this site.)

(120) Dred Scott v. Sandford, 19 Howard 393 (1857)--Asserts positive constitutional right of Americans to take slave property into national territory.

Site: The Old Courthouse, 11 North Fourth Street, St. Louis, Missouri--The Old Courthouse is now part of the Jefferson National Expansion Memorial in St. Louis, Missouri. The Courthouse was built between 1839 and 1864 as a three-story, brick and stone Greek Revival structure, designed by several architects over the years, including Henry Singleton, William Twombly, George I. Barnett, Robert S. Mitchell, Thomas D. F. Lanham, and William Rumbold. The Courthouse has been altered several times, including a major restoration and remodeling completed in 1942. The Dred Scott case was tried in the courtroom on the ground floor of the west wing. This courtroom was obliterated in the 1860s during the final phase of the expansion of the building. The best description of the courtroom dates from an editorial in the St. Louis Daily People's Organ on January 25, 1843, which describes the room as a "spacious and gorgeously furnished room, with its fluted columns and massive railings around the bar--its costly masonry and lofty ceilings with cornice and center circle...." (No integrity.)

(121) Wabash, St. Louis, and Pacific Railway Co. v. Illinois, 118 U.S. 557 (1886)--Supreme Court struck down an Illinois law prohibiting long-short haul rate discrimination as an intrusion on the federal commerce power.

Sites:

(a) Wabash Railroad in Peoria, Illinois. (Unable to locate)
(b) Firm of Elder and McKinney in Peoria, Illinois. (Unable to locate)
(c) Firm of Bailey and Swannell in Gilman, Illinois. (Unable to locate)

The facts of this case involve the transporation of oil cake and corn on the Wabash Railroad from Peoria, Illinois, to New York State and Gilman, Illinois to New York City.

(122) United States v. Gettysburg Electric Railway Company, 160 U.S. 668 (1896)--Supreme Court affirms the constitutionality of acquiring private property for Gettysburg National Military Park and established the principle that the preservation of nationally important historic sites and buildings is a legitimate purpose of the government of the United States.

Site: Gettysburg National Military Park, Gettysburg, Pennsylania. (Unit of the National Park System.)

(123) Delima v. Bidwell, 182 U.S. 1 (1901); Downes v. Bidwell, 184 U.S. 244 (1901)--Supreme Court held that the Constitution protected the inhabitants of colonial territories in their basic civil rights, but did not confer citizenship on them.

Sites:

(a) Collector of Customs Office for the Port of New York.
(b) D.A. De Lima & Company--probably located in New York City.
(c) S.B. Downs & Company--probably in New York City.

Unable to locate any of these sites--not meaningful to the facts of the case if found.

(124) Northern Securities Company et al. v. United States, 193 U.S 197 (1904)--First action under the Sherman Anti-Trust Act upheld by the Court. The decision of the Supreme Court in this case created a moral climate that permitted government to control the actions of business.

Sites:

(a) J.P. Morgan & Co. Building, 13 Wall Street, New York, New York--J.P. Morgan organized and directed the Northern Securities Company from this site. The original structure was demolished and the present structure was built in 1913.

(b) Hudson Trust Company Building, 80-84 Hudson Street (51 Newark Street), Hoboken, New Jersey--This was the site of headquarters office for the Northern Securities Company. The building is still extant and houses banks and offices. (Not meaningful to the facts of the case.)

(c) The Pierpont Morgan Library, 33 East 36th Street, New York, New York--J. Pierpont Morgan built this library in 1906 adjacent to his house on East 36th Street. The library was found to be nationally significant by the Secretary of the Interior's Advisory Board in 1966 in the theme of Commerce and Industry because of its association with Morgan. The Northern Securities Company Case is cited as contributing to the significance of this building. (Existing National Historic Landmark.)

(125) Galvan v. Press, 347 U.S. 522 (1954)--Large power of Congress over the removal of aliens sustained. (Too recent to determine national significance.)

(126) Afroyim v. Rusk, 387 U.S. 253 (1967)--Congress may not strip a citizen of his citizenship. (Too recent to determine national significance.)

SITES RELATED TO THE CONSTITUTION AS A WHOLE BUT NOT CASE-RELATED

(127) Supreme Court Building, 1 First Street, NE, Washington, DC. (Recommended for designation.)

(128) First Bank of the United States, 116 South Third Street, Philadelphia, Pennsylvania. (Recommended for designation.)

(129) Second Bank of the United States, 420 Chestnut Street, Philadelphia, Pennsylvania. (Recommended for designation.)

OTHER SITES CONSIDERED

All of these sites were previously considered for National Historic Landmark designation and were rejected by the National Park System Advisory Board. None of these sites are considered to be sufficiently significant to warrant nomination under this theme.

(130) Richard Bassett--Signer of the Constitution

Site: 438 State Street, Dover, Delaware.

(131) John Dickinson--Signer of the Constitution

Site: Crosiadore, Talbot County, along Dickinson Bay, on a county road running west off U.S. 50, about 3 miles southwest of Trappe, Maryland. John Dickinson was born here in 1732. Dickinson's home in Kent County, Delaware is an existing National Historic Landmark.

(132) Daniel St. Thomas Jenifer--Signer of the Constitution

Site: Ellerslie, Charles County, on Howard Drive, which runs from Md. Route 6, Port Tobacco, Maryland.

(133) James Wilson--Signer of the Constitution and Associate Justice of the Supreme Court 1789-1798

Site: James Iredell House, Chowan County, 107 E. Church Street, Edenton, North Carolina. Wilson died here in 1798.

(134) Charles Pickney--Signer of the Constitution

Site: 7 Orange Street, Charleston, South Carolina--This house was Pickney's boyhood home from 1770-78. After the death of his father, Pickney inherited Snee Farm in Charleston County, South Carolina, and lived there from 1782 until his death in 1824. Snee Farm is an existing National Historic Landmark.

(135) William Blount--Signer of the Constitution

Sites:

(a) Rosefield, Bertie County, 212 Gray Street, Windsor, North Carolina. (Birthplace.)

(b) Rocky Mount, Sullivan County, just off U.S. 11 E, about 7 miles northeast of Johnson City, Tennessee-- Blount occupied this house for 18 months starting in 1790.

(c) Blount (William) Mansion, 200 W. Hill Avenue, Knoxville, Tennessee-- Blount occupied this house from 1792 until his death in 1800. (Existing National Historic Landmark)

(136) John Blair--Signer of the Constitution and Associate Justice of the Supreme Court 1789-1796

Site: John Blair House, Duke of Gloucester Street, Williamsburg, Virginia.

OTHER SITES HAVING NO INTEGRITY

(137) Bacon House, 1801 F. Street, Washington, DC--The Bacon House was examined because of its association with Chief Justices John Marshall and Melville W. Fuller. John Marshall and the other members of the Marshall Court boarded here between 1831 and 1833. Melville Fuller lived in the Bacon House between 1896 and 1910. The Bacon House is also associated with William Thomas Carroll, clerk of the Supreme Court, from 1835 to 1876. The Bacon House has undergone a series of modifications and changes since it was constructed in 1825 by Tench Ringgold. As a result of these changes, and especially the 1911 restoration completed by Jules Henri de Sibour, the Bacon House does not retain sufficient integrity to qualify it as a National Historic Landmark with respect to its association with either John Marshall or Melville Fuller.

(138) Blennerhassett Island, in Ohio River between Ohio and West Virginia--Blennerhassett Island is the site of the Aaron Burr conspiracy in 1806. Aaron Burr and Harman Blennerhassett used the island to stage a private military operation down the Mississippi for private gain. Burr was charged with treason for his role in this conspiracy and brought to trial in federal circuit court in Richmond, Va., where John Marshall, Chief Justice of the United States, presided. Burr was eventually acquitted for the case against him did not meet the terms of the Constitution's definition of treason. The island has shifted in the years since 1806 and has no integrity.

OTHER SITES NOT SUITABLE

(139) First Ratification of the U.S. Constitution

Site: Old State House, Dover, Delaware. (Listed on the National Register of Historic Places.)

The Old State House was constructed from 1787 to 1792 on or near the site of the ratification of the Constitution by the State of Delaware on December 7, 1787. The location of the ratification site is uncertain.

(140) Ratification of the U.S. Constitution by New Hampshire

Sites:

(a) North Meeting House, Concord, New Hampshire--This was the site of the ratification of the U.S. Constitution by New Hampshire on June 18, 1788. The North Meeting House burned in 1870.

(b) Timothy Walker House and Store, 225 North Main Street, Concord, New Hampshire--A search of the secondary literature has failed to document any connection between this structure and the ratification of the U.S. Constitution by New Hampshire. This may be the site of the first meeting of the state legislature of New Hampshire on March 13, 1782.

PROPERTIES NOT SURVIVING, HAVING INSUFFICIENT INTEGRITY, OR NOT ADEQUATELY MEANINGFUL

(141) Morrison R. Waite, Chief Justice of the United States, 1874-1888

Sites:

(a) 1415 I Street, Washington, DC. (Demolished)
(b) 27 Lyme Street, Lyme, Connecticut. (Birthplace)

I was unable to locate any surviving property from Toledo, Ohio, where Waite practiced law prior to 1874. I was unable to determine how long Waite lived at 27 Lyme Street. This house is listed on the National Register of Historic Places as part of the Old Lyme Historic District. There is no discussion of Waite or his association with the house at 27 Lyme Street. The Old Lyme Historic District is listed as significant in the areas of Art and Architecture.

(142) Judge Learned Hand, Federal Court of Appeals for the Second Circuit

Site: Townhouse, 142 E. 65th Street, New York, New York. (Demolished)

(143) John Marshall Harlan, Associate Justice of the Supreme Court, 1877-1911

Sites:

(a) Harlan's Station (James Harlan Stone House), Salt River Road, 5 miles west of Danville, Boyle County, Kentucky. (Birthplace ruins.)

(b) John Marshall Harlan House, 14th and Euclid Avenue, NW, Washington, DC. (Demolished.)

(144) Melville W. Fuller, Chief Justice of the United States, 1888-1910

Site: Bacon House, 1801 F Street, Washington, DC. (No integrity.)

(145) Roger B. Taney, Chief Justice of the United States, 1836-1864

Sites:

(a) Taney Place, Calvert County, Maryland--The owner of this property is opposed to National Historic Landmark designation. (Birthplace.)

(b) 123 South Bentz Street, Frederick, Maryland--No important association with Taney. He never lived here but did own the house at one time.

(146) Benjamin N. Cardozo, Associate Justice of the Supreme Court, 1932-1938

Sites:

(a) 12 W. 47th Street, New York, New York. (Birthplace.)

(b) Simpson, Werner & Cardozo; Simpson & Cardozo; Cardozo & Engelhard; 111 Broadway, New York, New York. (Law Office.)

(c) 75th Street, New York, New York--Home while in New York. (Unable to determine precise address.)

(d) Mayflower Hotel, 1127 Connecticut Avenue, Washington, DC. (Not suitable for designation.)

(147) Rufus W. Peckham, Associate Justice of the Supreme Court, 1895-1909

I was unable to locate any site associated with Mr. Peckham either in Washington, DC, or in Pennsylvania.

(148) Cuthbert Winfred Pound, Professor of Law at Columbia, New York; Judge New York Court of Appeals;

(b) Lockport, New York, 1864.
(d) Ithaca, New York, 1935.

I was unable to locate any site associated with Mr. Pound in either Lockport, or Ithaca, New York.

(149) Thomas McIntyre Cooley, Professor of Law at the University of Michigan; Justice of the Michigan Supreme Court; Chairman Interstate Commerce Commission; Author;

(b) Attica, New York, 1824.
(d) Ann Arbor, Michigan, 1898.

I was unable to locate any site associated with Mr. Cooley in Attica, New York or Ann Arbor, Michigan.

PEOPLE WHO ARE TOO RECENT TO DETERMINE NATIONAL SIGNIFICANCE

(150) Harlan F. Stone, Associate Justice of the Supreme Court, 1925-41, and Chief Justice of the United States, 1941-46

Site: 2340 Wyoming Avenue, Washington, DC--Now the Syrian Embassy. Unable to identify any property from New York where Stone practiced law or Chesterfield, New Hampshire, where he was born.

(151) Hugo Black, Associate Justice of the Supreme Court, 1937-71

Sites:

(a) Hugo Black House, US Highway 77, Clay County, Kentucky. (Birthplace--not on its original site; listed on the National Register of Historic Places.)

(b) Hugo Black House, 619 South Lee Street, Alexandria, Virginia.

(151) Felix Frankfurter, Associate Justice of the Supreme Court, 1939-62

Site: 3018 Dumbarton Avenue, Washington, DC.

(152) William O. Douglas, Associate Justice of the Supreme Court, 1939-75

Site: 3701 Connecticut Avenue, Washington, DC.

(153) Fred L. Vinson, Chief Justice of the United States, 1946-53

Site: Old Jailer's Residence; American Legion Hall (Fred L. Vinson Home), East Madison and Vinson Boulevard, Louisa, Kentucky.

(154) Earl Warren, Chief Justice of the United States, 1953-69

Sites:

(a) 458 Turner Street, Los Angeles, California. (Birthplace.)

(b) Sheraton-Park Hotel (now called the Sheraton-Washington Hotel), 2660 Woodley Avenue, Washington, DC--Warren lived here while serving as Chief Justice of the United States.

(155) John Marshall Harlan, Associate Justice of the Supreme Court, 1955-77

Site: 1677 31st Street, NW, Washington, DC.

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places Inventory—Nomination Form

received

date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic First Bank of the United States

and or common

2. Location

street & number 116 South Third Street ___ not for publication

city, town Philadelphia ___ vicinity of

state Pennsylvania code 42 county Philadelphia code 101

3. Classification

Category	Ownership	Status	Present Use	
___ district	X public	X occupied	___ agriculture	___ museum
X building(s)	___ private	___ unoccupied	___ commercial	X park
___ structure	___ both	___ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	X yes: restricted	___ government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Independence National Historical Park

street & number 313 Walnut Street

city, town Philadelphia ___ vicinity of state Pennsylvania

5. Location of Legal Description

courthouse, registry of deeds, etc. Recorder of Deeds, City Hall

street & number Broad and Market Streets

city, town Philadelphia state Pennsylvania

6. Representation in Existing Surveys

title ___ has this property been determined eligible? X yes ___ no

date October 28-30, 1940 X federal ___ state ___ county ___ local

depository for survey records National Park System Advisory Board

city, town Washington state DC

7. Description

Condition		Check one	Check one
x excellent	___ deteriorated	___ unaltered	x original site
___ good	___ ruins	x altered	___ moved date 1986
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The First Bank of the United States--originally called the Bank of the United States--operated from 1797-1811, on Third Street, midway between Chestnut and Walnut streets. Samuel Blodgett, Jr., merchant, author, publicist, promotor, architect, and "Superintendent of Buildings" for the new capital in Washington, DC, designed the building in 1794.[1] At its completion in 1797, the bank won wide acclaim as an architectural masterpiece. By today's standards the building remains a notable early example of Classical monumental design.

The bank is a three-story brick structure with a marble front and trim. It measures 90' 11" across the front by 81' 9 ". Its seven-bay marble facade, with the large 48' x 11' Corinthian hexastyle portico, is the work of Claudius F. LeGrand and Sons, stone workers, woodcarvers and guilders. The remarkably intact portico tympanum, restored in 1983, contains elaborate mahogany carvings of a fierce-eyed eagle grasping a shield of thirteen stripes and stars and standing on a globe festooned with an olive branch. The restored hipped roof is covered in copper--some of which, over the portico, is original--and has a balustrade along its four sides.

When the first charter of the Bank of the United States lapsed in 1811, Stephen Girard purchased the building and opened his own bank, Girard Bank, in 1812. Although at Girard's death in 1832 the building was left in trust to the City of Philadelphia, the Girard Bank continued in operation there until 1929, covering a 117-year occupancy. In 1902 the Girard Bank hired James Windrim, architect, to remodel the interior. Windrim removed the original barrel vaulted ceiling and introduced a large skylight over a glass-paned dome to furnish more light for the first floor tellers. He altered the original hipped roof further with the introduction of a shaft tower on the west side of the building for an elevator. Between 1912 and 1916 Girard Bank also constructed a two-story addition on the west facade of the building.

After being vacated in 1929, the bank building languished until the National Park Service purchased it in 1955 as part of Independence National Historical Park. Between 1974 and 1976 the Park restored the building's eighteenth century exterior appearance and retained its 1902 interior remodeling, leaving an 86' x 67' banking room on the first floor and numerous smaller rooms--used as park offices and library space--around its outer perimeter on the second and third floors. The central area is defined by a circular Corinthian columned rotunda on the first and second floors and an electrically lit galss dome at the third floor level. The cellar retains its 1795 stone-walled and brick-vaulted rooms, some still having their original sheet iron vault doors.

8. Significance

Period	Areas of Significance—Check and justify below			
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion
___ 1400–1499	___ archeology-historic	___ conservation	X law	___ science
___ 1500–1599	___ agriculture	X economics	___ literature	___ sculpture
___ 1600–1699	X architecture	___ education	___ military	___ social/ humanitarian
X 1700–1799	___ art	___ engineering	___ music	___ theater
___ 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation
___ 1900–	___ communications	___ industry	X politics/government	X other (specify) Constitutional History
		___ invention		

Specific dates 1797 **Builder/Architect** Samuel Blodgett

Statement of Significance (in one paragraph)

The First Bank of the United States is significant because the proposal to charter the institution provoked the first great debate over strict, as opposed to an expansive interpretation of the Constitution. In adopting Hamiliton's proposal and chartering the bank both the Congress and the President took the necessary first steps toward implementing a sound fiscal policy that would eventually ensure the survival of the new federal government and the continued growth and prosperity of the United States.

BACKGROUND[2]

Hamilton's proposal to charter a national bank was severely attacked in Congress on constitutional grounds. The opposition was led by Madison, who was becoming increasingly hostile to Hamilton's program. Although the two men had supported strong national government in the convention and had worked together to secure ratification of the Constitution, neither their constitutional philosophies nor their economic interests were harmonious. Hamilton wished to push still further in the direction of a powerful central government, while Madison, now conscious of the economic implications of Hamilton's program and aware of the hostility which the drift toward nationalism had aroused in his own section of the country, favored a middle course between centralization and states' rights.

In the Constitutional Convention Madison had proposed that Congress be empowered to "grant charters of incorporation," but the delegates had rejected his suggestion. In view of this action, he now believed that to assume that the power to incorporate could rightfully be implied either from the power to borrow money or from the "necessary and proper" clause in Article I, Section 8, would be an unwarranted and dangerous precedent.

In February 1791, the bank bill was passed by Congress, but President Washington, who still considered himself a sort of mediator between conflicting factions, wished to be certain of its constitutionality before signing it. Among others, Jefferson was asked for his view, which in turn was submitted to Hamilton for rebuttal.

In a strong argument Jefferson advocated the doctrine of strict construction and maintained that the bank bill was unconstitutional. Taking as his premise the Tenth Amendment (which had not yet become a part of the Constitution), he contended that the incorporation of a bank was neither an enumerated power of Congress nor a part of any granted power, and that implied powers were inadmissible.

He further denied that authority to establish a bank could be derived either from the "general welfare" or the "necessary and proper" clause. The constitutional clause granting Congress power to impose taxes for the "general welfare" was not of all-inclusive scope, he said, but was merely a general statement to indicate the sum of the enumerated powers of Congress. In short, the "general welfare" clause did not convey the power to appropriate for the general welfare but merely the right to appropriate pursuant to the enumerated powers of Congress.

With reference to the clause empowering Congress to make all laws necessary and proper for carrying into execution the enumerated powers, Jefferson emphasized the word "necessary," and argued that the means employed to carry out the delegated powers must be indispensable and not merely "convenient." Consequently, the Constitution, he said, restrained Congress "to those means without which the grant of power would be nugatory." In rebuttal, Hamilton presented what was to become the classic exposition of the doctrine of the broad construction of federal powers under the Constitution. He claimed for Congress, in addition to expressly enumerated powers, resultant and implied powers. Resultant powers were those resulting from the powers that had been granted to the government, such as the right of the United States to possess sovereign jurisdiction over conquered territory. Implied powers, upon which Hamilton placed his chief reliance, were those derived from the "necessary and proper" clause. He rejected the doctrine that the Constitution restricted Congress to those means that are absolutely indispensable. According to his interpretation, "necessary often means no more than needful, requisite, incidental, useful, or conducive to.... The degree in which a measure is necessary, can never be a test of the legal right to adopt; that must be a matter of opinion, and can only be a test of expediency."

Then followed Hamilton's famous test for determining the constitutionality of a proposed act of Congress: "This criterion is the end, to which the measure relates as a mean. If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority." This conception of implied powers was later to be adopted by John Marshall and incorporated in the Supreme Court's opinion in McCulloch v. Maryland (1819) on the constitutionality of the second national bank.

ARCHITECTURAL SIGNIFICANCE [3]

The First Bank of the United States is also architecturally significant. Designed by Samuel Blodgett with Joseph P. LeGrand as marble mason, the First Bank was probably the first important building with a classic facade of marble to be erected in the United States. Although somewhat changed by subsequent alterations, the exterior of the building is today essentially as it was in 1795, the date of the earliest drawing and description uncovered so far. Unfortunately, lack of documentation and extensive alterations perpetrated in 1901-02 leaves knowledge of the interior inadequate.

FOOTNOTES

[1] Material for the Description was taken from the following source:

Anna Coxe Toogood, "Draft National Register Nomination Independence National Historical Park" (Unpublished Report, Independence National Historical Park, National Park Service, November 5, 1984), no page number.

[2] Material for the Statement of Significance was taken from the following source:

Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York: W.W. Norton & Company, Inc., 1983), pp. 130-31.

[3] Material for the Architectural Statement of Significance was taken from the following source:

John B. Dodd, "Classified Structure Field Inventory Report for the First Bank of the United States" (Unpublished Report, Mid-Atlantic Regional Office, National Park Service, April 27, 1976), no page number.

BIBLIOGRAPHY

Corwin, Edward S. The Constitution And What It Means Today. 13th ed. Princeton, New Jersey: Princeton University Press, 1973.

Dodd, John B. Classified Structure Field Inventory Report for the First Bank of the United States. Philadelphia, Pennsylvania: Mid-Atlantic Regional Office, National Park Service, Unpublished, April 27, 1976.

Fribourg, Majorie G. The Supreme Court in American History. Philadelphia, Pennsylvania: Macrae Smith Company, 1984.

Kelley, Alfred H.; Harbison, Winfred A.; Belz, Herman. The American Constitution: Its Origins and Development. New York: W.W. Norton & Company, Inc., 1983.

Toogood, Anna Coxe. Draft National Register Nomination Independence National Historical Park. Philadelphia, Pennsylvania: Independence National Historical Park, Unpublished, November 5, 1984.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreage of nominated property Less than one acre

Quadrangle name Philadelphia **Quadrangle scale** 1:24,000

UTM References

	Zone	Easting	Northing		Zone	Easting	Northing
A	18	487460	4421300	B			
C				D			
E				F			
G				H			

Verbal boundary description and justification

The boundary conforms to the outside perimeter of the building.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History **date** December 1986

street & number P.O. Box 37127 **telephone** (202)343-8155

city or town Washington **state** DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state ___ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title **date**

For NPS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest: **date**

Chief of Registration

GPO 911-399

FIRST BANK OF THE UNITED STATES
Philadelphia Quadrangle
UTM References:
18/487460/4421800
PHILADELPHIA CO
CAMDEN CO
PENNSYLVANIA
NEW JERSEY
RIVER
CAMDEN
Cooper Point
57'30"
2.7 MI. TO U.S. 130
ATLANTIC CITY 62 MI.
(CAMDEN)
5963 I NE
Kaighn Point
Tidal Flat
Pier 5
Pier 34 S
Spruce
Penn
Independence Hall
Custom House
Tower
Washington Square
Cem
Hospital
Palumbo Playground
Library
Jackson Sch
Passyunk Square
Playground
Jefferson Square
Dickinson Square
Northern Liberties Hospital
Cornman Sch
Franklin High Sch
Wills Hosp
Assumption Sch
Stevens Sch
Jefferson Sch
Roone Sch
St Agnes Sch
Kearny Sch
Hahnemann Medical College
City Hall
Christ Ch
Bartlett Jr High Sch
Meredith Sch
St Stanislaus Sch
Settlement Park Sch
Nebinger Sch
St Philip Neri Sch
Kirkbride Sch
Ware Sch
St Marie Goreffin High Sch
Bok Voc Sch
Furness Jr High Sch
Key Sch
Vic
Park
Tidal Flat
Penn
WT
BRIDGE
TOLL
FEDERAL ST
CONRAIL
KAIGHN AVE
DELAWARE
FRONT
BROWN
VINE
WILDEY
POPLAR
BMT1
INHP
INDEPENDENCE NATIONAL HISTORICAL PARK
THADDEUS KOSCIUSZKO NATIONAL MEMORIAL
MEDICINA DEI CHURCH NATIONAL HISTORIC SITE
4424
4423
4422
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4420
4419

Expires 10-31-87

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National Park Service

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date entered

National Register of Historic Places Inventory—Nomination Form

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Pittsylvania County Courthouse

and or common

2. Location

street & number U.S. Business Route 29 ___ not for publication

city, town Chatham ___ vicinity of

state Virginia code 51 county Pittsylvania code 143

3. Classification

Category	Ownership	Status	Present Use	
___ district	X public	X occupied	___ agriculture	___ museum
X building(s)	___ private	___ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	___ yes: restricted	X government	___ scientific
	___ being considered	X yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Board of Supervisors, Pittsylvania County c/o Chairman

street & number P.O. Box 426

city, town Chatham ___ vicinity of state Virginia 24531

5. Location of Legal Description

courthouse, registry of deeds, etc. Pittsylvania County Courthouse

street & number

city, town Chatham state Virginia

6. Representation in Existing Surveys

title National Register Nomination Form has this property been determined eligible? X yes ___ no

date 1981 ___ federal X state ___ county ___ local

depository for survey records National Park Service, Interagency Resources Division

city, town Washington state DC

7. Description

Condition		Check one	Check one
X excellent	___ deteriorated	___ unaltered	X original site
___ good	___ ruins	X altered	___ moved date _____
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The Pittsylvania County Courthouse is on the east side of U.S. Business Route 29 in the town of Chatham.[1] The two-story, stretcher-bond brick edifice was erected after the plans of L.A. Shumaker. Built in 1853, the building combines elements from the Classical Revival and Italianate styles. The variation in styles is due to the fact that the structure was constructed near the end of a period of great popularity for Classical Revival styles that began with Thomas Jefferson's Roman Revival courthouse designs and culminated at mid-century in the Greek Revival styles. Alterations to the building include the enlargement of the Clerk's office in 1898, the addition of space for court-related offices in 1927, and a rear addition for the Sheriff's and Commonwealth's Attorney's offices in 1968.

The facade (west) is distinguished by a pedimented Greek Revival portico that was influenced, according to building records, by the Campbell County Courthouse, located about forty miles to the northeast. The portico has Doric columns on square piers and a Doric entablature with triglyphs and guttae. The tympanum is finished with formal shiplap siding. The portico shelters a restored double-door side entrance that features a louvred transom and a stone lintel with turned corner blocks. Two auxiliary entrances flank the portico on the ground level; an original single-door side entrance is found on the south elevation. Fenestration on the facade's first story consists of 6/6 hung-sash windows in three-part architraves. The side elevations have 6/6 hung-sash windows topped by lintels with turned corner blocks. Larger openings similarly executed are found on the second story. The building is topped by a cupola which, according to documentation, was added as the building was nearing completion in August 1853 to house a bell. The cupola is divided into two stages: the lower one containing the clock, the second the belfry. The belfry has a Italianate bracketed cornice and a railing with turned balusters.

The building's ground floor is divided into the Clerk's and Treasurer's offices. The main floor contains the courtroom. Flanked by court-related offices, the courtroom has elaborate Italinate plasterwork which consists of a paneled ceiling, a large circular ceiling medallion, and a three-part cornice. The cornice has engaged balls, acanthus leaves, and a plain band. The ceiling's corners are distinguished by floral compositions, similar to that found aroung the center medallion. The prinicipal doors and windows are framed by symmetrical architrave trim with turned corner blocks. The judge's bench is separated from the auditorium by a balustrade with vase-turned balusters. The Colonial Revival aedicule and paneling behind the bench date to ca. 1947. The auditorium benches date to the present century. Portraits of past judges and distinguished county residents line the walls of the courtroom.

An iron fence separates the courthouse from the sidewalk. The fence was mentioned specifically in the building specifications of 1853 and was erected to extend along Main Street with an entrance gate to the present jail. The size of the fence has been much reduced. The traditional Civil War statue stands to the north of the courthouse. The presence of Chatham's commercial development around the building contributes to its urban setting, which is somewhat relieved by the trees that grow along the fence. The integrity of the Pittsylvania County Courthouse is excellent.

8. Significance

Period	Areas of Significance—Check and justify below			
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion
___ 1400–1499	___ archeology-historic	___ conservation	X law	___ science
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture
___ 1600–1699	___ architecture	___ education	___ military	___ social/humanitarian
X 1700–1799	___ art	___ engineering	___ music	___ theater
___ 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation
___ 1900–	___ communications	___ industry	X politics/government	X other (specify) Constitutional History
		___ invention		

Specific dates 1853 **Builder/Architect** L.A. Shumaker

Statement of Significance (in one paragraph)

The Pittsylvania County Courthouse is significant in the constitutional history of the United States because it was the site, in 1878, where black citizens were denied the right to serve as grand and petit jurors. This action by Judge J.D. Coles, then serving in the courthouse, resulted in the case of Ex parte Virginia, which demonatrated that as a result of the Fourteenth Amendment to the Constitution, the Federal government had a qualified but potentially effective power to protect the rights of American citizens.

BACKGROUND OF EX PARTE VIRGINIA

In the years after the Civil War, reform minded Republicans sought to insure that the newly freed slaves enjoyed the same measure of equality and opportunity that white Americans enjoyed. Through their control of the Congress, the Republican Party initiated programs designed to accomplish these ends. In 1865 and 1866, Congress funded the Freedman's Bureau to feed, clothe, and protect the ex-slaves and passed civil rights acts to outlaw varied forms of segregation. In addition, Congress passed the Thirteenth Amendment (1865) to outlaw slavery, the Fourteenth Amendment (1868) to extend federal citizenship to blacks, and the Fifteenth Amendment (1870) to protect the black man's right to vote. Congress backed up these efforts with the passage of a comprehensive Civil Rights Act in 1875.

In spite of these efforts, the tide of events was running against the effort to secure full civil equality for the ex-slaves. In state after state in the South, the conservative white leadership of the Democratic Party regained control of the political machinery, and through a process of legislation and intimidation, eliminated black participation in the political process and instituted a policy of racial segregation. After 1877, support for civil rights from the Congressional and Executive Branches of government waned and black Americans turned to the courts to fight for and secure their civil rights.

The key to this effort to secure full civil and political rights for black Americans rested squarely on the Fourteenth Amendment to the Constitution, which stated, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The author of that first clause in the Fourteenth Amendment, U.S. Representative John Bingham of Ohio, fully intended that the Bill of Rights should limit the power of the individual states as well as that of the federal government.[2] Only the federal government, acting under the authority of the Fourteenth Amendment and the various civil rights acts, could guarantee the full civil and political equality of the ex-slaves. From time to time, before the Civil War, the states had denied the equal protection of the laws to citizens. The Fourteenth Amendment, Bingham believed, changed all that and nationalized civil rights, but it did so in a way that respected the traditional federal-state relationship.[3] Although the states would continue to be the principal regulators of personal liberty and civil rights, they would now do so under the supervision of the federal government.[4]

Even with the Fourteenth Amendment and the various civil rights acts, enormous obstacles still impeded federal civil rights enforcement. These obstacles included the overwhelming opposition of the majority of whites in the South and the country's traditional deep-seated commitment to federalism.[5]

The Slaughterhouse Cases in 1873 presented the Supreme Court with its first opportunity to review and interpret the Fourteenth Amendment. These cases involved butchers who were excluded by a monopoly granted by the Louisiana legislature to a New Orleans slaughterhouse and who therefore claimed that the legislature had denied them property rights guaranteed under the Fourteenth Amendment. The court, in an exceedingly narrow interpretation of the Fourteenth Amendment, held that the butchers were not denied "the privileges and immunities of citizens of the United States" guaranteed by the Fourteenth Amendment, since this amendment protected only federal rights, such as travel upon the high seas, governmental protection in foreign countries, and the availibility of the writ of habeas corpus. Most rights flowed from state citizenship, including the property rights of the butchers, and were not protected by the Fourteenth Amendment. Thus, as a practical matter, the definition and protection of the rights of citizens were left to the states. The implications of the Slaughterhouse Cases for blacks were ominous.[6]

Local authorities soon saw that this principle could be used to establish jurisdiction over the lives of black citizens and make the Fourteenth Amendment impotent as an instrument for their protection. This was precisely what happened once Radical Republican politicians were driven from office in the South. Black citizens were deprived of their basic civil rights.

In the years after 1873, the Supreme Court continued to narrowly interpret the Fourteenth and Fifteenth Amendments and the Civil Rights Acts. In the case of United States v. Cruikshank (1876), in which scores of Louisiana whites were indicted under the Enforcement Act of 1870 for conspiracy to deprive blacks of their rights as United States citizens, Justice Joseph P. Bradley held that the Fourteenth Amendment authorized federal legislation only against state action denying rights. Under the Thirteenth and Fifteenth Amendments Congress could prohibit private denial of rights, Bradley reasoned,

ut only where the denial was motivated by racial hostility rather than ordinary crimi-
al intent. Because the government's indictment of the rioters failed to specify their
ntention to deprive blacks of civil rights on account of race, Bradley found it
nvalid.[7]

imilarly, in the Civil Rights Cases of 1883, the Supreme Court struck down the Civil
ights Act of 1875, because it was directed against private discrimination and not
tate action. Speaking for the Court, Justice Bradley said the Fourteenth Amendment
does not authorize Congress to create a code of municipal law for the regulation of
rivate rights; but to provide modes of redress against the operation of state laws,
nd the action of State officers, executive or judicial, where these are subversive to
he fundamental rights specified in the Amendment."[8]

he combined impact of the Court's decision in these cases was devasting for the Negro.
aving been abandoned by the Legislative and Executive branches of the Federal Govern-
ent, the Negro found no help in the Courts. For all practical purposes the question
f civil rights for black Americans was dropped from the national agenda, although the
ltimate abandonment of civil rights did not come until 1896 with the case of Plessy v.
erguson, in which the Supreme Court found no constitutional objection to a Louisiana
aw requiring separate railway coaches for whites and blacks, provided that blacks were
urnished accommodations equal to whites. Formal racial classification, which the
ourt had earlier condemned, was thus legitimized.[9]

X PARTE VIRGINIA

x parte Virginia resulted from an action in 1878, when Judge J.D. Coles excluded
lack citizens from serving as grand and petit jurors in Pittsylvania County, Virginia.
t the time of this action Judge Coles had his offices in the Pittsylvania County
ourthouse and it was then and there that the exclusion of black citizens from jury
uty took place. As a result of this action, Judge Coles was arrested and charged with
violation of the Civil Rights Act of 1875. After his arrest, Judge Coles filed a
etition with the Supreme Court asking that he be released from custody and that all
harges be dropped on the ground that his arrest and imprisonment were not warranted
y the Constitution and the laws of the United States. Judge Coles also maintained
hat his arrest violated his personal rights and his judicial rights as an officer of
he State of Virginia.

n this case, the Court held that Judge J. D. Coles' action was a violation of the
ivil Rights Act of 1875 and the equal protection clause of the Fourteenth Amendment
nd denied his petition for release.

x parte Virginia represents one of the few victories for blacks in the the federal
ourts in the generation after 1865. After 1865 black Americans fought for their
olitical and civil rights and took case after case to the Supreme Court. Ex parte

Virginia was a victory in this struggle because the issue involved the clear attempt by a state official to deny citizens within his jurisdiction the equal protection of the laws--a protection guaranteed by the Fourteenth Amendment to the Constitution.

Although the impact of Ex parte Virginia was limited, considering the vast range of political and civil rights violations imposed on black Americans, it was a victory that illustrated that the Fourteenth and Fifteenth Amendments, after all, had resulted in the extension of national power over the personal liberty and civil rights of Americans. While the states retained their primary responsibility and power to regulate civil rights they were no longer autonomous. Ex parte Virginia showed that the federal government now had a qualified but potentially effective power to protect the rights of American citizens. Ex parte Virginia represented the promise of the future.

FOOTNOTES

[1] The description of the Pittsylvania County Courthouse was taken from the following source:

Virginia Historic Landmarks Commission Staff, "National Register of Historic Places Inventory-Nomination Form-Pittsylvania County Courthouse." (Richmond, Virginia: Virginia Historic Landmarks Commission, 1981), p. 2.

[2] Nat Hentoff, The First Freedom: The Tumultuous History of Free Speech in America (New York: Delacorte Press, 1980), p. 131.

[3] Ibid., pp. 131-132.

[4] Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York, W.W. Norton & Company, Inc., 1983), p. 343.

[5] Ibid., p. 358.

[6] Franklin S. Harman, ed., Racial Equality (Skokie, Ill., National Text Book Company, 1980), p. 11.

[7] Kelley, p. 366.

[8] C. Peter Magrath, Morrison R. Waite: The Triumph of Character (New York, The Macmillian Company, 1963), p. 143.

[9] Kelley, p. 368.

BIBLIOGRAPHY

Corwin, Edward S. The Constitution And What It Means Today. 13th ed. Princeton New Jersey: Princeton University Press, 1973.

Harman, Franklin S., ed. Racial Equality. Skokie, Illinois: National Text Book Company, 1980.

Hentoff, Nat. The First Freedom: The Tumultuous History of Free Speech in America. New York: Delacorte Press, 1980.

Kelley, Alfred H.; Harbison, Winfred A.; Belz, Herman. The American Constitution: Its Origins and Development. New York: W.W. Norton & Company, Inc., 1983.

Magrath, C. Peter. Morrison R. Waite: The Triumph of Character. New York: The Macmillian Company, 1963.

Virginia Historic Landmarks Commission Staff. "National Register of Historic Places Inventory-Nomination Form-Pittsylvania County Courthouse." Richmond, Virginia: Virginia Historic Landmarks Commission, 1981.

BOUNDARY

Beginning at a point on E side of U.S. B-R 29, about 75' S of the intersection of said route with Town Route 1401; thence extending about 200' E, then about 75' S, then about 200' W to E side of U.S. B-R 29; thence existing about 75' N along said side to point of origin. The nominated property for the Pittsylvania County Courthouse consists of approximately one-half acre. It includes the courthouse building and the Civil War monument. Newer court buildings that date to the mid-20th century are not included within the boundary.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreage of nominated property 1/2 Acre

Quadrangle name Chatham, Virginia

Quadrangle scale 1:24,000

UTM References

	Zone	Easting	Northing
A	17	642850	4076480
B			
C			
D			
E			
F			
G			
H			

Verbal boundary description and justification

SEE CONTINUATION SHEET

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History date December 1986

street & number P.O. Box 37127 telephone (202)343-8155

city or town Washington state DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state ___ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title date

For NPS use only

I hereby certify that this property is included in the National Register

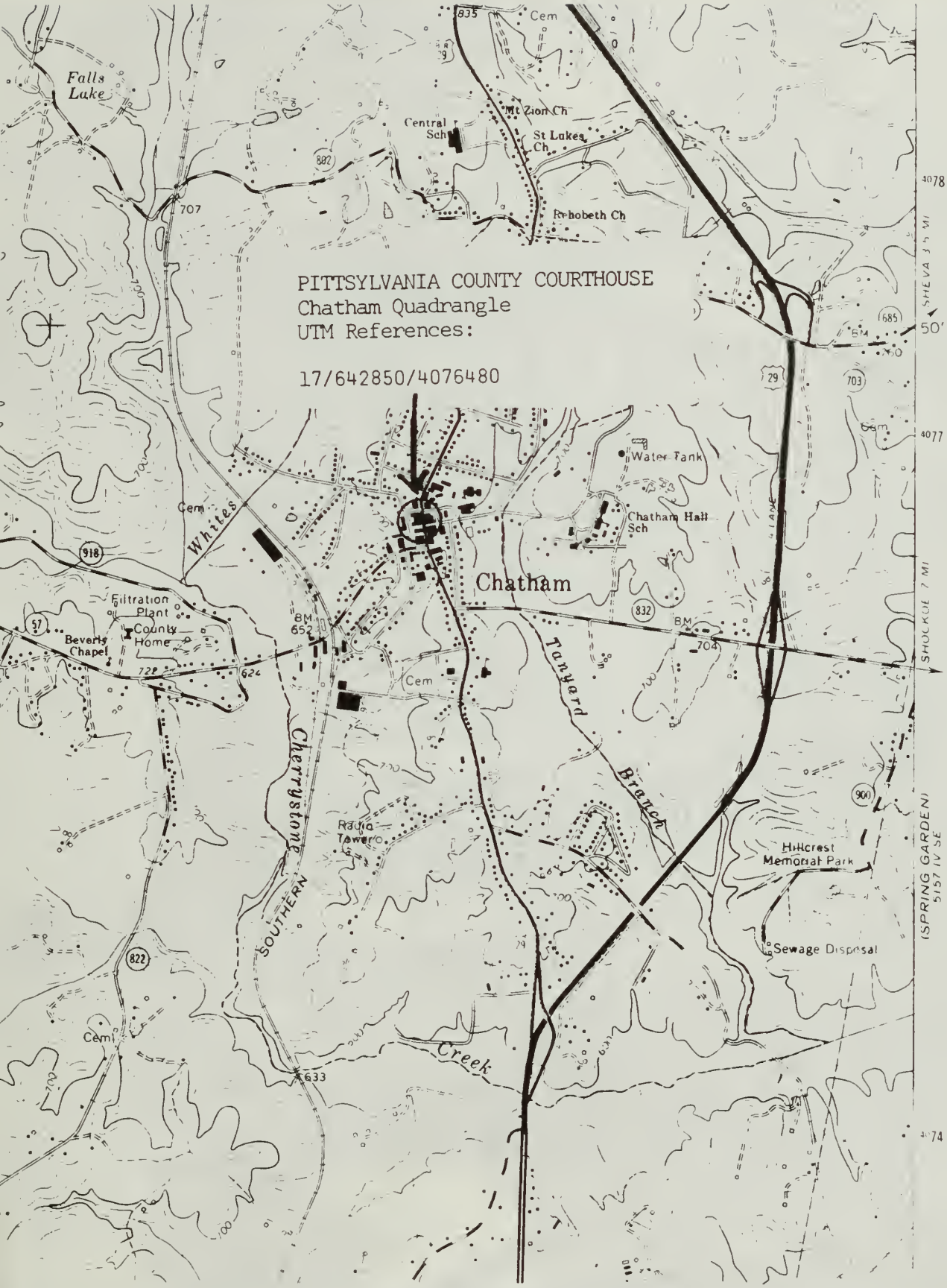
date

Keeper of the National Register

Attest: date

Chief of Registration

GPO 911-399


PITTSYLVANIA COUNTY COURTHOUSE
Chatham Quadrangle
UTM References:
17/642850/4076480
Falls Lake
Central Sch
Mt Zion Ch
St Lukes Ch
Rehobeth Ch
Cem
Water Tank
Chatham Hall Sch
Chatham
Whites
Filtration Plant
County Home
Beverly Chapel
BM 652
BM 704
Tanyard Branch
Cherrystone
SOUTHERN
Radio Tower
Hillcrest Memorial Park
Sewage Disposal
Creek
(SPRING GARDEN) 5157 IV SE
SHOCKOE 7 MI
4078
4077
4074
50'

PITTSYLVANIA COUNTY COURTHOUSE
Front View from U.S. Business
Route 29, 1986

(Marvin B. Scruggs, Chatham, Va.)

PITTSYLVANIA COUNTY COURTHOUSE
Side View, Confederate War Memorial,
1926.

(Marvin B. Scruggs, Chatham, Va.)

PITTSYLVANIA COUNTY COURTHOUSE
Interior, Main Courtroom, 1986

(Marvin B. Scruggs, Chatham, Va.)

NPS Form 10-900
(3-82)

OMB No. 1024-0018
Expires 10-31-87

United States Department of the Interior
National Park Service

For NPS use only

National Register of Historic Places Inventory—Nomination Form

received

date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Second Bank of the United States

and/or common Old Custom House

2. Location

street & number 420 Chestnut Street ___ not for publication

city, town Philadelphia ___ vicinity of

state Pennsylvania code 42 county Philadelphia code 101

3. Classification

Category	Ownership	Status	Present Use	
___ district	X public	X occupied	___ agriculture	X museum
___ building(s)	___ private	___ unoccupied	___ commercial	X park
X structure	___ both	___ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	X yes: restricted	___ government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Independence National Historical Park

street & number 313 Walnut Street

city, town Philadelphia ___ vicinity of state Pennsylvania

5. Location of Legal Description

courthouse, registry of deeds, etc. Recorder of Deeds, City Hall

street & number Broad and Market Street

city, town Phildelphia state Pennsylvania

6. Representation in Existing Surveys

title ___ has this property been determined eligible? X yes ___ no

date October 28-30, 1940 X federal ___ state ___ county ___ local

depository for survey records National Park System Advisory Board

city, town Washington state DC

7. Description

Condition		Check one	Check one
X excellent	___ deteriorated	___ unaltered	X original site
___ good	___ ruins	X altered	___ moved date _____
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The Second Bank of the United States, at 420 Chestnut Street, was designed by architect William Strickland and built between 1819 and 1824 at the cost of nearly half-a-million dollars.[1] Modeled after the Parthenon in Athens, this temple structure is one of the finest examples of Greek Revival architecture in the United States. The huge building, measuring 86' x 140' with 16' x 10' porticoes at the north and south ends, contains 11,954 square feet of interior space. The main or north entrance is approached by a flight of marble stairs to a portico with eight large fluted Doric columns, 4' 6" in diameter, and a full Doric entablature. Coursed ashlar marble covers the three-story walls and the gabled roof is copper.

Strickland's design elevated the main floor of the bank building 9 feet above ground level and set the building off by a 14-foot-wide flagstone terrace 3 feet higher than street level. The central doorway at the main or Chestnut Street entrance opened to a vestibule with a paneled dome. On the right and left were large offices and directly ahead a central lobby or hallway leading to the banking room which occupied the center of the building. Beyond, on the south end of the building, was the stockholders room, 23' x 50', and on either end of it, committee rooms and marble stairways to the second story which was reserved for various offices.

The banking room, the heart of the Second Bank of the United States, retains many of its original architectural elements. The large 48' x 81' space still is divided by two rows of six fluted marble columns in the Ionic Order, which support three vaulted (arched) ceilings, the central of which is semi-cyclindrical, 28' in diameter and 81' in length. Palladian windows give light to the room from the east and west.

The Second Bank of the United States first established itself in Carpenters' Hall in 1817, after Congress determined that a federal bank might spare the country a repeat of the financial crisis the country experienced during the War of 1812. When the magnificent marble temple was completed for the bank's use in 1824, Nicholas Biddle was serving as its president. Under his dynamic leadership the bank achieved its greatest influence and its Greek Revival design provided a model for numerous branch banks throughout the country. But active jealousy of the bank's power led to its downfall in 1836, when, following the determined leadership of President Andrew Jackson, Congress allowed the bank's charter to expire. The Commonwealth of Pennsylvania granted a charter to Nicholas Biddle for a state bank in its stead. When it failed in 1841, the Port of Philadelphia took over the building as the Custom House, in which use it continued until 1934, when a new Custom House reached completion on the next block. Subsequently a movement to preserve the Second Bank building resulted in its designation in June 1939 as a National Historic Site.

During the 1940s measured drawings and partial restoration of the building were completed under the direction of the Historic American Buildings Survey and the National Park Service. Many of the window openings added to the building during the years after the bank closed were covered over, and the original terracing at the front entraceway was reinstated. The interior restoration focused on the entrance lobby, as the main banking room and side offices fortunately survived in their original appearance. The building presently houses the Independence Park Portrait Collection.

8. Significance

Period	Areas of Significance—Check and justify below			
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion
___ 1400–1499	___ archeology-historic	___ conservation	X law	___ science
___ 1500–1599	___ agriculture	X economics	___ literature	___ sculpture
___ 1600–1699	X architecture	___ education	___ military	___ social/ humanitarian
___ 1700–1799	___ art	___ engineering	___ music	___ theater
X 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation
___ 1900–	___ communications	___ industry	X politics/government	X other (specify) Constitutional History
		___ invention		

Specific dates 1824–1836 **Builder/Architect** William Strickland

Statement of Significance (in one paragraph)

The Second Bank of the United States is primarily significant in the areas of Constitutional History and Architecture.

CONSTITUTIONAL HISTORY[2]

The financial difficulties arising out of the War of 1812 demanded that something be done to restore order to the chaotic state of American finance. The charter of the First Bank of the United States had expired leaving no central financial institution for the United States. As a result the United States found it difficult to repay loans secured to finance the war. Foreign credit was in poor standing, there was no uniform national currency and bank notes could not be exchanged for gold. As a result of this situation, many Americans who had opposed the First Bank of the United States changed their minds and supported establishment of the Second Bank of the United States in 1816.

After a shaky start, the Second Bank settled down to become, in the decade after the Panic of 1819, a conservative, prosperous, and reasonably responsible business enterprise. Nicholas Biddle, president of the Second Bank, created an institution that soon became an effective regulator of the national economy. The bank marketed government bonds and served as a reliable depository of government funds; it was an important source of credit for the business community; its bank notes provided the country with a sound paper currency; it forced the state banks to back their notes with adequate specie reserves and thus helped to create confidence in the entire banking system of the United States. The source of its power was its control of one-fifth of the bank notes and one-third of the bank deposits and specie of the country.

Although the constitutionality of the bank seemed to have long since been settled, President Andrew Jackson criticized it repeatedly during his first term in office, made it a major target in his campaign for a second term, and gave it so much attention during his second term that he appeared almost obsessed with the desire to destroy it. In his attack on the bank, Jackson reopened the question of its constitutionality. Acknowledging the Supreme Court's affirmation of the bank in McCulloch v. Maryland (1819), Jackson discounted the significance of this decision by arguing that the political branches were not bound by the judiciary's reading of the Constitution, but rather were obliged to interpret the fundamental law themselves. Jackson pointed out that in the McCulloch case the Court said the degree of necessity of a legislative act, under the necessary-and-proper clause, was a matter of political descretion. Permitted thus to examine the bill on its own merits, Jackson described the bank as a potentially "self-elected directory" possessing monopolistic power that was capable of

influencing elections and controlling the affairs of the nation. Especially insofar as it was connected with foreign capital, Jackson reasoned, the bank was a "danger to our liberty and independence."

At the heart of Jackson's opposition to the bill was support of the principle of dual-federalism. Dual-federalism stated the existence of mutually exclusive and reciprocally limiting spheres of state and federal power, neither of which was superior to the other in a categorical sense. Dual-federalist theory attached as much importance to the Tenth Amendment, reserving to the states or the people powers not delegated to the general government, as John Marshall did to the supremacy clause of the Constitution.

Jackson argued that by exempting the private business of the bank from state taxation, the recharter bill, "as a means of executing the powers delegated to the General Government," attacked "the substantive and most essential powers reserved to the States." The framers of the Constitution, Jackson declared, never imagined "that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress." The constrast with John Marshall's doctrine of national-supremacy federalism was profound: whereas Marshall held that federal power properly exercised could stop the state taxing power, Jackson's dual-federalism permitted the states to exclude the exercise of a constitutional federal power.

Perceiving himself to be the champion of the people, Jackson defied both the Congress and the Supreme Court when he thought necessary. His veto of the bank bill set forth two clear and distinct messages--that the Supreme Court was not the final arbiter of all constitutional questions, and that the President could exercise a judgment independent of Congress, upon matters of policy, persumably even where constitutional issues were not involved.

Jackson objected to the Second Bank of the United States not only on the basis of its constitutionality but also for reasons of policy. Previous presidents had vetoed bills on constitutional grounds only. Jackson's bank veto and his veto of numerous internal improvement bills changed this pattern. In addition to the dual-federalist objects already discussed, Jackson opposed the bank as an unwise and inexpedient interference with republican liberty. Jackson's veto of the bank bill anticipated later presidential vetoes and the growth of the system of checks and balances inherent today in the relationship between the executive, legislative and judicial branches of government.

ARCHITECTURE[3]

The Second Bank of the United States was designed by the noted American architect William Strickland.

The Second Bank of the United States was the first architectural commission Strickland won after returning to the profession following nearly a decade of pursuing other artistic interests. The bank directors had specified that the design be "a chaste

imitation of Grecian architecture, in its simplest and least expensive form," and within these bounds Strickland produced the nation's first public building based on the Parthenon. At its completion in 1824 Strickland's monumental marble Second Bank (John Struthers, marble mason) won instant and widespread acclaim and brought to age the American expression of Greek Revival architecture which had been evolving since 1798, when Strickland's mentor, Benjamin Henry Latrobe, had set the trend with his design for the Bank of Pennsylvania.

Strickland's graceful treatment of the Second Bank, with its two-story Doric octastyle porticoes at each end, inspired numerous imitations among its branch bank buildings, so contributing to the spread of Greek Revival architecture throughout the country. The interior of the bank complemented the exterior and reflected Strickland's originality. As Talbot Hamlin expresses it in Greek Revival Architecture in America, the bank's "plan was magnificently conceived and its interiors were as efficient as they were beautiful and well proportioned." Richard Webster in Philadelphia Preserved makes the statement that "the original interior was an outstanding example of classical progression of space." Historian Bray Hammond recently concluded that the Second Bank was "not merely one of the finest and most influential examples of Greek Revival architecture in the United States but one of the noblest buildings in the country of any style."

The Second Bank of the United States operated from 1816 to 1836, when its charter was allowed to expire. After a rehabilitation in 1844, the building served nearly a century--1845-1934--as Philadelphia's United States Custom House. In 1939 Secretary of the Interior Harold L. Ickes designated the building a National Historic Site. In 1948 Congress included it in Independence National Historical Park.

FOOTNOTES

[1] Material for the description was taken from the following source.

Anna Coxe Toogood, "Draft National Register Nomination Independence National Historical Park" (Unpublished Report, Independence National Historical Park, National Park Service, November 5, 1984), no page number.

[2] Material for the constitutional statement of significance was taken from the following sources.

Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York: W.W. Norton & Company, Inc., 1983), pp. 207-28.

John M. Blum, et al., The National Experience (6th ed.; New York: Harcourt Brace Jovanovich, 1985), pp. 237-40.

[3] Material for the architectural statement of significance was taken from the following source.

Toogood, op. cit., no page number.

BIBLIOGRAPHY

Blum, John M. et al. The National Experience. 6th ed. New York: Harcourt Brace Jovanovich, 1985.

Corwin, Edward S. The Constitution And What It Means Today. 13th ed. Princeton, New Jersey: Princeton University Press, 1973.

Dodd, John B. Classified Structure Field Inventory Report for the Second Bank of the United States. Philadelphia, Pennsylvania: Mid-Atlantic Regional Office, National Park Service, Unpublished, April 27, 1976.

Fribourg, Majorie G. The Supreme Court in American History. Philadelphia, Pennsylvania: Macrae Smith Company, 1984.

Kelley, Alfred H.; Harbison, Winfred A.; Belz, Herman. The American Constitution: Its Origins and Development. New York, W.W. Norton & Company, Inc., 1983.

Toogood, Anna Coxe. Draft National Register Nomination Independence National Historical Park. Philadelphia, Pennsylvania: Independence National Historical Park, Unpublished, November 5, 1984.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreage of nominated property Less than one acre

Quadrangle name Philadelphia

Quadrangle scale 1:24,000

UTM References

	Zone	Easting	Northing
A	18	487300	4421850
B			
C			
D			
E			
F			
G			
H			

Verbal boundary description and justification

The boundary conforms to the outside perimeter of the building.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History date December 1986

street & number P.O. Box 37127 telephone (202)343-8155

city or town Washington state DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state ___ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title date

For NPS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest: date

Chief of Registration

SECOND BANK OF THE UNITED STATES
Philadelphia Quadrangle
UTM References:
18/487300/4421850
PHILADELPHIA CO
CAMDEN CO
Cooper Point
57'30"
4423
4422
4421
4420
4419
55'
INDEPENDENCE NATIONAL HISTORICAL PARK
Washington Square
Custom House
Christ Ch
Reading Station
City Hall
Pier 5
Pier 34 S
PENNSYLVANIA
NEW JERSEY
DELAWARE
RIVER
CAMDEN
Spruce
Kaighn Point
Tidal Flat
Cork
THADDEUS KOSCIUSZKO NATIONAL MEMORIAL
Jefferson Square
Dickinson Square
Mifflin Square
Palumbo Playground
BRIDGE
TOLL
2.7 MI TO U.S. 130
ATLANTIC CITY 62 MI
(CAMDEN)
5963 I NE

SECOND BANK OF THE UNITED STATES
Front View from Chestnut Street, 1986

(Independence National Historical
Park Collection)

NPS Form 10-900
(3-82)

OMB No. 1024-0018
Expires 10-31-87

United States Department of the Interior
National Park Service

For NPS use only

received

date entered

National Register of Historic Places Inventory—Nomination Form

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Sumner Elementary School

and/or common

2. Location

street & number 330 Western Avenue ___ not for publication

city, town Topeka ___ vicinity of

state Kansas code county Shawnee code

3. Classification

Category	Ownership	Status	Present Use	
___ district	X public	X occupied	___ agriculture	___ museum
X building(s)	___ private	___ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	X educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	X yes: restricted	___ government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name Board of Education of Topeka

street & number 624 West 42th Street

city, town Topeka ___ vicinity of state Kansas

5. Location of Legal Description

courthouse, registry of deeds, etc. Shawnee County Courthouse

street & number Registry of Deeds

city, town Topeka state Kansas 66603

6. Representation in Existing Surveys

title None has this property been determined eligible? ___ yes ___ no

date ___ federal ___ state ___ county ___ local

depository for survey records

city, town state

7. Description

Condition		Check one	Check one
_X_ excellent	___ deteriorated	___ unaltered	_X_ original site
___ good	___ ruins	_X_ altered	___ moved date _____
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The Sumner Elementary School was constructed in 1936 by the School Board of Topeka, Kansas. The school stands on 3.6 acres, has a total of 31,306 square feet with 17 rooms (10 classrooms), and has a capacity for 240 students and 30 staff members. The architect was Thomas W. Williamson of Topeka, perhaps best noted for his design of the Topeka High School and First National Bank of Topeka.

The Sumner Elementary School was originally designed as a two-story, brick structure with thirteen rooms, a tower, a basement, and auditorium. The exterior is enhanced by stone decorative bas reliefs in the Art Deco style. In the years since its construction, the school has undergone several renovations. For example, in the 1930s, manual training and cooking were taught in the elementary schools; as the curriculum changed, these rooms were converted to a media center and teacher's lounge. In other remodeling changes, the auditorium became a multi-purpose room, the tower was renovated to contain a special reading classroom, and the basement was remodeled to contain a playroom and two additional classrooms. The specific dates of these renovations is unknown, although it is believed that the manual training and cooking rooms were changed during the early 1950s and the tower, auditorium, and basement were changed some years later.

Since the Sumner Elementary School is still in use, the school district has continued to update and repair the building as needed. These renovations represent modifications necessary to meet the continuing needs of the students at the Sumner Elementary School and do not affect the integrity of the site as a functioning elementary school. The Sumner Elementary School is essentially the same today as it was in 1954.

8. Significance

Period	Areas of Significance—Check and justify below			
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion
___ 1400–1499	___ archeology-historic	___ conservation	X law	___ science
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture
___ 1600–1699	___ architecture	___ education	___ military	___ social/ humanitarian
___ 1700–1799	___ art	___ engineering	___ music	___ theater
___ 1800–1899	___ commerce	___ exploration/settlement	___ philosophy	___ transportation
X 1900–	___ communications	___ industry	___ politics/government	X other (specify) Constitutional History
		___ invention		

Specific dates 1954 **Builder/Architect** Thomas W. Williamson

Statement of Significance (in one paragraph)

The Sumner Elementary School is significant because of its association with the case of Brown v. Board of Education of Topeka (1954), in which the Supreme Court concluded that "Separate educational facilities are inherently unequal" thus effectively denying the legal basis for segregation in 21 states with segregated schoolrooms and starting a revolution in the legal status of black Americans that continues to this day. The Sumner Elementary School is the school that refused to enroll Linda Brown because she was black, thus precipitating the case that gave its name to the Supreme Court's 1954 decision.

BACKGROUND[1]

The achievement of Civil Rights for black Americans in the twentieth century did not require a change in the Constitution as much as the fulfillment of the original intention of the framers of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. The purpose of these amendments was to integrate the freed slaves into the political and social order on the basis of legal equality. Reconstruction fell short of this goal, and in the late nineteenth and early twentieth centuries, patterns of discrimination between and physical separation of the races that had begun to take shape in the South after the Civil War were transformed into legally sanctioned segregation and disenfranchisement.

At the center of the struggle for equal civil rights was the case of Plessy v. Ferguson, (1896), in which the Supreme Court established the doctrine of separate but equal in the use of public transportation facilities. While the Plessy decision itself did not involve the issue of schools, the principle carried over. The segregation of whites and blacks was valid, if the facilities were equal, since it is the "equal" protection of the laws that is guaranteed by the Fourteenth Amendment.

At first, the Supreme Court was extremely lenient in construing what this "equality" required when it held in Cummings v. County Board of Education (1899) that there was no denial of "equal" protection of the laws in the failure of a Southern county to provide a high school for sixty black children, although it maintained a high school for white children. The Court was satisfied with the county's defense that it could not afford to build a high school for black children.

In other cases dealing with Negro segregation which reached the Supreme Court after Plessy, the doctrine of "separate but equal" was followed and never reexamined. The Court seemed content with the Plessy decision. For example, in Berea College v.

Kentucky (1908), the Court held that the state could forbid a college, even though a private institution, to teach whites and blacks at the same time and place. This left no doubt of the validity of the laws requiring the education of white and black children in separate tax-supported schools.

During the forty-year period after 1914, the Court, applying ever more rigid standards of equality, began to find that Negro plantiffs were being denied equality of treatment as specified in the Plessy decision. In McCabe v. Atchison, T.& S. Ry. Co. (1914), an Oklahoma law was held not to accord equal accommodations to blacks and whites when it allowed railroads to haul sleeping, dining, and chair cars for the exclusive use of whites without providing them on demand for blacks. In Missouri ex rel. Gaines v. Canada (1938), the court held that Gaines, a Negro, was entitled to be admitted to the law school of the University of Missouri, in the absence of other and proper provision for his legal education within the state. In other words, Missouri did not have a separate and equal law school for Negroes and thus had to admit Gaines to the law school of the University of Missouri. In Sweatt v. Painter (1950), the court rejected the argument from the State of Texas that its new law school for Negroes afforded educational opportunity equal to those at the University of Texas Law School.

By the fall of 1952 the Supreme Court had on its docket cases from four states, Kansas, South Carolina, Virginia, Delaware, and from the District of Columbia, challenging the constitutionality of racial segregation in public schools. In all of these cases the facts showed that both the black and white schools were as equal with respect to buildings, salaries, teachers and other tangible factors as could be expected. The issue before the Court was the consitutionality of segregation per se--the question whether the doctrine of Plessy v. Ferguson should be affirmed or reversed.

The five cases were argued before the Court in December 1952. The death of Chief Justice Vinson caused the cases to be reargued in December 1953, after the appointment of Earl Warren as Chief Justice. On May 17, 1954, the Court issued its historic decision in which it concluded that "Separate educational facilities are inherently unequal." After sixty years, Plessy v. Ferguson was overturned.

SUMMARY

This decision, in Brown v. Board of Education of Topeka, written by Chief Justice Earl Warren, was momentous. The social and ideological impact of the case can not be overestimated. The decision was unanimous with only a single opinion of the Court. The issue of the legal separation of the races was settled. Segregation was a violation of the Fourteenth Amendment of the Constitution and was unconstitutional.

By denying Linda Brown the right to enroll in the Sumner Elementary School, the Board of Education of Topeka, Kansas, started the chain of events that led to the Supreme Court and the case of Brown v. Board of Education of Topeka. The Sumner Elementary School

symbolizes both the harsh reality of descrimination permitted by the Plessy decision in 1896 and the promise of equality embodied in the Fourteenth Amendment to the Constitution that was realized after 1954.

FOOTNOTES

[1] Material for the Statement of Significance was taken from the following sources.

Alfred H. Kelley, Winfred A. Harbison and Herman Belz, The American Constitution: Its Origins and Development (New York: W.W. Norton & Company, Inc., 1983), pp. 602-12.

Robert F. Cushman, Leading Constitutional Decisions (16th ed.: Englewood Cliffs, New Jersey: Prentice Hall, Inc. 1981), pp. 327-35.

BIBLIOGRAPHY

orwin, Edward S. The Constitution And What It Means Today. 13th ed. Princeton, New ersey: Princeton University Press, 1973.

ushman, Robert F. Leading Constitutional Decisions. 16th ed. Englewood Cliffs, New ersey: Prentice Hall, 1981.

avid, Andrew. Famous Supreme Court Cases. Minneapolis, Minnesota: Lerner Publications ompany, 1980.

ribourg, Majorie G. The Supreme Court in American History. Philadelphia, Pennsylvania: acrae Smith Company, 1984.

elley, Alfred H.; Harbison, Winfred A.; Belz, Herman. The American Constitution: Its rigins and Development. New York: W.W. Norton & Company, Inc., 1983.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreage of nominated property 3.6 acre

Quadrangle name Topeka

Quadrangle scale 1:24,000

UTM References

	Zone	Easting	Northing		Zone	Easting	Northing
A	15	267910	4326430	B			
C				D			
E				F			
G				H			

Verbal boundary description and justification The boundary of the Sumner Elementary School cont
the lots enclosed by the red line on the attached boundary description map. This was t
boundary of the school at the time of the 1954 Supreme Court description in the Brown c

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History date December 1986

street & number P.O. Box 37127 telephone (202)343-8155

city or town Washington state DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state ___ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title date

For NPS use only

I hereby certify that this property is included in the National Register

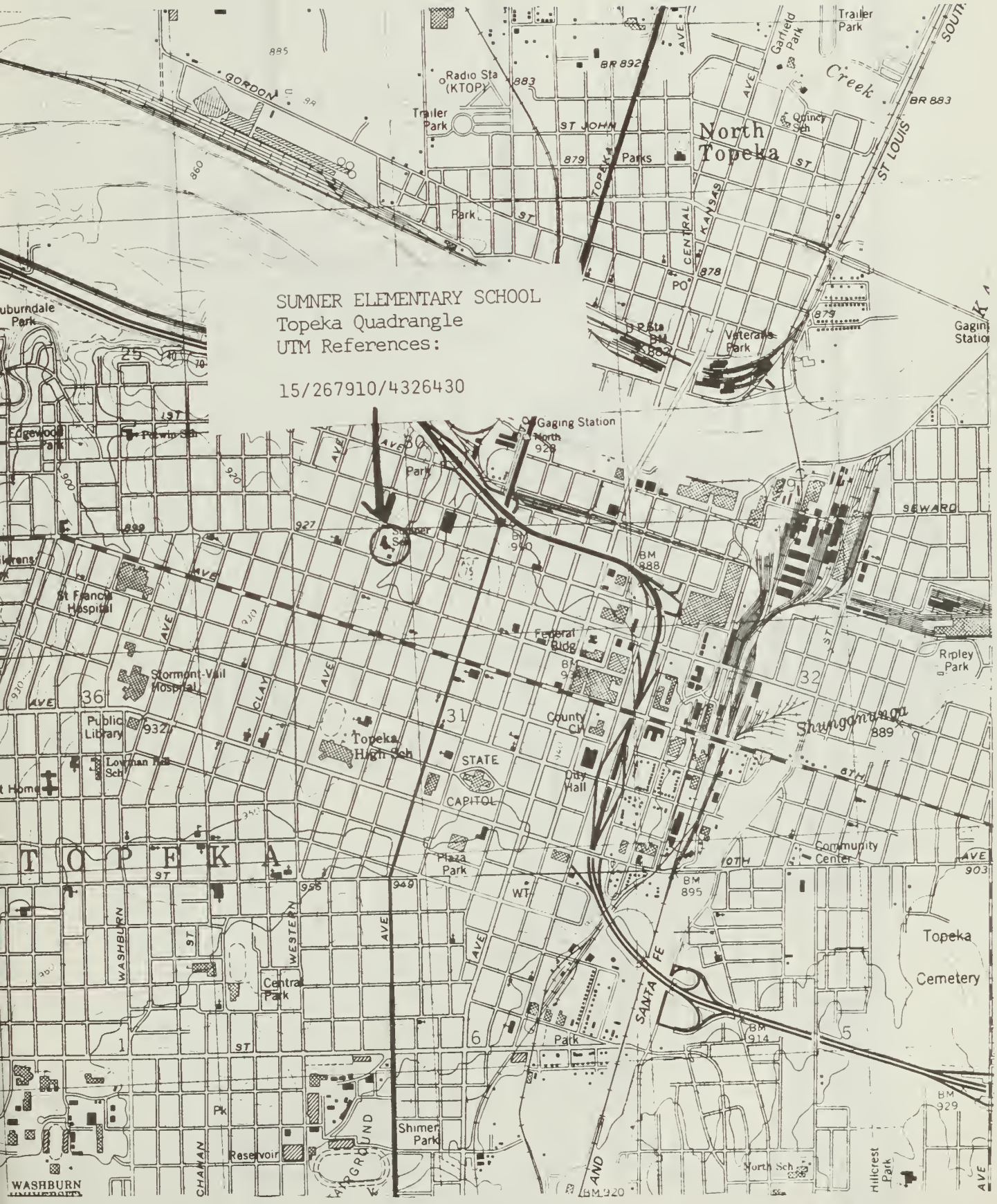
date

Keeper of the National Register

Attest: date

Chief of Registration

GPO 911-399


SUMNER ELEMENTARY SCHOOL
Topeka Quadrangle
UTM References:
15/267910/4326430
North Topeka
Radio Sta (KTOP)
Trailer Park
Garfield Park
Quincy Sch
Parks
Veterans Park
Gaging Station
Edgewood Park
Potwin Sch
St Francis Hospital
Stormont-Vail Hospital
Public Library
Lowman Hill Sch
Topeka High Sch
Federal Bldg
County Ch
Ripley Park
Shunganunga
STATE CAPITOL
Dily Hall
Plaza Park
Community Center
Topeka Cemetery
Central Park
Shimer Park
Reservoir
North Sch
Hillcrest Park
WASHBURN
TOPEKA
GORDON
ST JOHN
TOPEKA
CENTRAL
KANSAS
ST LOUIS
SEWARD
CLAY
WESTERN
WASHBURN
SANTA FE
10TH
6TH
Creek

DESCRIPTION OF LAND
OWNED BY BOARD OF EDUCATION

Name SUMNER SCHOOL Street No. Fourth & Western Ave. File Checked Mar.28,1946 By R Delgey

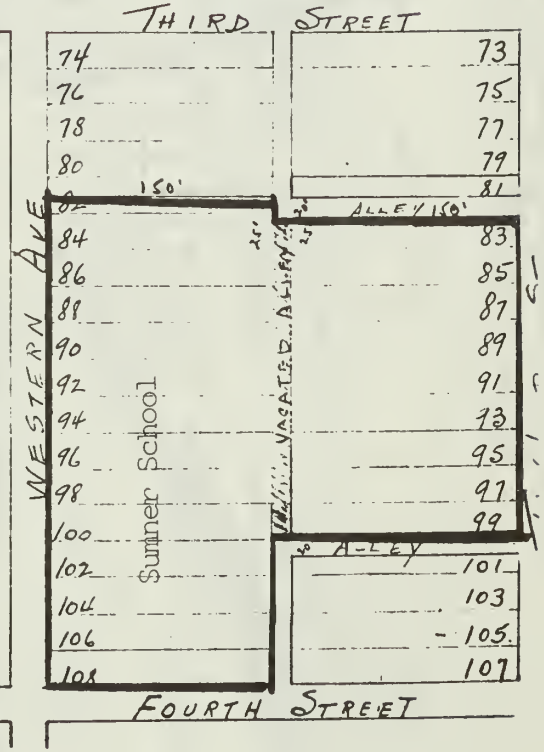
Number of Lots	Legal Description Lot Numbers	Location			Addition
13½	Even Numbers Only S½-82, 84 to 108	ON: Western Ave	BETWEEN: Third	& Fourth St.	City of Topeka, Sec.31
10	Odd Numbers only S½-81, 83 to 99, N½-101	ON: Taylor St.	BETWEEN: Third	& Fourth	City of Topeka, Sec.31
		ON:	BETWEEN:	&	
		ON:	BETWEEN:	&	
		ON:	BETWEEN:	&	

REMARKS

Deeds & Abstracts on file for,all Described Property

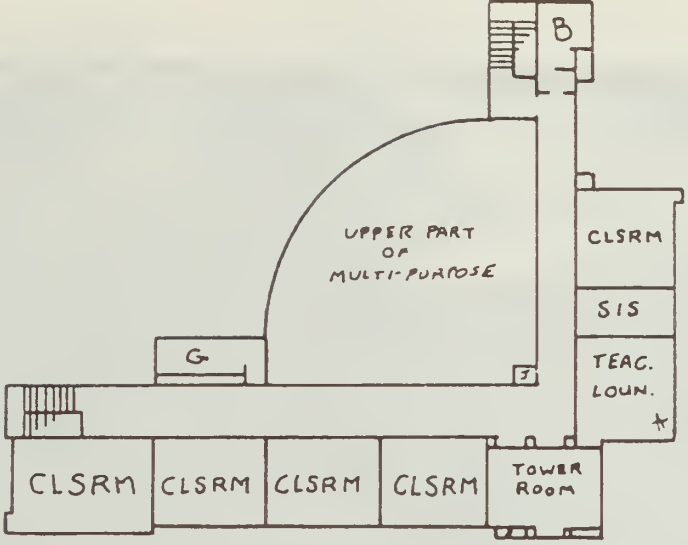
However Lots 97,99& N½ of 101 were acquired through Condemnation Proceedings

The South 12½ Ft of lot 81 and North 7½' of Lot 83, also the North 12½' of lot 101 and the south 7½' lot 99 were deeded to the city for alleys

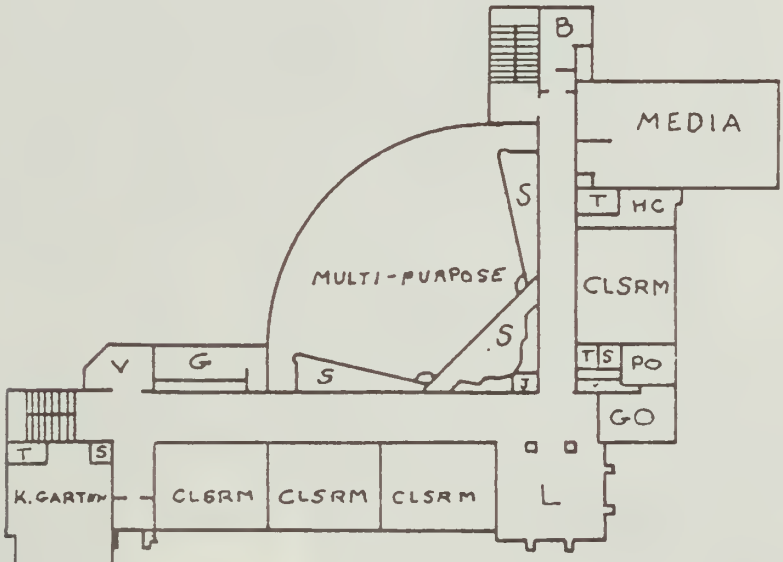


Sumner Elementary School

Boundary Description Map



2ND FLOOR

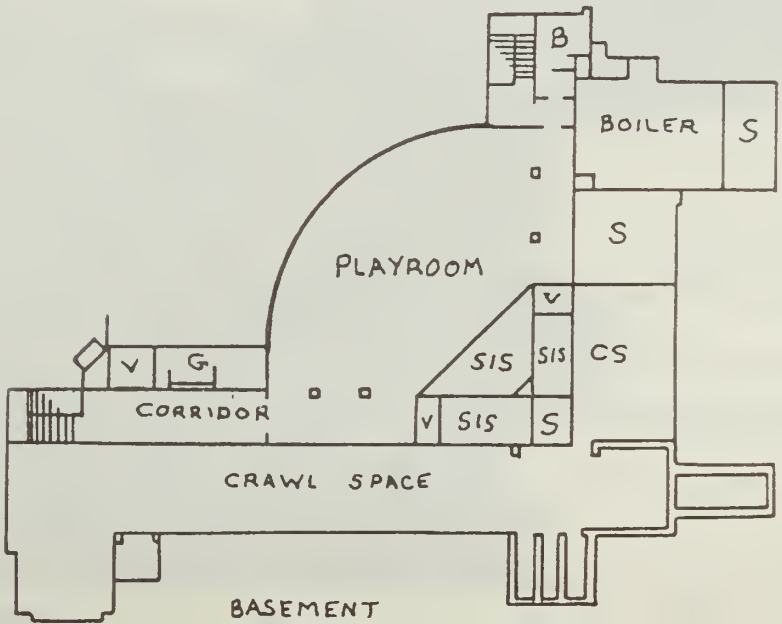


1ST FLOOR

SUMNER

1"=50'

NORTH



SUMNER ELEMENTARY SCHOOL
Front View from Fourth Street, 1986

(Board of Education of Topeka)

PS Form 10-900
-82)

OMB No. 1024-0018
Expires 10-31-87

United States Department of the Interior
National Park Service

National Register of Historic Places Inventory—Nomination Form

For NPS use only

received

date entered

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Supreme Court Building

and or common

2. Location

street & number First and East Capitol Streets, NE ___ not for publication

city, town Washington ___ vicinity of

state DC code 11 county DC code 001

3. Classification

Category	Ownership	Status	Present Use	
___ district	X public	X occupied	___ agriculture	X museum
X building(s)	___ private	___ unoccupied	___ commercial	___ park
___ structure	___ both	___ work in progress	___ educational	___ private residence
___ site	**Public Acquisition**	**Accessible**	___ entertainment	___ religious
___ object	___ in process	X yes: restricted	X government	___ scientific
	___ being considered	___ yes: unrestricted	___ industrial	___ transportation
		___ no	___ military	___ other:

4. Owner of Property

name United States Supreme Court

street & number First and East Capitol Street, NE

city, town Washington ___ vicinity of state DC

5. Location of Legal Description

courthouse, registry of deeds, etc. Recorder of Deeds

street & number Sixth and D Streets, NW

city, town Washington state DC

6. Representation in Existing Surveys

title Historic American Buildings Survey has this property been determined eligible? ___ yes X no

date February 1975 X federal ___ state ___ county ___ local

depository for survey records Library of Congress

city, town Washington state DC

7. Description

Condition		Check one	Check one
X excellent	___ deteriorated	X unaltered	X original site
___ good	___ ruins	___ altered	___ moved date _____
___ fair	___ unexposed		

Describe the present and original (if known) physical appearance

The Supreme Court Building, 1st and East Capitol Streets, NE, in Washington, DC, is one of the last of the large neoclassical Federal buildings erected in the 1930s. It was designed by the noted architect Cass Gilbert who is best known as the architect for the Woolworth Building in New York City.[1]

The classical Corinthian architectural order of the building was selected because it best harmonized with nearby congressional buildings. The building was designed on a scale in keeping with the importance and dignity of the Court and the Judiciary as a coequal, independent branch of the United States Government, and as a symbol of "the national ideal of justice in the highest sphere of activity."

The general dimensions of the foundation are 385 feet east and west, from front to back, and 304 feet north and south. At its greatest height, the building rises four stories above the terrace or ground floor. Marble was chosen as the principal material to be used and three million dollars' worth was gathered from foreign and domestic quarries. Vermont marble was used for the exterior, while the four inner courtyards are of crystalline flaked, white Georgia marble. Above the basement level, the walls and floors of all corridors and entrance halls are either wholly or partially creamy Alabama marble. The wood in offices throughout the building such as doors, trim, paneled walls, and some floors is American quartered white oak.

The main entrance to the Supreme Court Building is on the west side, facing the United States Capitol. A few low steps lead up to the 100-foot-wide oval plaza in front of the building. Flanking these steps is a pair of marble candelabra with carved panels on their square bases depicting; Justice, holding sword and scales, and The Three Fates, weaving the thread of life. On either side of the plaza are fountains, flagpoles, and benches. Flower gardens are planted throughout the grounds and courtyards.

The bronze flagpole bases are crested with symbolic designs of the scales and sword, the book, the mask and torch, the pen and mace, and the four elements: air, earth, fire, and water.

On either side of the main steps are seated marble figures. These large statues are the work of sculptor James Earle Fraser. On the left is a female figure, the Contemplation of Justice. On the right is a male figure, the Guardian or Authority of Law.

Sixteen marble columns at the main west entrance support the portico. On the architrave above is incised "Equal Justice Under Law." Capping the entrance is the pediment, filled with a sculpture group by Robert Aitken, representing Liberty Enthroned guarded by Order and Authority. On either side are groups of three figures depicting Council and Research which Aitken modeled after several prominent personalities concerned with the law or the creation of the Supreme Court Building. At the left are Chief Justice Taft as a youth, Secretary of State Elihu Root, and the architect Cass Gilbert. Seated on the right are Chief Justice Hughes, the sculptor Aitken, and Chief Justice Marshall as a young man.

On the east front of the building is a sculpture group by Herman A. McNeil and the marble figures represent great lawgivers, Moses, Confucius, and Solon, flanked by symbolic groups representing Means of Enforcing the Law, Tempering Justice with Mercy, Carrying on of Civilization and Settlement of Disputes Between States. The Architrave bears the legend: "Justice the Guardian of Liberty."

The bronze doors of the west front weigh six and one-half tons each and slide into a wall recess when open. The door panels, sculpted by John Donnelly, Jr., depict historic scenes in the development of law: the trial scene from the shield of Achilles, as described in the Iliad; a Roman praetor publishing an edict; Julian and a pupil; Justinian publishing the Corpus Juris; King John sealing the Magna Carta; The Chancellor publishing the first Statute of Westminister; Lord Coke barring King James from sitting as a Judge; and Chief Justice Marshall and Justice Story.

The main corridor is known as the Great Hall. At each side, double rows of monolithic marble columns rise to coffered ceiling. Busts of all former Chief Justices are set alternately in niches and on marble pedestals along the side walls. The frieze is decorated with medallion profiles of lawgivers and heraldic devices.

At the east end of the Great Hall, oak doors open into the Court Chamber. This dignified room measures 82 by 91 feet and has a 44-foot ceiling. Its 24 columns are Old Convent Quarry Siena marble from Liguria, Italy; its walls and friezes are Ivory Vein marble from Alicante, Spain; and its floor borders are Italian and African marble.

The raised Bench behind which the Justices sit during sessions, and other furniture in the Courtroom are mahogany. The Bench was altered in 1972 from straight-line to a "winged" or half-hexagon shape to provide sight and sound advantages over the original design.

At the left of the Bench is the Clerk of the Court's desk. The Clerk is responsible for the administration of the Court's dockets and arguments calendars, the supervision of the admission of attorneys to the Supreme Court Bar and other related activities. To the right is the desk of the Marshal of the Court. The Marshal is the timekeeper of Court sessions, signaling the lawyer by amber and red lights as to time limits. The Marshal's responsibilities include the maintenance and security of the building and serving as the Court's building manager, reporting to the Chief Justice.

The attorneys arguing cases before the Court occupy the tables in front of the Bench. When it is their turn to argue, they address the Bench from the lectern in the center. A bronze railing divides the public section from that reserved for the Supreme Court Bar.

Representatives of the press are seated in the red benches along the left side of the Courtroom. The red benches on the right are reserved for guests of the Justices. The black chairs in front of those benches are for the officers of the Court, visiting dignitaries, and include a special chair for the President of the United States, although the President's attendance is rare and limited to important ceremonial

occasions. Overhead, along all four sides of the Chamber, are sculpted marble panels, the work of Adolph A. Weinman.

Directly above the Bench are two central figures, depicting Majesty of the Law and Power of Government. Between them is a tableau of the Ten Commandments. The group at the far left represents Safeguard of the Rights of the People, and Genii of Wisdom and Statecraft. At the far right is the Defense of Human Rights.

To the right of visitors is a procession of historical lawgivers of the pre-Christian era: Menes, Hammurabi, Moses, Solomon, Lycurgus, Solon, Draco, Confucius and Augustus. They are flanked by figures symbolizing Fame and History.

To the left are historical lawyers of the Christian era: Napoleon, John Marshall, William Blackstone, Hugo Grotius, Saint Louis, King John, Charlemagne, Mohammed and Justinian. Figures representing Liberty and Peace and Philosophy appear at either end.

Symbolized on the back wall frieze is Justice with the winged female figure of Divine Inspiration, flanked by Wisdom and Truth. At the far left the Powers of Good are shown, representing Security, Harmony, Peace, Charity, and Defense of Virtue. At the far right the Powers of Evil are represented by Corruption, Slander, Deceit, and Despotic Power.

The main floor is largely occupied by the Justices' Chambers; included are offices for law clerks and secretaries, the large, formal East and West Conference Rooms, the offices of the Marshal, an office for the Solicitor General, the lawyers' lounge, and the private conference room and robing room of the Justices. This office space surrounds four courtyards with central fountains.

Most of the second floor is devoted to office space including the offices of the Reporter of Decisions. The Justices' library reading room and the Justices' dining room are also located here.

The library occupying the third floor has a collection of over 250,000 volumes. The library's main reading room is paneled, pilastered in hand carved oak. The wood carving here, as throughout the building, is the work of Matthews Brothers.

The ground floor is devoted to offices and public services, including the offices of the Clerk of the Court, the offices of the Administrative Assistant to the Chief Justice, security headquarters, the Public Information office and Press Room, the Curator's office and the Personnel office. A museum was established in the past decade depicting some of the Court's history; and a film further acquaints visitors with the history and workings of the Court. Here visitors can view one of the two marble, spiral staircases. Each ascends five stories and is supported only be overlapping steps and by their extensions into the wall. Additionally on the ground floor, there are a cafeteria and snack bar, public telephones, and restrooms.

8. Significance

Period	Areas of Significance—Check and justify below			
___ prehistoric	___ archeology-prehistoric	___ community planning	___ landscape architecture	___ religion
___ 1400–1499	___ archeology-historic	___ conservation	X law	___ science
___ 1500–1599	___ agriculture	___ economics	___ literature	___ sculpture
___ 1600–1699	___ architecture	___ education	___ military	___ social/humanitarian
___ 1700–1799	___ art	___ engineering	___ music	___ theater
___ 1800–1899	___ commerce	___ exploration settlement	___ philosophy	___ transportation
X 1900–	___ communications	___ industry	X politics/government	X other (specify) Constitutional History
		___ invention		

Specific dates 1935 - Present **Builder/Architect** Cass Gilbert

Statement of Significance (in one paragraph)

The Supreme Court Building is significant because of its association with the Supreme Court of the United States. At the laying of the cornerstone for the Supreme Court Building on October 13, 1932, Chief Justice Charles Evans Hughes stated it best when he said: "The Republic endures and this is the symbol of its faith." Hughes perceived the new building as a national symbol -- a symbol of the permanence of the Republic and of the ideal of justice in the highest sphere of activity, in maintaining the balance between the Nation and the States and in enforcing the primary demands of individual liberty as safeguarded by the overriding guarantees of a written Constitution.[2]

BACKGROUND

The Constitution, ratified in 1788, provided in Article III for the creation of a new national judiciary, vesting the entire judicial power of the Federal government in one Supreme Court and in such inferior courts as the Congress might from time to time ordain and establish. Although the matter of constituting the structure of the judicial department of the Federal government was one of the first matters addressed by the Congress, and the first session of the Supreme Court was convened on February 1, 1790, it would take 145 years for the Supreme Court to find a permanent residence.[3]

During these years the Supreme Court lived a nomadic existence; on the move from one building to another, even from one city to another.

Initially, the Court met in the Royal Exchange Building in New York City. When the national capital moved to Philadelphia in 1790, the Court moved with it, establishing Chambers first in Independence Hall and later in the City Hall.[4]

When the Federal Government moved, in 1800, to the permanent capital in Washington, the court again moved with it. Since no provision had been made for a Supreme Court building, Congress lent the Court space in the new Capitol building. The Court was to change its meeting place a half dozen times within the Capitol. Additionally, the Court convened for a short period in a private house after the British had used Supreme Court documents to set fire to the Capitol during the War of 1812. Following this episode, the Court returned to the Capitol and met from 1819 to 1860 in a chamber that has recently been restored as the Old Supreme Court Chamber. Then from 1860 until 1935, the Court sat in what is now known as the Old Senate Chamber.[5]

Finally in 1929, former president William Howard Taft, who was Chief Justice from 1921 to 1930, persuaded Congress to end this arrangement and authorize the construction of a permanent home for the Court. Architect Cass Gilbert was charged by Chief Justice Taft to design a building of dignity and importance suitable for its use as the permanent home of the Supreme Court of the United States.[6]

In May 1929 Gilbert presented his preliminary sketches and plans to the Supreme Court Building Commission. The Commission accepted Gilbert's design and recommended the sum of $9,740,000 for the project. In December 1929, Congress adopted the Commission's report and recommendation, and authorized the Commission to proceed with construction.[7]

The construction of a building exclusively for the use of the Supreme Court was a reaffirmation of the nation's faith in the doctrine of judicial independence and separation of powers. The ideal of separation of powers had been of the utmost concern to the delegates to the Constitutional Convention of 1787. James Madison writing in The Federalist Papers, No. 47, stated "...the preservation of liberty requires that the three great departments of power should be separate and distinct."[8] The long overdue construction of a magnificent building exclusively for the use of the Supreme Court was a dramatic illustration of a commitment to the early Republic's faith in the separation of powers.[9]

ARCHITECTURAL STATEMENT

Cass Gilbert, the architect of the Supreme Court Building, was trained in the best traditions of the beaux arts, and was previously associated with the well-known firm of McKim, Mead and White. For Gilbert, the commission to design a new courthouse for the Supreme Court of the United States was perceived as an opportunity to create a monument to the ideals of the Republic--to liberty, and equal justice for all under the law. With perfection as his goal, he designed a structure inspired by classical forms rich in history and symbolic significance. Constructed by skilled craftsmen working with the finest materials, the building was conceived from the beginning as more than a mere office or workplace--it would be a great national monument to the country's founding principles, and to the belief that the only sovereign of a free people is the law.[10]

While Gilbert succeeded in designing a magnificent home for the Supreme Court the building is not considered to be architecturally significant in the literature.[11] Opinion on the subject of Cass Gilbert, his buildings, and the importance of other beaux art buildings in the history of architecture appears to be fluid at this point in time. It is recommended that the Supreme Court Building be reconsidered for significance in Architecture when other beaux-art buildings in Washington are studied for designation as National Historic Landmarks under this theme.

FOOTNOTES

1 The description of the Supreme Court Building was taken directly from the following source: The Supreme Court of the United States (Washington, DC: Supreme Court Historical Society, no date), pp. 27-32.

2 Catherine Hetos Skefos, "The Supreme Court Gets a Home," Supreme Court Historical Society Yearbook, 1976, p. 26.

3 "Residences of the Court: Past and Present - Part I: The Early Years," The Supreme Court Historical Society Quarterly, Fall 1980, Vol. II, No. 4, p. 6.

4 The Supreme Court of the United States, pp. 26-7.

5 Ibid.

6 Ibid.

7 "Residences of the Court: Past and Present - Part III: The Past Fifty Years," The Supreme Court Historical Society Quarterly, Spring 1981, Vol. III, No. 2, pp. 7-10.

8 Paul Goodman, ed., The American Constitution (New York: John Wiley & Sons, Inc., 1970), pp. 160-61.

9 Skefos, p. 26.

10 "Residences of the Court: Past and Present -- Part III: The Past Fifty Years," pp. 8-9.

11 John Burchard and Albert Bush-Brown make the following statement: "There were lingering classicists, like Cass Gilbert, John Russell Pope and Otto Eggers, who kept grinding out classic monuments at Washington; the Supreme Court Building and the National Gallery of Art--buildings of a hollow and pompous cast, despite materials so rich that any modernist envied them the opportunity." John Burchard and Albert Bush-Brown, The Architecture of America (Boston: Little, Brown and Company, 1966), p. 379.

Winston Weisman in his essay on Cass Gilbert states the following: "The buildings that followed were classically correct but cold and unoriginal. Considering the revolutionary developments in America and Europe by men such as Frank Lloyd Wright, Walter Gropius, Ludwig Mies Van Der Rohe, and Le Corbrusier, Gilbert's late works made little contribution to the history of architecture." Winston Weisman, "Gilbert, Cass," Macmillian Encyclopedia of Architects, (New York: The Free Press, 1982), II, 202-04.

BIBLIOGRAPHY

Anonymous. "Residences of the Court: Past and Present - Part I: The Early Years." The Supreme Court Historical Society Quarterly, Vol. II, No. 4 (Fall, 1980), pp. 6-7.

Anonymous. "Residences of the Court: Past and Present - Part III: The Past Fifty Years." The Supreme Court Historical Society Quarterly, Vol. III, No. 2 (Spring 1981), pp. 7-10.

Burchard, John and Bush-Brown, Albert. The Architecture of America. Boston: Little, Brown and Company, 1966.

Greenberg, Allan and Kierman, Stephen. "The United States Supreme Court Building, Washington, DC." The Magazine Antiques, Vol. CXXVIII, No. 4 (October 1985), pp. 760-769.

Skefos, Catherine Hetos. "The Supreme Court Gets a Home." The Supreme Court Historical Society Yearbook, (1976), pp. 25-36.

The Supreme Court of the United States.: Washington, DC: Supreme Court Historical Society, no date.

Weisman, Winston. "Gilbert, Cass." Macmillian Enclyclopedia of Architecture. New York: The Free Press, 1982, II, 202-04.

9. Major Bibliographical References

SEE CONTINUATION SHEET

10. Geographical Data

Acreage of nominated property Less than 10 acres

Quadrangle name Washington West

Quadrangle scale 1:24,000

UTM References

	Zone	Easting	Northing		Zone	Easting	Northing
A	18	326120	4306340	B			
C				D			
E				F			
G				H			

Verbal boundary description and justification

N/A

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Harry A. Butowsky

organization National Park Service, Division of History date December 1986

street & number P.O. Box 37127 telephone (202)343-8155

city or town Washington state DC

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

___ national ___ state ___ local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature

title date

For NPS use only

I hereby certify that this property is included in the National Register

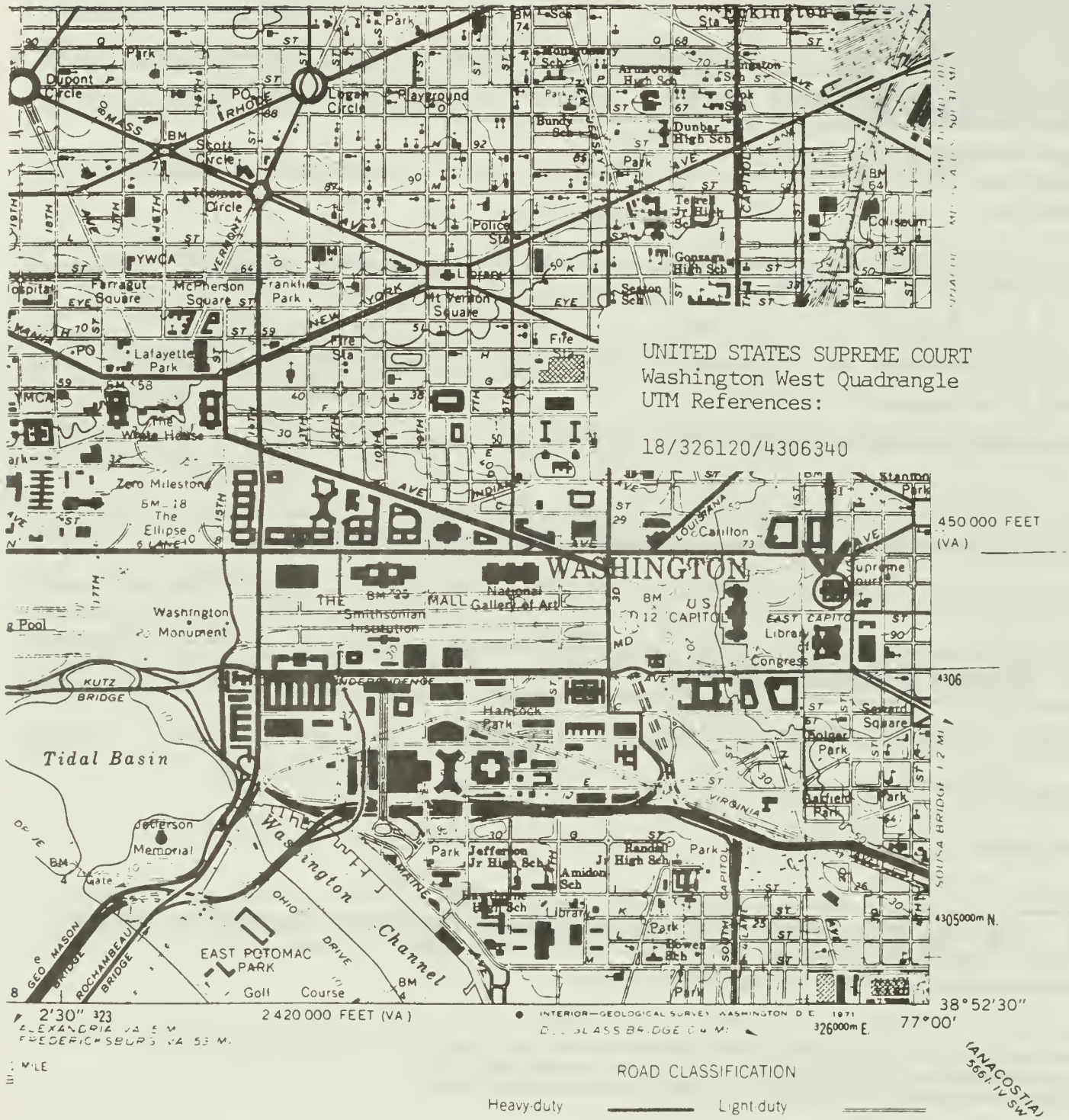
date

Keeper of the National Register

Attest: date

Chief of Registration

GPO 911-399



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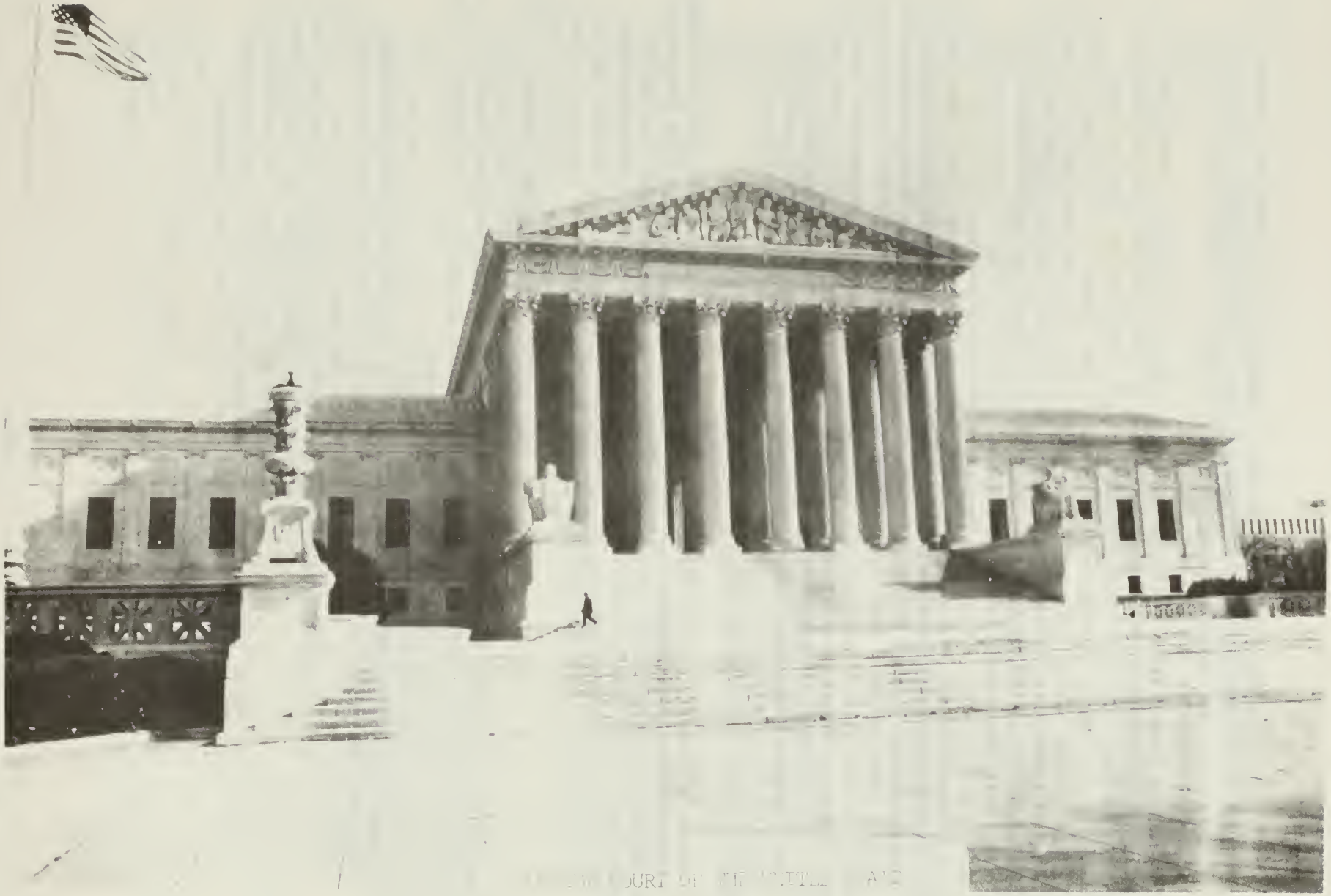

THE COURT OF THE UNITED STATES

EXISTING NATIONAL HISTORIC LANDMARKS AND UNITS OF THE NATIONAL PARK SYSTEM (NPSy) THAT REFLECT ONE OR MORE AREAS OF CONSTITUTIONAL HISTORY

The following is a list of existing National Historic Landmarks (NHLs) and units of the National Park System (NPSy) that already reflect one or more areas of constitutional history. Some of these sites, such as the homes of the justices of the Supreme Court, or the homes of the signers of the Constitution, are clear. Other sites, such as those asssociated with the Northwest Ordinance, the Whiskey Rebellion, the doctrine of implied powers, the doctrine of nullification, slavery and reconstruction, civil rights, populism, progressivism and the women's rights movement, to name a few, properly belong on this list. All of these sites relate to the Constitution or the Supreme Court of the United States in one or more ways. Some of them were designated for their associations with either the Supreme Court or the Constitution. Some were designated for other reasons. Since the Constitution was adopted almost two hundred years of history have passed. The large number of sites included in this list is evidence of the direct link between the Constitution and its subsequent development, and the history of the United States. This material is in chronological order, when possible. Unless otherwise indicated by the designation of NPSy, all these sites are National Historic Landmarks (NHLs).

PRECURSOR SITES INFLUENCING THE DEVELOPMENT OF THE CONSTITUTION

(1) Roger Williams National Memorial
Providence, Rhode Island
NPSy

Roger Williams was the founder of Rhode Island. He was important in the evolution of Puritan covenant theology in its role as the precursor of American constitutionalism with special emphasis on the development of religious liberty and the separation of church and state. The concept of religious freedom pioneered by Roger Williams was later embodied in the First Amendment. No structure associated with Roger Williams survives.

(2) Hanover County Courthouse
Hanover, Virginia
1735

In 1763 Patrick Henry argued a case here, The Parson's Cause, involving a clash between royal and local authority concerning the status of the Anglican Church in Virginia. The case proved to be an early portent of the American Revolution and later influenced the drafting of the First Amendment.

(3) Potomac Canal Historic District Great Falls Park Fairfax, Virginia NPSy 1786-1830	Discussions between Virginia and Maryland concerning the issue of Federal authority over matters pertaining to interstate commerce and internal improvements led to the convening of the Annapolis Convention and eventually the Constitutional Convention of 1787.
(4) Maryland Statehouse Annapolis, Maryland 1772	Site of the Annapolis Convention of 1786 that called for the Constitutional Convention of 1787.

NORTHWEST ORDINANCE -- By resolving the conflicting land claims of the states the Confederation Congress pointed the way toward a compromise of the various interests between the large and small states represented at the Constitutional Convention in Philadelphia.

(5) Beginning Point of the U.S. Public Land Survey Ohio-Pennsylvania Border E. Liverpool, Columbiana County Ohio 1785	A rectangular land survey system, established under the Ordinance of 1785, provided for administration of land in the Old Northwest Territories.
(6) General Rufus Putnam House Rutland, Worcester County Massachusetts 18th Century	Putnam was a Revolutionary War officer who helped organize the first settlement in the Northwest Territory, at Marietta, Ohio; he also served as United States Surveyor-General.

SIGNERS OF THE CONSTITUTION

(7) Benjamin Franklin National Memorial The Franklin Institute 20th and Benjamin Franklin Parkway Philadelphia, Pennsylvania NPSy (Affiliated)	In the Rotunda of the Franklin Institute the colossal seated statue of Franklin, by James Earle Fraser, honors the inventor, statesman, and signer of the Constitution. No structure associated with Benjamin Franklin survives.
(8) Stonum New Castle, New Castle County Delaware 18th Century	Home of George Read.
(9) Broom (Jacob) House Montchanin, New Castle County Delaware 18th Century	Home of Jacob Broom.

(10) Lombardy Hall Wilmington, Delaware 1682	Home of Gunning Bedford, Jr.; also delegate from Delaware to the Continental Congress and the Annapolis Convention (1786).
(11) Summerseat Morrisville, Bucks County Pennsylvania 1770	Home of George Clymer.
(12) Mount Vernon Fairfax County, Virginia 18th Century	Home of George Washington.
(13) George Washington Birthplace National Monument Washington's Birthplace, Virginia NPSy	Birthsite of George Washington.
(14) George Washington Memorial Parkway Virginia and Maryland NPSy	This landscaped riverfront parkway links many of the landmarks in the life of George Washington. It connects Mount Vernon and Great Falls with Chain Bridge on the Maryland side. The parkway includes natural, historical, and recreational areas.
(15) Montpelier Orange County, Virginia 1760	Home of James Madison.
(16) Blount Mansion Knoxville, Knox County Tennessee 1792	Home of William Blount, signed for North Carolina.
(17) Rutledge (John) House Charleston, Charleston County South Carolina 1763; 1853 (addition)	Home of John Rutledge; also Associate Justice of the Supreme Court (1789-91).
(18) King Manor Queens Borough, New York City New York 1750	Home of Rufus King.
(19) Boxwood Hall (Boudinot Manor) Elizabeth, Union County New Jersey 1750	Home of Jonathan Dayton.

(20) Liberty Hall Union, Union County New Jersey	Home of William Livingston.
(21) Snee Farm Charleston County South Carolina 1754	Home of Charles Pinckney.
(22) Langdon (Governor John) Mansion Portsmouth, Rockingham County New Hampshire 1784	Home of John Langdon.
(23) Ladd-Gilman House Exeter, Rockingham County New Hampshire 1721	Home of Nicholas Gilman.
(24) Hamilton Grange National Memorial New York, New York NPSy	Home of Alexander Hamilton. (Not on its original site.)

DELEGATES TO THE CONSTITUTIONAL CONVENTION (Did not sign)

(25) Dickinson (John) House Kent County, Delaware 1740; 1804-1806 repaired and enlarged	Home of John Dickinson.
(26) Gunston Hall Fairfax County, Virginia 1775-58	Home of George Mason.
(27) Elmwood Lowell (James Russell) House Cambridge, Massachusetts 1766	Home of Elbridge Gerry from 1787 to 1813.

OTHER SIGNIFICANT INDIVIDUALS ASSOCIATED WITH THE DRAFTING OR THE RATIFICATION OF THE CONSTITUTION BUT NOT SIGNERS OR DELEGATES

(28) Monroe (James) Law Office Fredericksburg, Virginia 1758	James Monroe used this office from 1786-1789 during the period of time he worked against the ratification of the Constitution.
(29) Oak Hill Loundon County, Virginia 1820-1823	Home of James Monroe.

(30) Scotchtown Hanover County, Virginia 1719	Home of Patrick Henry, an outspoken opponent of the Constitution.
(31) Red Hill Patrick Henry National Memorial Brookneal, Virginia NPSy (Affiliated) 1986	Patrick Henry lived here during the last five years of his life.
(32) Monticello Albemarle County, Virginia 1770-89	Home of Thomas Jefferson. Although Jefferson was Minister to France from 1785-89, he played a critically important role in setting up the new government and giving meaning to the general phrases of the Constitution that define the operation of the government today.
(33) Thomas Jefferson Memorial Washington, DC NPSy	This circular, colonnaded structure in the classic style introduced in this country by Jefferson memoralizes the author of the Declaration of Independence and President from 1801 to 1809. The interior walls bear inscriptions from his writings.

CONSTITUTION DRAFTING SITE

(34) Independence National Historical Park Philadelphia, Pennsylvania NPSy	Independence Hall was the site of the Constitutional Convention of 1787.

SITES ASSOCIATED WITH THE RATIFICATION OF THE CONSTITUTION

(35) Exchange and Provost Charleston, Charleston County South Carolina 1767-71	Site of the South Carolina Convention that ratified the Constitution in 1788.
(36) Old State House (Old Colony House) Washington Square Newport, Rhode Island 1739-41	Site of the ratification of the Constitution by Rhode Island in 1790.
(37) Old State House Boston, Massachusetts Unit of Boston National Historical Park, NPSy	Site of the ratification of the Constitution by Massachusetts in 1788.

(38) Paca (William) House Annapolis, Anne Arundel County Maryland 1765	William Paca was a member of the Maryland State Convention that ratified the Constitution.
(39) Bartlett (Josiah) House Kingston, Rockingham County New Hampshire 1774	Josiah Bartlett took part in the state convention that ratified the Constitution.

WHISKEY REBELLION AND OTHER SITES -- Demonstrated the power of the new Federal Government and was an early indication of the success of the Constitution in creating a strong central government.

(40) Bradford (David) House Washington, Washington County Pennsylvania 1788	David Bradford was a prominent leader of the Whiskey Rebellion (1794).
(41) Espy (David) House Bedford, Bedford County Pennsylvania 1770-71	Used by George Washington during the Whiskey Rebellion (1794).
(42) Woodville (John Neville House) Allegheny County, Pennsylvania 1785	John Neville was the revenue inspector who collected the Whiskey Tax (1794).
(43) Cape Henry Lighthouse Virginia Beach, Virginia 1792	One of the first lighthouses to be erected by the newly organized Federal Government. It was the first material proof of the advantages of a strong national authority.
(44) Washington Navy Yard Washington, DC 1800	As the U.S. Navy's first government-owned yard and home port, the Washington Navy yard was the center for early 19th-century naval operations during a critical period of expanding nationalism.

SUPREME COURT SITES

(45) Independence National Historical Park Philadelphia, Pennsylvania NPSy	The Supreme Court met in Old City Hall from 1789 to 1800.
(46) United States Capitol Washington, DC	Site of the U.S. Supreme Court from 1800-1935.

SUPREME COURT JUSTICES

CHIEF JUSTICES

(47) Jay (John) Homestead Katonah, Westchester County New York 1787	John Jay served as Chief Justice from 1789-95. He was also co-author of the Federalist Papers and the chief American negotiator of Jay's Treaty with England in 1794.
(48) Rutledge (John) House Charleston, Charleston County South Carolina 1763; 1853 (addition)	John Rutledge served as Chief Justice in 1795 but was not confirmed by the Senate. He also served as Associate Justice from 1789-91. Rutledge was also a signer of the Constitution.
(49) Marshall (John) House Richmond city, Virginia 1790	Served from 1801-35.
(50) Chase (Salmon P.) Birthplace and Boyhood Home Cornish, Sullivan County New Hampshire 1790	Served from 1864-73. Presided over the impeachment trial of Andrew Johnson in 1868.
(51) White (Edward Douglass) House Lafourche Parish Louisiana 1790	Chief Justice of the United States, 1910-21. Associate Justice of the Supreme Court, 1894-1910.
(52) William Howard Taft National Historic Site Cincinnati, Ohio NPSy	Served from 1921-30. President of the United States from 1909-13.
(53) Hughes (Charles Evans) House Washington, DC 1907	Served from 1930-41.

ASSOCIATE JUSTICES

(54) Story (Joseph) House Salem, Essex County Massachusetts 19th Century	Served from 1811-45. Supported national supremacy over states' rights.

(55) Davis (David) House Bloomington, McLean County Illinois 1872	Served from 1862-77. Wrote the majority opinion in Ex parte Milligan (1866), restricting the right of military courts to try civilians.
(56) Lamar (Lucius Q. C.) House Oxford, Lafayette County Mississippi 1860	Served from 1888-93.
(57) Holmes (Oliver Wendell) House Beverly, Essex County Massachusetts 20th Century	Summer home of Oliver Wendell Holmes who served from 1902-32. Known as the "Great Dissenter" for his many consequential minority opinions.
(58) Brandeis (Louis) House Chatham, Barnstable County Massachusetts 20th Century	Served from 1916-39.

DOCTRINE OF IMPLIED POWERS -- The claim that Congress, in addition to expressly enumerated powers, also possesses resultant and implied powers derived from the "necessary and proper" clause of the Constitution.

(59) First Bank of the United States Third Street Philadelphia, Pennsylvania NPSy 1797	Established as part of Alexander Hamilton's program laying a sound foundation for national finances. Promoted the first great debate in Congress over strict vs. expansive interpretation of the new Constitution. Part of Independence National Historical Park.
(60) Jackson Square (Place D'Armes) New Orleans, Orleans Parish Louisiana 18th and 20th centuries	Site in 1803 where the American Flag was first raised over the Louisiana Territory. Acquisition of Louisiana Territory indicated acceptance of the doctrine of implied powers by Jefferson and the Republican Party.
(61) S Bridge, National Road 4 miles east of Old Washington on U.S. 40 Guernsey County, Ohio No date	In 1803, Congress authorized the building of a road from Cumberland, Maryland, to Wheeling, West Virginia, as a government-financed internal improvement Jefferson approved this measure, even though, lacking the constitutional amendment he had urged Congress to adopt, it required a stretching of federal power to do so.

Construction of the National Road, as it was called, began in 1811 and was completed in 1818. In subsequent years the road was extended westward to Vandalia, Illinois. The S Bridge is a tangible reminder of the National Road and a reflection of the doctrine.

(62) Casselman's Bridge, National Road
East of Grantsville on U.S. 40
Garrett County, Maryland
1813

This bridge was part of the earliest Federal highway project, the National Road, begun by Thomas Jefferson.

(63) Searights Tollhouse, National Road
West of Uniontown near U.S. 40
Fayette County, Pennsylvania
1835

Six tollhouses were erected by Pennsylvania on its portion of the National Road. This hexagonal brick structure is one of the two extant.

POWER OF THE PRESIDENT TO NEGOTIATE TREATIES

(64) Octagon House (The Octagon)
Washington, DC
1799-1800

A Federal-style townhouse designed by the architect of the U.S. Capitol. It was occupied temporarily in 1814-15 by President Madison after the burning of the White House. The Treaty of Ghent, ending the War of 1812, was signed here.

(65) Plaza Ferdinand VII
Pensacola, Florida
1821

Site of the formal transfer of Florida from Spain to the United States. Andrew Jackson, as newly appointed Governor, officially proclaimed the establishment of the Florida Territory.

(66) Ashburton House (St. John's Church Parish House)
Washington, DC
c. 1836

Scene of Webster-Ashburton Treaty negotiations of 1842 resolving the dispute with Great Britain over the Canadian border.

(67) Seward (William H.) House
Auburn, New York
1816

Seward served as Governor (1839-43) and U.S. Senator from New York (1848-61), emerging as as leading antislavery figure in the Whig and later Republican parties. As Secretary of State (1861-69), he negotiated the purchase of Alaska from the Russians (1867). This house was his permanent residence from 1824 until his death in 1872.

(68) State, War, and Navy (Old Executive Office) Building Washington, DC 1871-88	Constructed for the State, War, and Navy departments in the Second Empire version of the French Renaissance style.
(69) Root (Elihu) House Clinton, New York 1817, with later additions	Secretary of War (1899-1903) under Presidents William McKinley and Theodore Roosevelt, and Secretary of State (1905-09) under Theodore Roosevelt, Root bought this Federal-style house in 1893.
(70) Sagamore Hill Oyster Bay, New York 1884 NPSy	The estate of Theodore Roosevelt from 1885 until his death in 1919. Used as the "Summer White House" from 1901-08. Site of the meeting of Russian and Japanese diplomats prior to the conference that resulted in the Treaty of Portsmouth ending the Russo-Japanese War.
(71) Memorial Continental Hall Washington, DC 1902	Site of the 1921 international naval disarmament conference. The structure is the national headquarters of the Daughters of the American Revolution.
(72) Kellogg (Frank B.) House St. Paul, Minnessota Late 19th Century	As Secretary of State (1925-29), Kellogg negotiated the Kellogg-Briand Pact (1928), for which he received the Nobel Peace Prize, and shifted foreign policy away from interventionism.
(73) Borah (William E.) Apartment--Windsor Lodge Washington, DC 1913	Residence (1913-29) of the leading Republican Progressive Senator from Idaho. He was a most powerful force in foreign affairs during the 1920s, leader of the "irreconcilables" who defeated President Wilson's League of Nations and of the isolationists in the 1930s.

RISE OF POLITICAL PARTIES -- Political parties were not foreseen during the Constitutional Convention of 1787. Parties insured a voice for opposition groups and helped to facilitate the smooth operation of government by placing men of shared political beliefs in the legislative, executive, and judicial branches of government, as well as in state governments.

(74) Adams National Historic Site Quincy, Massachusetts NPSy	The home of John Adams and John Quincy Adams and U.S. Minister to Great Britain Charles Francis Adams. John Adams was

	the second President of the United States, one of the founders of the Federalist party, and was noted for his appointment of John Marshall as Chief Justice of the United States in 1801 just before he left office.
(75) Hamilton Hall Salem, Essex County Massachusetts 1807-1807	Constructed by Federalist Party in 1805 to house their social activities.
(76) Little White Schoolhouse Ripon, Fond du Lac County Wisconsin 19th Century	Site associated with the founding of the Republican Party.

AARON BURR TREASON TRIAL -- Marshall gave a definition to the word "treason" as used in the Constitution.

(76) Wickham-Valentine House Richmond city, Virginia 1812	Home of John Wickham, constitutional lawyer, who represented Aaron Burr at his treason trial in 1807.

THE BANK WAR -- This event re-opened the debate over the constitutionality of the Second Bank of the United States and the Supreme Court's decision in McCulloch v. Maryland. President Jackson's veto of the bank bill anticipated later presidential vetoes and the growth of the system of checks and balances inherent today in the relationship between the executive, legislative, and judicial branches of government.

(77) Andalusia (Nicholas Biddle Estate) Bucks County, Pennsylvania 1794; 1834	Nicholas Biddle was the head of the Second Bank and Jackson's opponent in the Bank War.
(78) Second Bank of the United States Chestnut Street Philadelphia, Pennsylvania NPSy	Part of Independence National Historical Park.
(79) Ashland (Henry Clay Home) 2 miles southeast of Lexington Fayette County Kentucky 1806; 1857	Residence of the distinguished pre-Civil War political leader, statesman, and perennial presidential candidate. Clay served as a U.S. Senator, Speaker of the House, and Secretary of State. Henry Clay was Jackson's principal opponent in the struggle to recharter the Second Bank of the United States.

PRESIDENTIAL SUCCESSION

(80) Tyler (John) House (Sherwood Forest) 4 miles east of Charles City Court House on Virginia 5 Charles City County, Virginia 1780; 1842	John Tyler, the first Vice-President to succeed to the presidency without election, firmly established the principle a Vice-President who succeeds to the highest office is the President with all the constitutional authority of the office.

NULLIFICATION -- The doctrine of nullification involved an argument concerning the nature of the union as defined by the writers of the Constitution and addressed the question--"Was the United States a compact of sovereign states, each retaining ultimate authority, or was the United States one nation formed by the people through the writing of the Constitution?"

(81) Old Statehouse Hartford, Hartford County Connecticut 1796	Site of the Hartford Convention (1814) which voiced strong states' rights opinions in opposition to the War of 1812 and the policies of the Democratic-Republican Party.
(82) The Hermitage Davidson County Tennessee 1818-19; 1834 (modified)	Home of Andrew Jackson. As President, Jackson faced the first real test of the doctrine of nullification when Congress passed a tariff bill that conceded little to Southern demands for lower duties. Faced with opposition from South Carolina, Jackson made the strongest possible case for both the supremacy of the Federal government under the Constitution and the perpetuity of the Union.
(83) Fort Hill (John C. Calhoun House) Clemson, Pickens County South Carolina 1803	Home of John C. Calhoun, supporter of the doctrine of nullification. Calhoun was Jackson's principal opponent in the nullification crises of 1832.
(84) Webster (Daniel) Family Home (The Elms) S. Main Street W. Franklin, Merrimack County New Hampshire Pre-1800	Used by Webster as a home, vacation retreat, and experimental farm. Webster represented Dartmouth College before the Supreme Court in the case Dartmouth College v. Woodward, 4 Wheaton 518 (1819). Gravesites of his parents, four brothers and sisters are located here. Webster supported President Jackson in the nullification crises of 1832 and debated the related issues with Robert Y. Hayne, a Calhoun protege, in the Senate in 1833.

(85) Webster (Daniel) Law Office Marshfield, Plymouth County Massachusetts No date	Webster used this one-room clapboard building as his natural history library and law office. It stood on his Green Harbor Estate, his home away from Washington from 1832 to 1852.
(86) Ross (John) House Rossville, Dade County Georgia	Associated with the case Cherokee Nation v. Georgia (1831). The state of the Georgia defied the opinion of John Marshall and proceeded to remove the Cherokee with no objection from President Jackson, who ignored the opinion.
(87) New Echota Gordon, Calhoun County Georgia	Same as above.
(88) Chieftains (Major Ridge House) Rome, Georgia c. 1792; c. 1837	Ridge was the speaker for the Cherokee National Council.

SLAVERY AND THE CONSTITUTION -- Does the Constitution give the government the right to legislate on the status of slavery in the territories?

(89) Franklin and Armfield Office 1315 Duke Street Alexandria city, Virginia Early 19th century	The office, from 1828 to 1836, of one of the South's largest slave-trading firms.
(90) Jefferson National Expansion Memorial St. Louis, Missouri NPSy	The Courthouse here was the site of lower court ruling in Dred Scott v. Sandford (1857) in which the Supreme Court ruled the Missouri Compromise of 1820 unconstitutional.
(91) Cooper Union New York, New York 1850	Site of the speech by Abraham Lincoln in 1860 on the slavery question.
(92) Nell (William C.) Residence 3 Smith Court Boston, Massachusetts Dates unknown	Home of William C. Nell from the 1830s to the end of the Civil War. He was a leading black abolitionist and spokesman for his race.
(93) Howe (Samuel Gridley and Julia Ward) House 13 Chestnut Street Boston, Massachusetts c. 1804-05	While the Howes live here (1863-1866), they were key figures in Boston abolitionist circles, and pursued other reform and humanitarian interests.

(94) Lundy (Benjamin) House Mt. Pleasant, Ohio c. 1815	Lundy established his influential anti-slavery newspaper in this brick rowhouse in 1820.
(95) Garrison (William Lloyd) House 125 Highland Street Boston, Massachusetts 1864	Garrison, a dedicated abolitionist, advocated an immediate end to slavery in his writings and lectures. He lived here from 1864 to 1879.
(96) Lecompton Constitution Hall Elmore Street between Woodson and 3rd Streets Lecompton, Kansas No date	Meeting place of the 2nd Territorial legislature (1857). The proslavery Lecomption Constitution was drawn up here.
(97) Marais Des Cygnes Massacre Site 5 miles northeast of Trading Post Linn County, Kansas 1858	Site of mob violence involving pro- and anti-slavery factions in the pre-Civil War struggle for control of the Kansas Territory.
(98) Cary (Mary Ann Shadd) House 1421 W Street, NW Washington, DC No date	Home of the black teacher and journalist, who lectured widely in the cause of abolition and who after the Civil War became one of the first black female lawyers.
(99) Helper (Hinton Rowan) House vicinity of Mocksville Davie County, North Carolina No date.	Helper, author of The Impending Crisis (1857), a controversial anti-slavery tract, lived here for the first 20 years of his life and returned in later years.
(100) Old Main, Knox College Galesburg, Illinois 1856-57	Best-preserved of the sites of the Lincoln-Douglas debates (1858).

SECESSION SITES -- Secession was the culmination of the theory of nullification and proslavery constitutionalism. It was the ultimate threat to the Union and the Constitution itself. Advocates of secession argued that the several states retained complete sovereignty, and that the Union was a mere league, from which member states might withdraw at their pleasure; the Constitution was a compact between the states and not, as Lincoln was to argue, between the people of the United States; that sovereignty was indivisible and could neither be divided nor delegated; therefore, the Federal government had no sovereignty. The Constitution, they held, was a mere treaty, and the Union a sovereign league. From this, it followed that secession was a self-evident right, since it could hardly be denied that a sovereign state could withdraw from a league any time it chose to do so.

(101) Hibernian Hall 105 Meeting Street Charleston South Carolina 1840	The Democratic Convention of 1860 was held in Charleston. The Democratic Party splintered, and Republican victory was assured. Hibernian Hall, the only extant building associated with the convention, was Stephen Douglas' headquarters.
(102) Yancey (William Lowndes) Law Office Montgomery, Montgomery County Alabama 19th Century De-designated in 1985 due to loss of integrity	Yancey led Alabama's secession Movement and was one of the South's leading "firebrand" radicals.
(103) Rhett (Robert Barnwell) House 6 Thomas Street Charleston, South Carolina c. 1832	Rhett, an eloquent speaker and owner of the Charleston Mercury newspaper, was an effective advocate of secession in 1860.
(104) First Baptist Church Columbia, South Carolina 1856	The South Carolina Secession Convention met here in 1860 and adopted a unanimous resolution favoring secession.
(105) Marlbourne (Edmund Ruffin Plantation) 11 miles Northeast of Richmond on U.S. 360 Hanover County Virginia 1843	Ruffin, an ardent pro-secessionist, fired one of the first shots against Fort Sumter from Morris Island in Charleston, S.C., in 1861. After the collapse of the Confederacy, he took his own life at Marlbourne.
(106) First Confederate Capitol (Alabama State Capitol) Montgomery, Montgomery County Alabama 1851	Site of Alabama's secession convention and the adoption of the Confederate Constitution.
(107) Lincoln Home National Historic Site Springfield, Illinois NPSy	Abraham Lincoln left this house to accept the Presidency on the eve of the Civil War. The only home Lincoln owned.

RECONSTRUCTION -- What was the constitutional status of the southern states in 1865? How were blacks to be protected and integrated into American society? Reconstruction was significant for the passage of the 13th, 14th and 15th Amendments to the Constitution which made the Federal government responsible for the protection of civil rights for American citizens.

(108) Andrew Johnson National Historic Site Greenville, Tennessee NPSy	Home of President Andrew Johnson who was impeached by the House for his Reconstruction policies. Also important for the Constitutional issue in defining the role of the executive and legislative branches of government under the Constitution.
(109) Sumner (Charles) House 20 Hancock Street Boston, Massachusetts No date	Sumner was an outspoken opponent of slavery who represented Massachusetts in the U.S. Senate from 1851 until his death in 1874. After the Civil War, he was one of the leading figures in the radical wing of the Republican Party and played an influential role in foreign affairs.
(110) Wallace (General Lew) Study Pike Street and Wallace Avenue Crawfordsville, Indiana 1895-96	During Reconstruction Wallace was an influential Radical Republican.
(111) Trumbull (Lyman) House 1105 Henry Street Alton, Illinois 1849	An arch-opponent of the Radical Republicans, Trumbull sponsored much Reconstruction legislation, including the Confiscation Acts, Freedmen's Bureau Bill of 1866, and the Civil Rights Act of 1866.
(112) Howard (General Oliver Otis) House 607 Howard Place Howard University Washington, DC 19th century	Residence of the Union General and head of the Freedman's Bureau, the only one of the four original university buildings standing.
(113) Bruce (Blanche K.) House 909 M Street NW Washington, DC 1865	Representing Mississippi, Bruce was the first black American to serve a full term in the United States Senate 1875-1881).
(114) Rainey (Joseph H.) House 909 Prince Street Georgetown, South Carolina c. 1760	Joseph H. Rainey was the first black American to serve in the House of Representatives (1870-79). His election to Congress marked the beginning of active black participation in the Federal legislative process as a result of the Civil Rights Acts and the Fifteenth Amendment.

(115) Langston (John Mercer) House
207 E. College Street
Oberlin, Ohio
1855

John Langston was the first black American elected to public office when he was elected township clerk in 1855. He later served in the Freedmen's Bureau and was the first dean of the Howard University Law School, U.S. Representative from Virginia (1890-91), and Minister to Haiti.

(116) South Carolina State House
Columbia, South Carolina
1851, 1907

In one of the final episodes of Reconstruction, it was the scene of disputes about the 1876 state elections which split the government of South Carolina.

(117) Grady (Henry W.) House
Athens, Georgia
1845

Home (1863-72) of a major proponent of national reconciliation during the post-Civil War era, who delivered his famous "New South" speech in 1866 in New York City.

CIVIL RIGHTS AND THE CONSTITUTION -- The 14th and 15th Amendments to the Constitution guaranteed the rights of citizenship, equal protection under law, and the franchise to all Americans. The division of responsibility between state and federal roles in the process was open to interpretation. Procedures to secure these rights needed to be put into place.

(118) Smalls (Robert) House
Beaufort, South Carolina
1843

Smalls, a former slave who served in the State Legislature and in Congress (1875-79, 1882-83, 1884-87), lived here both as a slave and free man. He fought for black civil rights while in office.

(119) Douglass (Frederick) Home
Washington, DC
NPSy

From 1877 to 1895, this was the home of the nation's leading black spokesman.

(120) Montgomery (Isaiah T.) House
Mound Bayou, Bolivar County
Mississippi
1910

Home of Isaiah Thornton Montgomery, who in 1887 founded the town of Mound Bayou as a community where black Americans could obtain social, political, and economic rights in a state then dominated by white supremacists.

(121) Harper (Francis Ellen Watkins) House
Philadelphia, Pennsylvania
Date unknown

Home (1870-1911) of a black writer and social activist who participated in the 19th century abolitionist, black rights, women's suffrage, and temperance movements.

(122) Wells-Barnett (Ida B.) House 3624 S. Martin Luther King, Jr., Drive Chicago, Illinois c. 1889-90	An 1890s civil rights advocate and crusader for the rights of black women, Ida Wells-Barnett carried on her crusades in the pages of her newspaper, the Memphis Free Speech.
(123) Dubois (W.E.B.) Boyhood Homesite Route 23 Great Barrington, Massachusetts 1868	Site of the boyhood home of the prominent sociologist and writer, who was a major figure in the black civil rights movement during the first half of the 20th century.
(124) Trotter (William Monroe) House Dorcester, Massachusetts c. 1890s	Home of the noted black journalist, who was a militant civil rights activist during the first decades of the 20th century.
(125) Fortune (T. Thomas) House Red Bank, New Jersey Date unknown	From 1901 to 1915 the home of the crusading black journalist who articulated the cause of black rights in his newspapers at the turn of the 20th century.
(126) Boley Historic District Boley, Oklahoma 1903	Largest of the towns established in Oklahoma to provide black Americans with the opportunity for self-government in an era of white supremacy and segregation. Associated with the cases of Guinn and Beal v. United States, (1915), which ruled Oklahoma's literacy test for blacks unconstitutional and Lane v. Wilson (1939), which required that all persons previously denied the franchise by a 1916 statute be registered.
(127) Sweet Auburn Historic District Atlanta, Georgia Early 20th Century	The center of black economic, social, and cultural activities in Atlanta from the 1890s to the 1930s. The Sweet Auburn District reflects an important element in the life of the Afro-American community in the segregated South after Plessy v. Ferguson (1895).
(128) Terrell (Mary Church) House 326 T Street, NW Washington, DC 1907	Residence of the civil rights leader who achieved national prominence as the first president of the National Association of Colored Women.

(129) Bethune (Mary McLeod) House campus of Bethune-Cookman College Daytona Beach, Florida c. 1920	Two-story house belonging to the civil rights leader, administrator, educator, advisor to presidents, and consultant to the United Nations, on the campus of the school she founded in 1904.
(130) Mary McLeod Bethune Council House National Historic Site Washington, DC NPSy (Affiliated)	This is the headquarters of the National Council of Negro Women established by Mary McLeod Bethune in 1935. It also commemorates her leadership in the black women's rights movement from 1943 to 1949.
(131) Little Rock Central High School Little Rock, Pulaski County Arkansas 1927	Site of the first major confrontation over the implementation of the Supreme Court's decision, Brown v. Board of Education (1954), outlawing racial segregation in public schools.
(132) Martin Luther King Jr., National Historic Site Atlanta, Georgia NPSy	Site of birthplace, grave, and church of Dr. Martin Luther King, Jr.
(133) Dexter Avenue Baptist Church Montgomery, Montgomery County Alabama 1878	Associated with Dr. Martin Luther King, Jr., pastor of the church (1954-1959), who led the boycott of segregated city buses.
(134) Manzanar War Relocation Center Vicinity of Lone Pine Inyo County, California	Represents the ten relocation centers to which, during World War II, people of Japanese descent were removed from areas in west coast states without being accused of any crimes. They received no hearings and no trials.

POPULISM -- Populism was associated with the topic of the Supreme Court and entrepreneurial liberty. How was the Court to respond to the social and political pressures emerging from the new economic order following the Civil War? The Supreme Court gave substantive economic interpretation to the due process clause of the Fourteenth Amendment which differed sharply from its original equal (civil) rights purpose.

(135) Kelley (Oliver H.) Homestead Sherburne County Minnesota 1860	Kelley was the founder of the National Grange Movement which sought political solutions to farm problems. The Grange movement resulted in many state regulations limiting the power of business.

Many of these laws, in what are known as the Granger Cases, were eventually tested for their constitutionality.

(136) Weaver (James B.) House
Bloomfield, Davis County
Iowa
1865

Home of Populist candidate for President and anti-monopolist. Proponent of the graduated income tax and a principal sponsor for free coinage of silver.

(137) Watson (Thomas E.) House
Thompson, McDuffie County
Georgia
1975

Watson was a principal founder of the Populist Party.

(138) Bryan (William Jennings) House
(Fairview)
Lincoln, Lancaster County
Nebraska
1902-1922

Bryan united the Populist cause with the Democratic Party in his attempt to win election to the Presidency in 1896.

GOVERNMENT REGULATION -- These sites represent the first attempts by the Federal Government, exercising the constitutional power to regulate commerce between the states and with foreign nations, to meet the demands of 19th century reformers and address the social needs brought on by the industrial revolution. They represent the shifting of emphasis from laissez-faire individualism to the reform of the economic system in the interest of the general public welfare.

(139) Sherman Birthplace
Lancaster, Fairfield County
Ohio
1825

John Sherman was a Senator from Ohio who wrote the Sherman Anti-Trust Act in 1890. This was the first attempt by the Federal government to regulate industry. The site is associated with Standard Oil v. United States (1911), and with United States v. U.S. Steel (1920). The court used the "rule of reason" in the belief that bigness itself was not necessarily a violation of the Sherman Act.

(140) Morgan (J. Pierpont) Library
33 East 36th Street
New York, New York
1906

Morgan, an important financier, organized U.S. Steel and was influential in the railroad industry. Morgan was associated with the case Northern Securities Company et al. v. United States, (1904).

(141) Clayton (Henry D.) House
Barbour County, Alabama
1850

Member of the House of Representatives who wrote the Clayton Anti-Trust Act (1914). Some significant cases generated as a result of this legisla-

tion include: Duplex Printing Press Co. v. Deering (1921), American Steel Foundries v. Tri-City Central Trades Council (1921), and Bedford Cut Stone Company v. Journeymen Stone Cutters Association (1927).

(142) Hepburn (William P.) House
Clarinda, Page County
Iowa
1867

Member of the House of Representatives who wrote the Hepburn Act (1906), which empowered the Interstate Commerce Commission tp regulate railroads effectively. Significant cases associated with this legislation include: ICC v. Illinois Central Railroad Company (1910), Minnesota Rate Cases (1913) and Shreveport Rate Cases (1914). These cases recognized the legal authority given to the ICC by the Hepburn Act and its authority to pre-empt state regulations.

HISTORIC PRESERVATION -- Is the preservation of national historic sites and buildings a legitimate purpose of the government of the United States under the Constitution?

(143) Gettysburg National Military Park
Gettysburg, Pennsylvania
NPSy

Site of the great Civil War Battle of July 1-3, 1863. Subject of Supreme Court test case United States v. Gettysburg Electric Ry. Co. (1896), that justified legislative basis for historic preservation by the Federal government.

PROGRESSIVISM -- The election of 1896 indicated a shift in voter alignment away from the Democrats' doctrinaire, ideological style of politics, to the Republicans' strategy of pragmatic, pluralistic accommodation. This shift, along with the emerging concept of judicial review exercised by the Supreme Court in the 1890s, had a profound impact on the Constitution in the 20th century. The first result of this was the broad based reform movement known as Progressivism which led to the passage of the 16th, 17th, 18th, and 19th Amendments to the Constitution.

(144) White (William Allen) House
Emporia, Lyon County
Kansas
1887

White wrote The Old Order Changeth in 1910 which expressed the dominant view of the progressive movement.

(145) Wayside, The (Henry Demarest Lloyd Home) Winnetka, Illinois 1878	A critic of America's industrial monopoly during the 1880s, Lloyd wrote for the Chicago Tribune and was the author of Wealth against Commonwealth (1894).
(146) Johnson (Hiram W.) House Washington, DC 1810	Leading voice in the progressive movement. As Governor of California, he sponsored Progressive legislation and as Senator he supported the formation of the Progressive Party in 1912.
(147) Wilson (Woodrow) House Washington, DC 1915	It was during Woodrow Wilson's administration that the progressive social platform was incorporated into the Constitution with the passage of the 16th, 17th, 18th and 19th Amendments to the Constitution.
(148) Norris (George W.) House McCook, Red Willow County Nebraska 1899	Norris was a Progressive Republican who served in both the House and Senate.
(149) La Follette (Robert M.) House Maple Bluff, Dane County Wisconsin 1860	As Progressive Governor and Senator, La Follette was active in government reform movements and was the Progressive Party candidate for President in 1924.

FIRST AMENDMENT -- Freedom of Speech

(150) Federal Hall National Memorial New York, New York NPSy	Site of the formal adoption of the Bill of Rights and the site of the John Peter Zenger Trial, involving freedom of the press.
(151) Debs (Eugene V.) House Terre Haute, Indiana 1890	Home of Eugene V. Debs, Socialist Party candidate for President in five elections. It is associated with Debs v. United States (1919), in which the Supreme Court upheld the conviction of Debs for the violation of the wartime Espionage Act.

EIGHTEENTH AMENDMENT -- Prohibition

(152) Willard (Frances) House Evanston, Illinois 1865	Willard made the temperance movement a national force. She became president of the Women's Christian Temperance Union in 1879. Her house is now the headquarters of that organization.
(153) Dow (Neal) House 714 Congress Street Portland, Maine 1829	A leading 19th-century proponent of prohibition, Dow was a candidate for the Presidency in 1880 on the Prohibition Party ticket.
(154) Nation (Carry A.) House 211 W. Fowler Avenue Medicine Lodge, Barber County Kansas 1822	Residence (1889-1902) of the temperance leader who became the foremost symbol of a reinvigorated prohibition movement at the turn of the century.
(155) Volstead (Andrew J.) House Granite Falls, Yellow Medicine County, Minnesota	Drafted the Volstead Act (1919) to enforce the Eighteenth Amendment to the Constitution.

NINETEENTH AMENDMENT -- Women's Right to Vote

(156) Stanton (Elizabeth Cady) House Rochester, Monroe County New York 1868	Residence of early leader of the women's rights movement who delivered the call for female suffrage at the Seneca Falls Convention of 1848.
(157) Anthony (Susan B.) House Rochester, Monroe County New York 1845	Susan B. Anthony was a leader in the women's rights movement in the 19th century.
(158) Women's Rights National Historical Park Seneca Falls, New York NPSy	Site of the Seneca Falls Convention of 1848 that began the women's struggle for equal rights, including the right to vote. Also includes the homes and offices of Elizabeth Cady Stanton, and other notable early women's rights activists.
(159) Stanton (Elizabeth Cady) House 32 Washington Street Seneca Falls, New York 1846 (Included in Women's Rights National Historical Park)	Stanton, a leader in the women's rights movement, lived here at the time of the Women's Rights Convention at Seneca Falls in 1848, which she helped organize.

(160) Kimberly Mansion 1625 Main Street Glastonbury, Hartford County Connecticut early 18th Century	Home of pioneer feminist leaders Abby and Julia Smith for virtually their entire lives. In the 1870s, they refused to pay a real estate tax on the grounds that they were not enfranchised.
(161) Liberty Farm (Foster House) 116 Mower Street Worcester, Massachusetts 1810	Abigail Kelly and her husband, Stephen Symonds Foster, were active in the anti-slavery and women's suffrage movements. In the 1870s they witheld taxes on Liberty Farm to protest Abigail Kelly's inability to vote.
(162) Henry Street Settlement and Neighborhood Playhouse 263-267 Henry Street (466 Grand Street) New York, New York 1895	Lillian Wald, suffragist and pacifist, lived and worked here for 40 years.
(163) Harper (Frances Ellen Watkins) House 1066 Bainbridge Street Philadelphia, Pennsylvania Date unknown	Home (1870-1911) of a black writer and social activist who participated in the 19th-century abolitionist, black rights, women's suffrage, and temperance movements.
(164) Rankin Ranch Avalanche Gulch, Broadwater County, Montana 1923	Jeanette Rankin was the first woman elected to the House of Representatives and an important supporter of the women's rights movement.
(165) Sewall-Belmont House National Historic Site Washington, DC 1820; 1929 NPSy	Headquarters of the National Women's Party from 1929, and closely associated with party founder Alice Paul, a leader in the fight for women's suffrage.