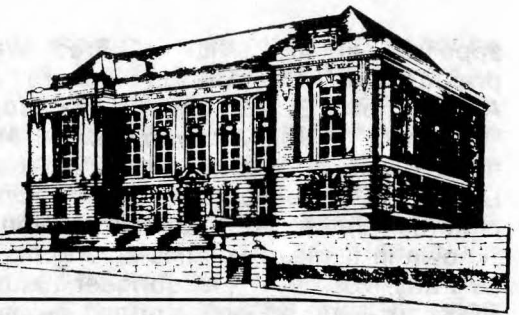


The Missouri Supreme Court Historical Journal

Published by the Missouri Supreme Court Historical Society



Vol. 1, No. 4

Winter, 1987

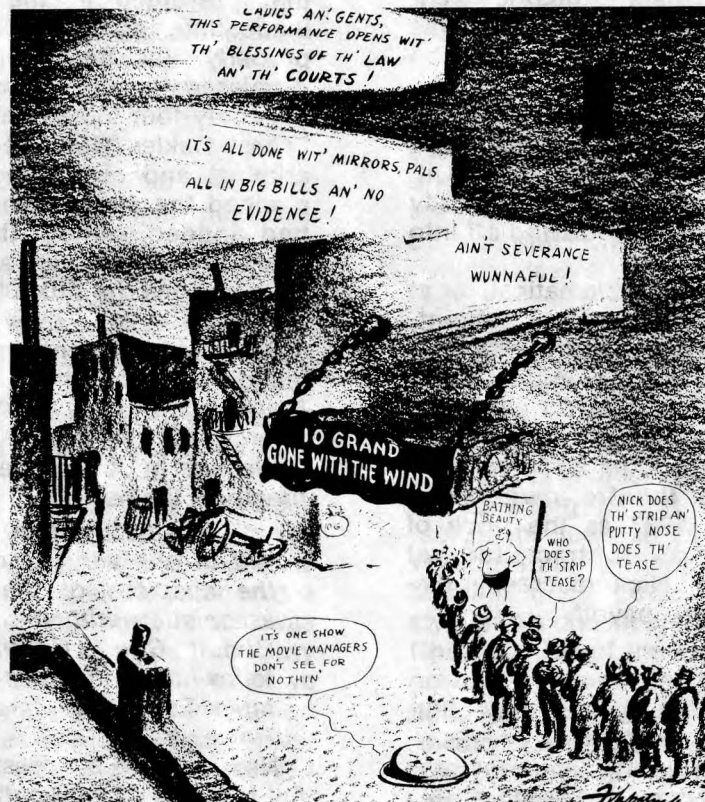
"IN DURANCE VILE" ... A Case of Court-Press Conflict!

By Gerald T. Dunne

Local 143

Headquartered near Grand and Olive in St. Louis and chartered in 1908, Local 143 of the Motion Picture Machine Operators Union was, until the middle thirties, a drab and placid labor organization. It afforded its lower-middle class membership a medium of collective bargaining as well as an opportunity for sociability in the form of fishing trips and family outings. Things changed in 1935 as a takeover occurred which, aside from its sinister and tragic overtones, could have come straight out of Damon Runyan's *Guys and Dolls* featuring characters named "Big Nick" and "Putty Nose".

The turnaround was part of a capture of 143's parent organization, the International Alliance of Theatrical Stage Employees (IATSE), led by labor racketeers William (Willie) Bioff and George Brown. The takeover of 143 itself occurred in July, 1935 when John P. Nick and Clyde Weston showed up at a meeting and announced that they had been placed "in charge" by IATSE President Brown. Nick, a burly, violence-prone thug, had been around St. Louis for years as a leader of the stagehands. His demands had banished vaudeville from the first-run movie houses and almost ended the Municipal Opera as well. He was a man to be feared; police suspected that it was he who gunned down Arthur Schadding, business agent for the electricians, during a bitter jurisdictional dispute between the latter and Nick's stagehands. "Big Nick's" menacing presence was well feared by the older members of 143 and the younger ones learned quickly.



This cartoon figured in the contempt case of Circuit Judge Thomas J. Rowe against the St. Louis *Post-Dispatch*.

There was no overt opposition when Nick fired the incumbent officers and impounded the local's records, property, and money. One anonymous letter of complaint to IATSE headquarters was promptly sent back to Nick in St. Louis, who upon receipt took the floor at a meeting and announced he would brook no disobedience or questioning of his orders. More than that, Nick ordered an end to discussion of union business among the membership outside headquarters. For a sanction, Nick threatened "to tear up the card" of any recalcitrant unionist, an action amounting to economic capital punishment in the depression-damaged city.

The fishing trips and family outings ended as internal high-handedness found its counterpart in collective bargaining. Nick used his 143 position to create places for his unemployed stagehands in movie theatres where their sole duty was to press a curtain-opening button at the beginning of the performance. More bonafide were the projectionists' demand for a raise which emerged in 1936 as the basic contract came up for renewal. In an opening maneuver, Nick advised the theatre owners (through a figurehead business agent, Robert Tomsen) that whatever the local's wage scale committee might decide, a new wage scale would be adopted "at the proper time."

Just what was the proper time turned out to be an August evening in 1935 when the Honorable Edward L. Brady, Representative of the 12th District of the Missouri House of Representatives,

appeared at the office of Fred Wehrenberg, president of the Motion Picture Exhibitors Association. Brady gave his occupation as "merchant" in the *Missouri Official Manual* and there described himself as a "loyal and active Democrat." A subsequent legal document primly pictured him as a "boon companion" of Nick, "known in familiar parlance among his associates as 'Putty-Nose' . . .", a sobriquet inappropriate to the sharp-featured legislator and probably coined by a *Post-Dispatch* writer.

In his encounter with Wehrenberg, Brady observed that upon the payment of a sum of money a "satisfactory" 1936 wage contract might be negotiated. After a second meeting, which included hints that Nick might demand more feather-bedding for his stagehands, the price went up to \$7,500 and then to \$10,000. The hat was accordingly passed among the exhibitors, who deposited \$16,000 in a local bank.

On October 16, 1936, Nick delivered a "no-raise" contract, which merely duplicated the 1935 agreement. He and Wehrenberg, then signed it. The payoff occurred immediately afterward, Brady receiving \$10,000 in large bills and driving off into the autumn evening.

Where the money went was problematical, for at year's end Nick shuffled business agents, appointing fellow hoodlum Clyde Weston to the office for Local 143. A co-alumnus of the International, Weston signed all union checks and treated the local's treasury as his own. More importantly Weston figured in a second payoff, receiving \$6,500 from the cowed theatre owners on Thanksgiving Wednesday, 1937 as the price of extending the "sweetheart" contract for yet another year. Once more, Nick discreetly distanced himself from the actual payoff.

TWO LAWSUITS

Prompted by disclosures made by the St. Louis *Post-Dispatch*, 19 veterans of Local 143 screwed up their courage and filed suit in January, 1939 to oust Nick and break IATSE's control of their local. Within days of the member's suit, Nick, Brady, and Weston were indicted for extortion. Nick and Brady were charged together on the 1936 (\$10,000) payoff and Nick and Weston were similarly linked on the 1937 (\$6,500) one. The partnership in both civil and criminal wrongdoing inched together towards trial in the Circuit Court of the City of St. Louis. The extortion cases were calendered in Division 12 of the baroque Municipal Courts Building while the ouster action was set in Division 2 in the art-deco Civil Courts structure some 500 yards away. There were the customary pre-trial overtures as Judge Oakley held a preliminary proceeding in Division 2 almost immediately. He summarily expelled Nick and his henchmen, and placed 143 in receivership. In October, 1939, Nick, taking advantage of a contemporary "severance" rule (which prevented a jointly accused defendant from being tarred with the same brush used to incriminate a co-

defendant) demanded and received a separate trial on the 1936 shakedown episode involving himself and Brady. After a series of false starts, Nick's case finally came on in January 1940 where the judge in Division 12 found that the state had failed to prove — beyond all reasonable doubt and to a moral certainty — two critical elements of the extortion case against Nick, conspiracy and coercion. An acquittal was directed.

March opened with both the ouster and extortion trials coming on for final decision. On March 4, the case against Brady was called before Judge Thomas Rowe, Jr., presiding in Division 12. In response to the Judge's inquiry, Circuit Attorney Miller indicated the evidence in the present proceeding would substantially duplicate that presented in the earlier one and found inadequate against Nick. Judge Rowe "quite properly" (as the Supreme Court later found) dismissed the cast against Brady.

Twenty-four hours later in Division 2, Judge Ernest Oakley illustrated the difference between criminal and civil standards of proof when he reached the commonsense conclusion that Nick had indeed gotten the money in the 1936 shakedown and issued a final decree in the ouster suit, ordering the \$10,000 turned over to the local.

The distinction between a preponderance of evidence and evidence beyond a reasonable doubt failed to impress the editorial room of the *Post Dispatch*. The day after the Brady dismissal (March 5) the lead editorial proclaimed it "A Burlesque in Justice," and continued in a satiric, theatrical theme:

"The amazing case of Putty Nose, a legal skit in one very short act, presented under the auspices of the State of Missouri in association with the people of St. Louis in Circuit Court Criminal Division with the following cast: Putty Nose, State Representative Edward M. Brady . . . Judge Thomas J. Rowe, Jr."

Next day, the successful ouster suit brought the full fusillade of the *Post's* outrage in an even more pungent editorial:

JUDGE ROWE: TURN 'EM LOOSE

JUDGE OAKLEY: THESE MEN ARE GUILTY

Accompanying the acid-penned ridicule of the seemingly inconsistent decisions was Daniel Fitzpatrick's cartoon "Burlesque House In Rat Alley." It was not reproduced in the official reports of the Missouri Supreme Court, when the case got there and Judge Charles Hays provided a necessarily inadequate description of the artist's slashing, black-and-white style in writing the ultimate opinion:

"[It purported] to represent a burlesque theatre in the city slums and entitled 'Burlesque House In Rat Alley.' The sign on the marquee of the theater is '10 grand gone with the wind' and some of the remarks apparently coming from the theatre are 'Ladies and gents, this performance opens 'wit' th' blessings of the law an' th' courts!'"

and "Ain't severance wunnaful?" While one member of the waiting crowd is represented as saying "Who does th' strip tease?" and another replies "Nick does th' strip and Putty Nose does th' tease" (*State ex. rel Pulitzer Publishing Co. v. Coleman*, 152 S.W.2d 640, 644 (1941). Hereinafter cited as **Pulitzer Publishing Co.**)



PROFESSOR GERALD DUNNE is a member of the faculty at the St. Louis University School of Law and former Vice President and General Counsel of the Federal Reserve Bank of St. Louis. He is the author of four books and of numerous articles including contributions to the *Harvard* and *Yale Law Reviews*. This article is a chapter from a *History of the Missouri Supreme Court* which Professor Dunne is now writing for the *Supreme Court Historical Society*. It will be published in 1990.

Judge Rowe customarily ate his lunch at Speck's, a short-order establishment near the riverfront, much favored by the St. Louis bar. Usually he walked the eight blocks with one of his fellow judges. Probably on March 5, 1940 he bought the home edition of the **Post** from the newsstand facing the esplanade stairs of his courthouse. If the defamatory editorial on March 5 spoiled his lunch, at least it served as preparation for the studied insult that would come out on the morrow.

Son of a lawyer and a member of a numerous and upwardly mobile Irish family, Judge Rowe had a pleasant and adjusted personality and doubtless felt that he spoke the truth when he later told a **Post** reporter: "Don't get the idea there was anything personal in this . . . I have no animosity . . . If this were a matter against Tom Rowe personally, I could forget the whole thing, laugh it off and go on. But what was done against the court, and as an elected officer of the people, I can't let it go unchallenged."

Rowe never specifically mentioned the cartoon which he saw for the first time on March 6, 1940 as he bought his paper. But unquestionably that was what really stung, far beyond the ("Judge Rowe: Turn'em loose") editorial. As he said: "to put [my] court in Rat Alley." Fitzpatrick had been using the "Rat Alley" *motif* for years and the dreary, rubbish-strewn thoroughfare was one of the best known in town. Rowe's anger at the paper would have been even more intense had he known the locale of the present protest was the brain child of the **Post's** publisher ("Congratulations on the brilliant Rat Alley idea" cartoonist Fitzpatrick later wrote his boss, Joseph Pulitzer, II.

In any event, it was but the work of a moment for Rowe to order Circuit Attorney Franklin Miller whose offices were on the same floor as his court to issue a citation against the paper itself, its managing editor Ben Reese, its editorial page editor, Ralph Coghlan, and its cartoonist, Daniel

Fitzpatrick, to show cause why they should not be punished for contempt of court. On the return day, March 18, Pulitzer, flanked by his three staffers, appeared in Division 12. Resolution of the controversy was set for a few days later. Publisher and employees all asserted the **Post's** position which denied any animus against Judge Rowe but insisted on the **Post's** right to serve the public interest by free comment. Sitting in the court room audience, unnoticed, was **Post** staffer Irving Dillard, whom **Time** magazine (April 15, 1940, p. 56) pronounced the actual author of the offensive editorials.

THE LAW OF THE CASE

Both sides feverishly prepared for the decisional hearing. **Post** attorneys, John Raeburn Green and J. Porter Henry, regular counsel for the paper and its radio station KSD, were assisted by Jacob ("Jake") Lashly, former ABA president and King of the St. Louis Bar, and Lashly's young partner, Clark M. Clifford, already showing signs of the brilliance which would bring national stature; on the other side Circuit Attorney Miller was joined by volunteer William Gentry, an old-fashioned country lawyer who had moved to St. Louis. Gentry, a stickler for courtroom decorum, was a brother of North Todd Gentry, one time member of the Missouri Supreme Court. While the legal talent were clearly on the side of the **Post**, the law of the matter was not. Back in 1903, in an original proceeding, the Missouri Supreme court had slapped down the Warrensburg **Standard Herald** for asserting that it (the Supreme Court) had "sold" its judicial soul "to the corporations." Writing *State v. Shepherd* Judge William Champe Marshall of St. Louis replicated the sonority and style of his distant cousin and namesake, the great Chief Justice of the United States, upholding the power of an offended Judge to act as judge and jury and punish without limitation contempt exhibited toward the court and its processes. (*State ex inf. Crow v. Shepherd*, 76 S.W. 79, 80 (1903).) Marshall pitched his case on the great Sir William Blackstone's appeal to the necessity of maintaining "that regard and respect which, when once courts of Justice are deprived of, their authority, so necessary for the good order of the Kingdom, is entirely lost among the people." (4 *Commentaries* 285). Moreover, Marshall had held that this authority was invested in the judicial arm of the state by its original constitution in 1820 and hence was beyond constraint by either legislative regulation or parallel constitutional guaranties of jury trial and freedom of the press. Even though committed outside the presence of the court and without immediate result on proceedings therein, the potential for mischief was "constructively" implicit in any defamation of the judicial process.

Against this threatening backdrop, the **Post's** defense was mounted with due regard to the court of public opinion wherein a newspaper trial of the judge himself was considered, including the use of a photograph of Rowe, described by a staffer

as a "very hard and tough-looking customer."

The issue itself was tried on March 19, 1940 the Thursday preceding the coldest Easter in 46 years. Judge Rowe's attorneys presented their evidence. Franklin Miller, emphasizing that he was speaking for Rowe himself, rested his case largely on the self-evident defamatory content of the editorials and cartoon. He was followed by Gentry, who hammered hard on the Blackstone thesis that the issue concerned, not Judge Rowe's sensibilities, but the integrity of the trial process itself.

Judge Rowe had a heart condition and he was doubtless startled when the goateed Gentry orated in classic Boone County style:

"If your honor should die this moment, this case would go on. It is not for your person, nor for your single court, but the dignity of all courts that is involved."

The court had also sought additional counsel to present its case. Judge Rowe had reportedly attended a monthly meeting of the Executive Committee of The St. Louis Bar Association to rally counsel for his cause. At this meeting apparently only one dissident voice, that of Walter Chubb, was raised on the issue of censorship. (The judge had also reportedly unsuccessfully sought a grand jury indictment against the **Post** for criminal libel.)

Counsel for the defense, attorneys Clifford and Lashly, rang the changes on the issues of fact (i.e., that the editorial/cartoon did not assail Judge Rowe personally) and constitutionality (freedom of the press). Unmentioned was the point which ultimately won the case. This point was later suggested by young Milton Goldstein, a cub associate of John Green. Goldstein was fresh out of Harvard Law School where he had attended the last courses thought by Felix Frankfurter prior to the latter's appointment to the U.S. Supreme Court.

Green's Harvard experience yielded an encounter with Frankfurter's long-standing attack on constructive contempt which was itself based on the historical research of Sir John Fox. Sir John had discovered that the doctrine of unlimited judicial power to punish contempt rested on an historical solecism, namely, an unbelievable *gaffe* by the great Sir William Blackstone who cited a nugatory opinion in an abandoned case to hold what it did not. To be sure, contempt was punishable as any other crime, but only after customary procedural safeguards. Moreover, punishment lay only for interference with a pending case, but never as to a comment on a concluded one.

Judge Rowe took the arguments under advisement, and on April 13, 1940 delivered his judgment. It came in time for the home edition of the principal defendant:

POST-DISPATCH FOUND

GUILTY OF CONTEMPT:

2 MEN SENTENCED TO JAIL

Beneath the headline appeared a photograph of the "criminals", Ralph Coghlan, (20 days and

\$200) and Daniel Fitzpatrick, (10 days and \$100). The **Post** itself was fine \$2,000, and the charge against managing editor Reece was dismissed. The miscreants were pictured under a caption "In Durance Vile" in company with an impishly grinning sheriff, James J. ("Jimmy") Fitzsimmons. The caption was sheer hyperbole for the durance consisted in being served Coca-Cola by a lissome nubile Mary Alice Quinn, the Sheriff's secretary ("Was she a blonde?" correctly inquired onetime law dean, Paul Fitzsimmons, the Sheriff's distant cousin, who searched his memory a half-century after the event). Sheriff Fitzsimmons then took his prisoners to lunch at public expense while awaiting the formalities of release on bail.

The release was unusual because Judge Rowe (correctly) refused to allow the conventional preliminaries for an appeal after reading his findings and punishments. Lashly and Clifford were accordingly forced to seek redress in the original, as distinguished from the appellate, jurisdiction on the state supreme court. Armed with a certified copy of the judgment, they departed by car for Jefferson City to request writs of habeas corpus and certiorari from Chief Justice William Leedy who handled such matters while the court was in vacation.

Judge Leedy, thanks to widespread publicity, was not unprepared for his visitors. The custom in those days was for the presiding judge to take action on such an application after assembling the court *en banc* or getting the views of four of its seven members. Probably Leedy used the telephone to pursue the latter course for almost as soon as the applications were filed, a telegram went forward to Judge Rowe;

"I am directed by the Court to request you to take no further action in the case of Franklin Miller, Circuit Attorney against Pulitzer Publishing Co. until the Court has passed upon petition for certiorari filed today."

E.F. Elliott,
Clerk

The wire effectively stayed Judge Rowe's action; the paperwork was completed, the "prisoners" were released at ten to five after six hours "durance," and were back to work the next morning.

The wire also was something of a portent; in fact, signs of the decline of the doctrine of unlimited judicial punishment for constructive contempt and its inconsistency with basic democratic values abounded. These included the sheer unfairness of a pre-trial "show cause" determination, lack of a jury trial and, worse yet, determination of guilt by a judge already smarting under the sting of insult. Moreover, on a constitutional level, the U.S. Supreme Court was already considering for review two California cases wherein Harry Bridges and the Los Angeles **Times-Mirror** had treated judges far worse than the **Post-Dispatch** ever did.

Found Guilty of Contempt



Circuit Judge Thomas J. Rowe reading his decision.

Indeed, the Missouri Supreme Court had indicated dissatisfaction with *Shepherd*. Six years after its pronouncement the great Henry Lamm had gutted the doctrine of constructive contempt with characteristic felicity of style:

"... The courts of Missouri need no such show of autocratic power that they in the future may surely hold their dignity and usefulness solidly on the intelligent respect of the good citizens ... than to build it on the show of wielding an uncontrollable power to fine and imprison." (CB & Q v. Gildersleve, 118 S.W. 86, 96 (1908) (Dissenting Opinion).)

Other signs of the Supreme Court's discontent were not wanting in the official reports, but nevertheless, *Shepherd*, bent perhaps but not broken, stood firm as what lawyers call the law of the case. It seemed impregnable against the expressions of sympathy that poured into the *Post* from local competitors, St. Louis academicians, and distinguished out-of-town newsmen like William Allen White and Colonel Robert McCormick. Indeed from the nation's capital, correspondent Charles Ross wrote of the "great interest" Justice Frankfurter, in company with Justice Harlan Stone, had expressed at a Washington dinner party. Ross passed on

Frankfurter's surmise that the Missouri case might well wind up before the U.S. Supreme Court with the consequence that Ross "should tell them no more."

The possibility of what would happen to *Shepherd* should the federal supreme court get its hands on that doctrine came from U.S. District Judge, Caskie Collet, a former member of the Missouri Supreme Court, currently on temporary duty with the U.S. Court of Appeals. Judge Collet reported that his colleagues on that bench "were unanimous that the *Shepherd* case is 'cock-eyed' and that the United States Supreme Court will not only take jurisdiction of an appeal but will reverse it." However, Judge Collet also surmised that his former state colleagues would follow *Shepherd* and deny the *Post's* plea. A resident of Jefferson City in daily touch with those colleagues, Collet refused to give specifics for his conclusion but said only that he had "good and sufficient reason" for it. Green gloomily agreed with Collet's surmise because, as he said, the Missouri court was "the home of the *Shepherd* case, one of the great authorities on scandalizing" and because "we (the *Post-Dispatch*) have stepped on the toes of many of its judges."

The three consolidated cases were argued October 8, 1940 with double the ordinary time

being set aside for the occasion. Lashly, Green, and J. Porter Henry, spoke for the **Post**, and Miller, Gentry, John Gilmore and Louis Sher for the sheriff. The ACLU and Missouri Press Association presented *amicus* briefs, but were not permitted to speak. Oral argument was fought out on the evidentiary, constitutional and policy bases of the **Post's** appeal. Thrown in, almost as an afterthought, was the historical infirmity of *Shepherd* suggested by Goldstein, who like the ACLU and Missouri Press Association, did not raise his voice in the courtroom but went to Jefferson City for the ride.

No minutes are published of the conferences of the Missouri Supreme Court, nor are the Judges disposed to talk or write to outsiders about what goes on there. Moreover, even as the argument was reported in the **Post** for the same day, the story was silent on questions from the bench which might suggest which way the court was leaning. Hence, the difficulty of the decision as well as the opposition of two of the strongest-minded judges of the court can be glimpsed in the long interval which separated submission of the case in early October and the decision the following June. To be sure, there were other developments which slowed the decision — the bitter Democratic primary of the summer of 1940 and the equally turbulent "governorship steal" of early 1941 were obvious distracting factors. Green wrote the counsel in the California contempt proceedings: "... our court is not as prompt as is the Supreme Court of the United States in handing down opinions as a rule, and in this matter, it is possible that the court may have some disposition to await the result of your case before it rules on ours."

Hence, it can only be surmised how the final **Post-Dispatch** judgment was hammered out sentence-by-sentence in an opinion which sought to mass a unanimous court behind the pronouncement. Authored by Judge Charles Hays of Marion County, the opinion steered brilliantly between the unlimited right of editorial defamation sought by the **Post** and the obvious necessity of keeping the judicial process free of outside influence.

The critical pivot, accordingly, turned out to be the previously mentioned Blackstone blunder, the dictum supplied by Sir John Fox via Milton Goldstein — that courts did *not* have "since time immemorial" an inherent right to punish summarily for any statement which tended to subvert their process. Moreover, whatever had been the case in 1765 (the publication year of Blackstone's *Commentaries*) courts had no such power in 1607, the cut-off date selected in Missouri's adoption of the English common law. The point was not mentioned before Rowe but included as a subpoint in the brief Goldstein and Green wrote on appeal. A brilliant stroke, it cut the judicial issue to manageable size and reduced the contempt power to dealing with disruptive behavior in a *pending* — not *concluded* — case. The sole issue before the Supreme Court was

whether the undeniably insulting cartoon and editorials could be fairly construed as referring to the Nick-Weston indictments for the 1936 shake-downs, which were still pending in Rowe's court, rather than the Nick-Brady (1937) extortion charge whose trial was over and done with the dismissal of charges against the defendants.

As Hays put it:

"The reason why direct interference with a pending case is intolerable is obvious. The trial cannot be stopped while another jury is impaneled and the intolerance prosecuted criminally or sued civilly. The court must have power to quickly and in summary fashion enforce its orders and prevent acts which would hinder and delay the proceedings before it. But in the case of a publication having reference to a closed case, these reasons to do exist." (**Pulitzer Publishing Co.** 647.)

Judge Hays was unable to bring the entire court to concur in his reasoning; however, they joined his result. Judges James Douglas and George Ellison stood fast on the proposition that, however Blackstone might have erred, "scandalizing the court" (**Pulitzer Publishing Co.**, 649) (not the case here) was itself in some contexts actionable contempt. They concurred in the judgment, but as Goldstein later pointed out, dissent would have been more logical.

Nonetheless, the Ellison-Douglas concurrence was blurred into the larger picture when the **Post's** Jefferson City correspondent wired publisher on June 10, 1941:

*"State Supreme Court today unanimously decided in favor of the **Post-Dispatch** in contempt case. All sentences and fines reversed, and **Post-Dispatch's** contentions completely upheld. Best regards."*

A jubilant **Post's** headline exulted:

THE POST-DISPATCH WINS IN SUPREME COURT APPEAL ON ROWE'S CONTEMPT RULING

However, a subhead (DECISION IN **POST-DISPATCH** CASE BROADENS RIGHT TO CRITICIZE JUDGE) emphasized the narrow scope of the decision: free speech and free press concerned only *past* cases. The extension of protection to pending litigation had to await the action of the U.S. Supreme Court in the *Bridges* and *Times-Mirror* cases later in the year. Ironically, had the **Post** lost in Missouri, its appeal to Washington doubtless would have been consolidated with the latter cases with the Pulitzer name emblazoned not only on a great newspaper and a literary prize but also on landmark litigation.

TWO PICTURES

Nonetheless, the Missouri case was a victory for free speech and free press, duly commemorated. Daniel Fitzpatrick provided a characteristic cartoon in slashing black-and-white wherein an arm encased in judicial robe labelled "Missouri Supreme Court" held a pencil and wrote in bold

script "Free Speech Upheld."

There was another picture. Coghlan wrote his boss of a request for it from the "golden-haired Hebe" *alias* Miss Quinn who had supplied Coca-Cola during the technical imprisonment: "Say, Mr. Coghlan, I don't want to be promiscuous, but would you let the Sheriff have copies of last Wednesday's paper in which his picture appeared?" Coghlan ("after taking a moment to gulp over the 'promiscuous'") gallantly responded "Certainly, Miss Quinn" and passed the request on to the publisher. With characteristic *noblesse oblige*, Pulitzer sent the requested photograph to Fitzsimmons "in token of my appreciation of the consideration and courtesy you showed Mr. Coghlan, Mr. Fitzpatrick, and myself while we were in your 'constructive custody' ". Jimmy Fitzsimmons proved the urbanity was contagious when he gallantly acknowledged the gift: "The picture now adorns the wall of my office and has attracted many favorable comments for its excellent photography."

TRAGIC ENDING

Judge Rowe supplied an ending to the case worthy of a Greek tragedy, for he went to his grave defamed and unvindicated. Characteristic of the political orientation of the Missouri judicial

system was his selection as a Missouri delegate to the Democratic National Convention. He accordingly went to Chicago where he was found dead from a heart attack in a chair in the Sherman Hotel on the morning of July 17, 1940. His colleague, Judge Coleman was substituted in the title of the case, and Rowe, like Pulitzer, was denied the historical recognition of inclusion in the formal title of a landmark case in American legal history.

Note: *Since this article is a narrative, rather than a scholarly work, non-legal material has not been footnoted. However, material from the following sources has been quoted:*

Joseph Pulitzer II papers, Library of Congress, Washington D.C.

John R. Green Papers, Missouri Historical Society, St. Louis.

Interviews:

Milton Goldstein, St. Louis, Missouri

Thomas Rowe Schwartz, Miami, Florida

Paul Fitzsimmons, St. Louis, Missouri

Mrs. William Gentry, Jr., St. Louis, Missouri

Cartoons and photos in this article courtesy of the St. Louis Post-Dispatch.

Wade Baker Appointed Membership Chairman



Wade F. Baker

In an effort to increase the membership in the Society, President James A. Finch, Jr. has

established a membership committee and appointed Wade Baker as Chairman. Baker, former Executive Director of The Missouri Bar, has formed thirteen sub-committees representing various geographical areas of the state. Each Chairman and each member of the sub-committee has been asked to obtain five new members for the Society. Members of the sub-committees range from twelve in Kansas City and St. Louis to two or three in outstate areas.

The following were appointed Chairmen:

Jack C. Lorenz, St. Louis

John S. Black, Kansas City

Robert C. Welch, Jackson County — Eastern

Jerome Brant, Liberty

Dale Doerhoff, Jefferson City

Ray Lewis, Columbia

Wallace Springer, Springfield

John N. Oliver, Jr., Cape Girardeau

Charles Wilcox, St. Joseph

James Spain, Poplar Bluff

John Hall Dalton, Kennett

Rollie J. Moerschel, St. Charles

William H. Copeland, Clayton

One sub-committee member has already turned in his five new members for the Society.

A Home For The Supreme Court

By Dr. Joseph S. Summers, Jr.



DR. JOSEPH S. SUMMERS, JR., was born in the "McCarty flats" on the site of the old McCarty House Hotel in Jefferson City. Except for a short time during his medical training and World War II, he has lived in Jefferson City.

Although not trained as a historian, Dr. Summers enjoys the rich history of Missouri's capital city. Together with LuAnn Frevert, research and rewrite editor, and John Robinson, editorial consultant, Dr. Summers has compiled this short history of the Missouri Supreme Court buildings.

Although the current Missouri Supreme Court Building was considered an expensive eyesore when completed in 1907, it certainly offered better, more spacious accommodations than those to which the members of the court had been accustomed. In fact, the "overgrown streetcar barn" (as it was referred to by a prominent legislator) has risen to a place of honor and respect in the Missouri State Capitol complex.

THE ITINERANT COURT

The first Missouri Supreme Court did not need a building. Appointed by Governor Alexander McNair in November 1820, the Supreme Court consisted of three judges: John D. Cook of Cape

Girardeau County, John Rice Jones of Pike County and Mathias McGirk of Montgomery County.

Missouri's **Official Manual** of 1918-1919 describes the first 55 years of the court. When the Constitution of 1820 took effect, the legislature divided the state into four judicial circuits. Two sessions of the Supreme Court were to be held annually in each circuit. The court met in various locations: Franklin, Fayette, Bowling Green and city of St. Louis.

In 1843, the legislature passed a law requiring the Supreme Court to meet in the capital city. However, this legislation was short-lived. In 1849, another law provided that two sessions of the court should also be held annually in St. Louis, and in 1864, it was further provided that two sessions should also be held in St. Joseph. Until 1875, two sessions of the court were held annually in Jefferson City, St. Louis and St. Joseph, and some of the time, two sessions were also held in Hannibal.

According to Floyd C. Shoemaker in **Missouri and Missourians**, it was Governor B. Gratz Brown who recommended in 1872 that a single place be provided for the Supreme Court, and that the membership of the court be increased from three to five judges.

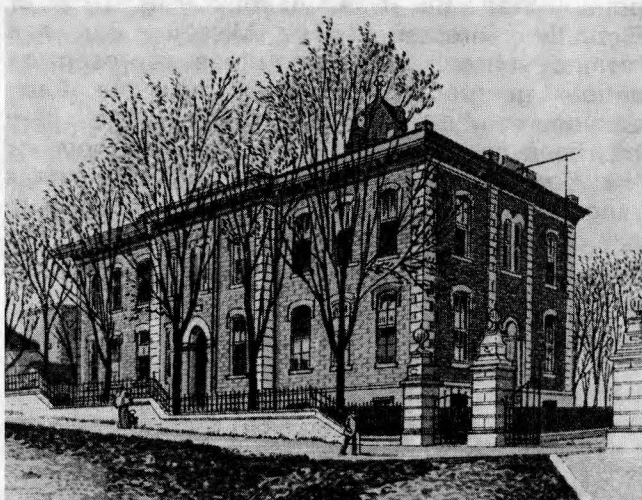
The Missouri Constitution of 1875 specified that all sessions of the Supreme Court should be held in the capital city.

THE CAPITOL BUILDING — FIRST "HOME" OF THE COURT

On January 10, 1877, the Jefferson City **Peoples Tribune** reported that the city's architect, Mr. Harry Kemp, had prepared a plan for the improvement of the Capitol, to give larger halls for the Senate and House, and better accommodations for the Supreme Court rooms and offices. The article stated that "... the south wing, first floor, is designed for the Supreme Court room and officers, while the apartments at present occupied by the auditor, treasurer and Supreme Court will be occupied by the judges of the Supreme Court as private offices. ..."

The **House and Senate Journals** of 1877 confirmed that the court was consolidated, and its sessions confined to the Missouri State Capitol Building in Jefferson City.

The Capitol immediately proved too small for the Supreme Court offices, and the **Peoples Tribune** pleaded for new accommodations. On March 28, 1877, the editors issued one more appeal, and quoted article 6, section 10, of the Missouri State Constitution: "The state shall provide a suitable courtroom at the seat of



(Courtesy Dr. J. S. Summers, Jr.)

This drawing was made from a photograph printed in the 1891 **Suden's Souvenir of Jefferson City**. The main (eastern) entrance to the Supreme Court building faces Stewart Street. Another entrance is partially hidden by the stone pillars that guard the entrance to the Capitol grounds. Quite possibly, during the 1911 Capitol fire, this side entrance was used by the human chain of volunteers that transferred the Secretary of State's records to this building from the burning Capitol. This building was being used for state offices at that time.

government in which the Supreme Court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the State Library." The newspaper presented vivid images of the crowded condition of the library room, and of the small, badly ventilated rooms which were assigned to the judges in the Capitol — rooms which were never intended for anything but storerooms. It was reported that the marshal of the court had rented rooms in private houses, and that the state rented rooms at considerable cost for committee purposes. And what, they questioned, would happen to the invaluable records that lay in the basement of the Capitol?



(Courtesy of Cole County Historical Society)

This is the earliest known picture of the first Supreme Court building (right foreground), located on the southeast corner of the Capitol grounds. There is enough of the western portion of the building visible to indicate that this photograph was made before 1890, the date of completion of the fireproof library addition.

The view looks east from the front door of the Capitol building, down the Capitol drive to the stone pillars marking the entrance to the grounds. Just beyond those pillars is the eastern end of Stewart Street that joined Main Street (now called Capitol Avenue). Most of homes and buildings in the photograph no longer exist. On the horizon on the right is the hotel at the corner of Madison and Main built by the Schmidt family. The hotel was later named the Madison House.

During the next two months, the Twenty-ninth General Assembly appropriated \$17,000 for a Supreme Court building. John S. Phelps was governor during this historic legislation. The **House and Senate Journal** stated that the appropriation must cover the expense of an architect, and such necessary materials as could not be supplied by convict labor. In closing, the legislators stressed that in determining the building's architecture, capacity, strength and completeness, consideration should be given to the future of the state, and the necessity of increasing the number of judges.

THE FIRST SUPREME COURT BUILDING

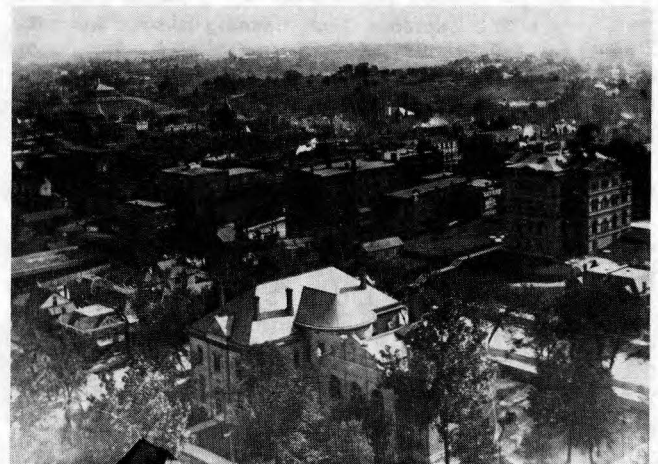
The three-story 1877 Supreme Court building, erected with convict labor, featured the same

quality and color of stone as the Capitol and Armory. Specifications called for a courtroom, a library room with capacity for 25,000 volumes, a clerk's office with fireproof vaults for records, ten rooms for judges large enough for health and comfort, and a janitor's room.

The building was located on the southeast corner of the Capitol grounds, facing Stewart Street, an L-shaped street that ran along the south side of the Capitol, then turned north to join Main Street [Capitol Avenue]. This street was torn up when the 1917 Missouri State Capitol Building was under construction.

Ground breaking ceremonies were reported in the June 6, 1877, **Peoples Tribune**. The architect of the building was William Vogdt [Vogt?] of Jefferson City. The building was 108 by 51 feet.

The **Peoples Tribune** described the interior: "A hall 10 feet wide ran the entire length of the building, and a side hall ran from the center of the main hall to the entrance facing Stewart Street. The first floor contained two rooms for records storage, two rooms for the clerk of the court, two for the attorney general, one for the court reporter, two consultation rooms and one room for the marshal and other officers of the court. The second floor contained the library, and ten rooms, two for each of the five judges." [Although the courtroom was not mentioned in this article, it is quite possible the first floor contained the courtroom in addition to the ten rooms.]



(Courtesy Joseph R. Kroeger, Sr.)

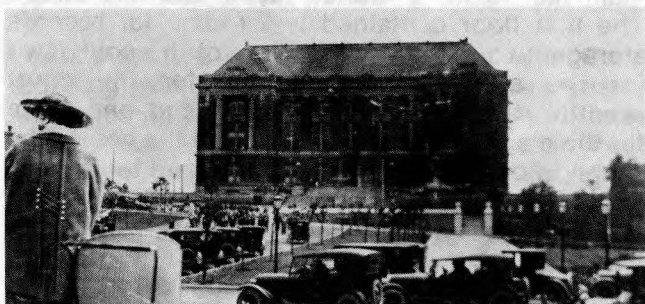
This view of the Supreme Court and Library is taken from the Capitol dome. The library on the right was added in 1890. Its architectural appearance is not as impressive.

In October 1877, the first session of the Supreme Court was held in the building.

During Governor David R. Frances' administration in 1889, the Thirty-fifth General Assembly appropriated \$12,500 for the enlargement of the Supreme Court building. A fireproof wing to house the State Library was approved. The work began in the summer of 1890. That same year, the voters of the State of Missouri ratified the constitutional amendment increasing the number of judges from five to seven, and establishing a

civil and criminal division of the court.

In 1907, after completion of the current Supreme Court building, this first building with the State Library addition, was used for state offices. Proof of this is seen on the 1916 Sanborn Fire Insurance Map. In 1921, during the regular session of the Fifty-first General Assembly, \$60,000 was appropriated for "improvement of the Capitol grounds and approaches." An additional \$40,000 was added to that amount during the extra session held in the summer of that year. It could be that some of these funds were used to "clear out" the surroundings of the Capitol grounds to make way for a better view. The 1923 Sanborn Map shows a rectangular box where the building once stood, but does not specify what is in the area; and the 1877 Supreme Court with the 1890 Library addition is not present in a 1924 photo of the dedication of the Missouri State Capitol Building.



(Courtesy of Mary Rudder Kern)

This view of the Supreme Court building is seen from the Capitol on May 24, 1923, after removal of all the houses on the Capitol grounds. Notice the old cars with the diagonal parking and what appears to be a crowd gathered for a parade.

TODAY'S SUPREME COURT BUILDING

As the state grew, so did Supreme Court activities. Only 27 years after the first building was erected for the specific use of the court, and 15 years after the State Library's fireproof wing had been added, the legislature once again took up the issue of a new building for the Supreme Court and its officers, the State Library, and the offices of the attorney general.

The **Laws of Missouri**, Forty-third General Assembly, January 4, 1905, explains the appropriation of funds and the specifications set forth for the new building. Additional details are provided in the July, 1984, edition of the **Missouri Historical Review**.

The Legislation

In March, 1905, the General Assembly set aside \$190,000 for the construction of a new building for the accommodation of the Supreme Court and its officers, the State Library, and the attorney general. The fireproof building was to have fireproof vaults to keep and preserve the records of the court. The appropriation also included the grading of the grounds on which the building was located, and the cost of architectural plans and specifications.

The \$190,000 appropriation represented the surplus of the \$1,000,000 budget for the Missouri exhibit at the 1904 St. Louis Louisiana Purchase Exposition. This expenditure of state funds for Missouri's display at the World's Fair had been approved by Missouri's voters.

Board of Commissioners

The General Assembly made provision for a board of commissioners consisting of the governor (Joseph W. Folk), state treasurer, attorney general, and two judges of the Supreme Court to be chosen by the court. They were authorized to contract for all details in one contract or by separate contracts. The contract or contracts were to specify that all work must be done before or on January 1, 1907.

The commissioners were to elect one of their members chairman and another secretary, and a majority of the commissioners at any meeting would constitute a quorum.

The Contracts

The board of commissioners were to employ a competent superintendent and architect. The superintendent was to carefully examine all material furnished by any contractor for any part of the building and for any work performed by the contractor. He was to reject any material or construction not suitable for the purposes for which it was designed.

Before awarding the contract for the construction of the building, advertisements were to run for 20 days in at least two newspapers in the state. Sealed bids were required, and the contract was to go to the "lowest and most responsible" bonded bidder. The contract was to include the provision that the legislature would hold a percentage of the contract price to be paid to the contractor or contractors after the building and the grading of the grounds was completed and accepted by the board. A penalty clause was to be included for work not completed in the time specified.

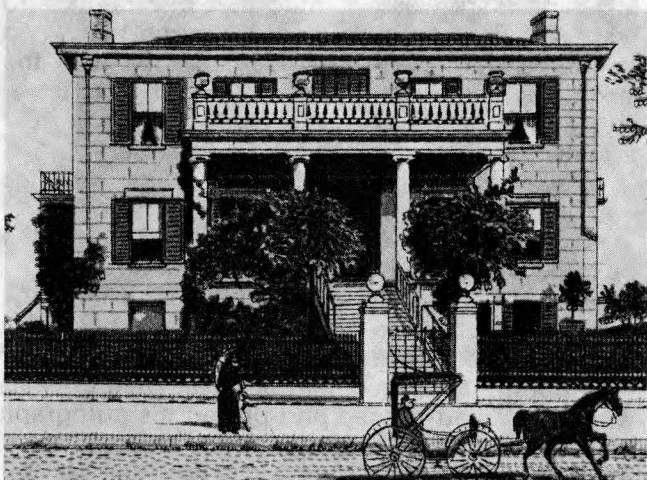
The board of commissioners was authorized to make written requisitions to the state auditor for expenditures due for the performance of work or to meet the objects and purposes of the legislative act. The state auditor would then contact the state treasurer to pay the amount due.

Location

Section 4 of the appropriations bill specified that the commissioners were authorized "to locate said building within the limits of the present Capitol grounds or at any place outside (the grounds) within or near the corporate limits of the City of Jefferson." If the commissioners determined that the building should be located outside the Capitol grounds, they were authorized to purchase the property. If the commission could not buy the property for the State of Missouri at a reasonable and fair price, they were to direct the attorney general to start proceedings to condemn the property. The laws and statutes of Missouri

governing the condemnation of private property for public use by railroad companies was to be the law for determining the rights of property of each party. The additional sum of \$50,000 for the purchase of property outside the Capitol grounds was appropriated "out of funds in the state treasury not otherwise appropriated" for the acquisition of the property, whether it was acquired by purchase or condemnation.

If the commission chose to locate the new building on the site occupied by the first Supreme Court building and State Library, specifications were outlined in Section 6 of the appropriations bill as to the location of offices during the interim, mostly in the Capitol when the legislature was not in session. It authorized the board of commissioners to "sell the old building and to contract for its removal from the Capitol grounds, reserving such [items] as the heating apparatus and other furniture therein as may be suitable for use in the new building."



This is the Thomas Lawson Price mansion on the southwest corner of High and Washington that was torn down for the 1907 Supreme Court Building.

Price Property Chosen

According to records at the Cole County Historical Society in Jefferson City, in 1905, Mrs. Ada Price, widow of Thomas Benton Price, son of Thomas Lawson Price, sold the property on the southwest corner of High and Washington to the State of Missouri for \$35,000. That same year, Thomas Lawson Price's 1842 mansion, built on the property at an estimated cost of \$100,000, was torn down. (Many of the mansion's elaborate imported French furnishings are now on display at the Cole County Historical Society Museum.)

Thomas Lawson Price was one of early Jefferson City's most notable citizens. A native Virginian, Price was born on January 19, 1809, in Danville, Virginia. At the age of 22, he journeyed west to St. Louis, his original destination. However, due to a cholera epidemic in that city, he continued on to Jefferson City, where he operated a successful mercantile business, and invested his profits in land.

Eight years later, in 1839, Price was elected

Jefferson City's first mayor.

In addition, Price operated an overland stage line from St. Louis to Jefferson City between 1838 and 1849, served as Lieutenant Governor of Missouri from 1848 to 1852, a state representative from 1860-1862, and a United States Congressman in 1862. It was Thomas Lawson Price, as a spokesman for the city, who met General Nathaniel Lyons on the banks of the Missouri River in 1861 when the Union forces arrived in Jefferson City. And, as a brigadier general appointed by President Lincoln during the Civil War, Thomas Lawson Price was at one time in command of the defenses of Jefferson City.

The Award-Winning Design

According to the *Missouri Historical Review*, 15 firms entered the competition for the contract to design the new building. The award for the winning design went to St. Louis architects Mariner and La Beume. "The design reflected the Beaux Arts classicism that dominated the American monumental architecture at the turn of the century (the Chicago World's Columbian Exposition of 1893 and the St. Louis Louisiana Purchase Exposition of 1904 provided showcases for the Beaux Arts ideas) . . . The architects had signed a pledge that the cost of the structure would not exceed \$200,000."

Missouri's *Official Manual* of 1905-1906 describes the accepted plans: "... built on an eminence one-half block south of the Capitol grounds at Jefferson City, [the building] will be of stone, in the form of a parallelogram; of modern monumental style of architecture, and will be 158 by 112 feet." (This building was 50 feet longer and 61 feet wider than the first Supreme Court building.)

The drawings revealed a stone three-story building with a basement.

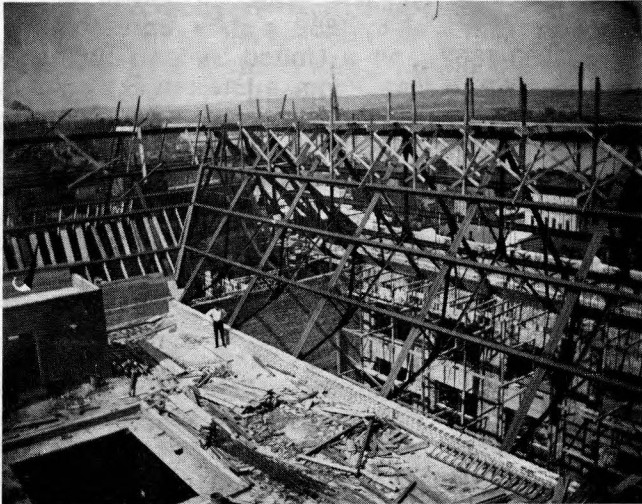
On the main floor, was a grand central corridor and offices for the attorney general, the clerk of court, official reporter, marshal and janitor.

The entire front of the second floor was occupied by the library. The rear corners were court rooms, and the center rear space was a judge's assembly room, a lawyer's waiting room and chambers for one of the justices.

Six suites of rooms for the remaining judges were on the third floor. Each suite had a large room for a stenographer, and a sleeping apartment. [It was necessary that living accommodations be available for the Supreme Court justices, as they frequently did not live in Jefferson City and were not within daily commuting distance. Since the early years of the court, Jefferson City's limited number of hotels and boarding houses had often been occupied by legislators and traveling businessmen.]

The heating and lighting plant, store rooms, closets, and fireproof vaults for records and documents were in the basement. The only access to the vaults was a stairway from the first-floor clerk's room.

Division walls were shown as brick, and lavatories and closets were shown on each floor.



(Courtesy Joseph R. Kroeger, Sr.)

This rare and unusual photograph was taken by Joe Kroeger's father, John Henry (Otto) Kroeger. The view is from the scaffolding looking northwest. The white building seen through the scaffolding on the right is the Missouri State Armory situated on the Capitol grounds. The spire of St. Peter's Church is partially visible in the upper center.

Budget Problems

According to the *Missouri Historical Review*, the discrepancies between the appropriation and the architect's drawings surfaced almost immediately. All contract bids submitted for the building's construction exceeded \$190,000. The Hill-O'Meara Construction Company of St. Louis submitted the lowest bid at \$280,000. They were ordered to "construct the building in a plain manner, without unnecessary ornament."

In March 1907, the Hill-O'Meara Company demanded \$160,000 more than the amount budgeted. The *Historical Review* continued: "The construction company did a large amount of work beyond that required in the original contract. The previous March, the commission had authorized additional work in the amount of approximately \$40,000 for higher quality plumbing, improved roof construction and skylights. Although not approved, the contractors installed on their own accord a generator and dynamo, an electric elevator, and a great deal of decorative work, such as granitoid walks and gutters, bronze tablets, plastering, carving, inscriptions, iron work and marble trimmings. The cost of the unauthorized work amounted to over \$118,000."

An Overgrown Streetcar Barn

With tongue in cheek, Representative Henry F. Stapel of Atchison County delivered a resolution to the House of Representatives on Friday, April 26, 1907. Rep. Stapel described reactions of the Forty-fourth General Assembly to the building's appearance, the \$41,700 appropriation for additional expenses, and the total cost: "And they went forth at the break of day to behold the beauties

of the building, but when they saw it, they were amazed, for the appearance thereof was like unto the appearance of an overgrown streetcar barn, and its beauty was like unto the beauty of the snaggle tooth Indian squaw of 75 summers, and it was red [not the approved limestone]. And they tore their hair and rent their garments and clothed themselves in sack cloth and ashes and cried with a loud voice, saying, 'Behold, we have been gold bricked and our cake is dough, for lo! when we return to our people and they say unto us, "Give us an account of your stewardship," and we ask them for re-election, that we may make more laws and spend more of the people's money, they will give us a horse laugh, and say unto us, "Skidoo, for you are numbered 23," and they chewed the rag much.'

"And there came into that place a certain man who aforetime was a member of the court, and was one of them who made the contract. And he adorned himself with lace curtain whiskers, and his trade mark was like unto that of a sport, and his voice was as the voice of a roaring lion when he seeketh his prey. And he reasoned with the lawgivers long and earnestly and wept great tears, insomuch that they flowed into the river and threatened a flood in the city called 'Cedar.' And the lawgivers spoke, saying, 'Let us sacrifice ourselves on the altar of our country, for it is not mete that the court of justice should sit in a stolen building,' and they made the appropriation."

"And the chief ruler sent unto them a message and gave them wise counsel, but they heeded it not in all particulars. Now when they departed for their homes, and the chief ruler examined the bills which they had passed and placed his autograph thereon; to the end that they may become laws. But he found that they had not heeded his counsel, and that the scribes who copy bills had made grievous errors and omissions. Therefore, he called unto him his chief scribe and said, 'Send unto the lawgivers this proclamation: "Array yourselves in a fried shirt, and red tie, put on your new Sunday suit, gather into your grip sack a change of underwear and a clean pair of socks and hike out for Jefferson City, for I have need of you.'"

"... And the chief ruler sent unto them another message, 'Harken unto me, ye servants of people, behold you have done well, but not enough. You have passed laws wise, unwise and otherwise, and behold your appropriation is no law, and is as useless as a stuffed club with the stuffin' out, therefore, get you to your labors and do this thing over again,' and the lawgivers became of a serious countenance and they looked at each other after the manner of men in great trouble. And they became very diligent in their labors."

As a result, the legislature agreed that "a full and impartial investigation" should be conducted to determine justification for payment. From the *Missouri Historical Review*: "Richard Fourchy, supervising superintendent of construction of public buildings for the United States, came to



(Courtesy of Dr. J. S. Summers, Jr.)

This photograph is made from a post card, probably about 1921, after the completion of the front steps.

Jefferson City in March 1907, at the request of the Supreme Court Commission . . . Fourchy found the design of the building to be 'eminently appropriate' and in accordance with contemporary standards in public buildings . . . The final cost of \$336,500, he found to be reasonable and normal, considering the size and character of the structure . . . and recommended that the contractors receive the full amount demanded for their services. In December 1907, the contractors settled for \$15,000 less than the amount demanded."

Missouri's Temporary Capitol

After the devastating fire at the Missouri State Capitol Building on February 5, 1911, the Senate met in the Supreme Court building for the remainder of the three-month session of the Forty-sixth General Assembly.

Appropriations and Renovations

On Wednesday, January 4, 1911, an appropriation of \$4,722 was approved for repairs. Section 20 of the laws of the Forty-sixth General Assembly does not specify this need for nearly \$5,000 only four years after the completion of the building.

In 1974, the first major building renovation in 67 years was approved by the legislature. Judge

James A. Finch, Jr., was chairman of the Building Committee. The wooden windows had rotted to the point that the space between the building and the frames allowed snow flakes to drift through, and the roof leaked. The wooden windows were replaced with complementing aluminum framed windows, and the roof repaired. The exterior bricks were sealed and tuckpointed. The leaning wall of the parking lot was replaced. Major renovations in the two courtrooms included new draperies behind the benches, and new fixtures installed for improved lighting. The documents that had been in storage for many years in the basement were microfilmed and the originals transferred to the archives. That space was then remodeled to accommodate new offices for the attorney general and his staff.

And, as stated in the Spring 1987 *Missouri Supreme Court Historical Journal*, Artisan Decorators of St. Louis undertook two major projects. During a five-month period, they completed restoration of the marble-like columns and baseboards in the lobby, the second and third floor corridors and library; and they cleaned, waxed and buffed the real marble steps of the grand stairway. Exterior restoration was contracted by the Division of Design and Construction for the

removal, stabilizing and replacement of the massive granite wall along the east side of the grounds. The estimated cost of these 1987 renovations was \$364,000.

Today, the building contains two court rooms and accommodates seven justices. The library has over 100,000 volumes, and is equipped with an automated legal research system.

On her 80th birthday, the "new" Supreme Court building has been restored to the splendor intended by the architect in the style of the 1904 St. Louis Louisiana Purchase Exposition. Dressed in red brick rather than the limestone originally intended, it stands out from its limestone neighbors, and calls attention to a unique chapter in Missouri's history.



(Courtesy Joseph R. Kroeger, Sr.)

This is the "new" Supreme Court building as seen from the Capitol dome probably shortly after its completion in 1907. Notice that Washington Street continues through the intersection with High Street and extends north to Stewart Street, which is now a part of the Capitol grounds. The dwellings in the area between the Capitol and the Supreme Court building were purchased by the state after completion of the Missouri State Capitol building in 1917. Mr. Thorpe G. Gordon handled the transaction. To the right are the sites of today's Broadway State Office Building and the Truman State Office Building.

Society Receives \$1,000 Gift From Gaylord Trust

The Missouri Supreme Court Historical Society has received a \$1,000.00 gift from the Clifford Willard Gaylord Foundation. The funds are to be used for the purposes of the Society within Missouri.

The Gaylord Foundation was established by the will of the late General Gaylord who was the founder of the Gaylord Container Corporation. The corporation, founded in 1921, grew from a small paper box company in St. Louis into a national organization which had 15 plants, two

paper mills and a million acres of timber. When General Gaylord died, he nominated as trustees his former business associates, one of whom was Clair Cullenbine, a 1928 law graduate of Washington University School of Law. He continues as a trustee today.

The principal beneficiaries of the Foundation have been private higher education and hospitals. It has in recent years made grants to Historical Societies and similar groups seeking to preserve the history of the State of Missouri.

ANNUAL MEETING OF SUPREME COURT HISTORICAL SOCIETY

The second annual meeting of the Supreme Court of Missouri Historical Society was held at noon on Saturday, May 16th, 1987, at the Jefferson City Racquet Club in Jefferson City, MO. Approximately 34 members and guests attended the luncheon and the following meeting.

After the luncheon, President James A. Finch, Jr. introduced Chief Justice Andrew J. Higgins who spoke on the history and background of the Missouri Press-Bar Commission. He also explained how the Commission was taking an active role in promoting the Bicentennial of the U.S. Constitution.

Following Judge Higgin's address, President Finch gave a report of the Society's past year activities. He said the Society had contracted with Prof. Gerald Dunne of the St. Louis University Law School to write a history of the court. This will be a four-year project with the expected completion date of 1990.

President Finch explained that the Society is seeking new sources of fundraising for the continuation of financial support for graduate research assistants.

Another project underway is the restoration of portraits of former judges by Sidney Larson. Judge Finch asked for members help in locating pictures of former Supreme Court judges.

He urged all members to take an active part in securing new members for the Society and to seek non-lawyers members as well as members from the legal community.

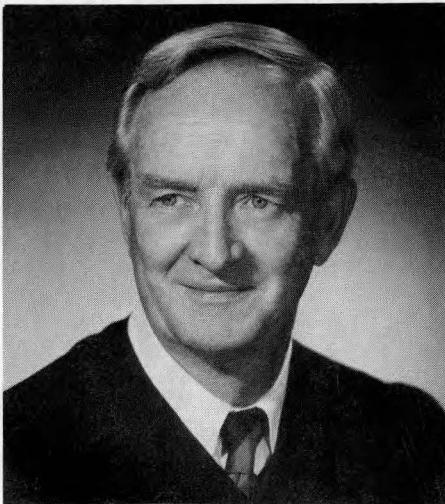


(Left to right): Chief Justice Andrew J. Higgins, President James A. Finch, Jr., former law clerk Lawrence G. Craham and his wife, Linda S. Legg, attending the Society's annual meeting.

Judge Finch then called on David Brydon, Jefferson City, Society Treasurer, for a financial report. This was followed by a report from the nominating committee which recommended that all present officers, with the exception of D. Jeff Lance, St. Louis, who had asked not to be reconsidered, be reelected. Edgar Mayfield, St. Louis, was nominated in his stead. On motion of David Blanton, Sikeston, seconded by Andrew Dalton, Springfield, the nominees were unanimously elected by acclamation.

A resolution of appreciation for all the work he had done for the Society was then approved to be sent to Mr. Lance.

Billings Named Chief Justice of S.C. Court



Chief Justice William H. Billings

Judge William H. Billings was sworn in as Chief Justice of the Missouri Supreme Court on July 1. He succeeds Judge Andrew Jackson Higgins.

Chief Justice Billings will serve in the post for a two-year term.

The new Chief Justice, a native of Kennett, Missouri, is a 1952 graduate of the University of Missouri and the UMC School of Law. While in law school he was elected a member of the Order of the Coif, was a member of the Board of Editors of the Law Review, received the Law Student Association Award for highest first year grade average, was selected for the Judge Shephard Barclay Award as outstanding senior student by the faculty and received the John D. Lawson Prize from the Law School Foundation.

Prior to his appointment to the Missouri Supreme Court in 1982, Chief Justice Billings served as a judge of the Missouri Court of Appeals, Springfield District, from 1973 to 1982, and as a judge of the 35th Judicial Circuit from 1966 to 1973. Before his appointment to the bench, he was in the private practice of law with the firm of McHenry, Billings and Welman in Kennett.

The Missouri Supreme Court Historical Journal

Published periodically by The Missouri Supreme Court Society

P.O. Box 448

Jefferson City, MO 65102

Editor — E.A. Richter
Associate Editor — D.A. Divilbiss

Officers

Chairman of the Board William H. Leedy
President James A. Finch, Jr.
First Vice President Mrs. Sinclair S. Gottlieb
Second Vice President William A.R. Dalton
Third Vice President Paul W. Barrett
Secretary-Treasurer David Brydon
Asst. Secretary-Treasurer Mrs. D.A. Divilbiss

Trustees

William Aull
William H. Bates
David E. Blanton
Ilus W. Davis
John K. Hulston
Edgar Mayfield
Senator Emory Melton
June P. Morgan
Stuart Symington, Jr.
Avis G. Tucker
Judge Stephen N. Limbaugh

The Missouri Supreme Court Society
P.O. Box 448
Jefferson City, MO 65102

Nonprofit Org.
U.S. Postage

PAID

Jefferson City, Mo.
PERMIT NO. 181