
THE NEXT HOUSE OF JUSTICE

If the Temple of Justice is ever to be rebuilt, what should it look like? Where should it be? To answer those questions, *Connoisseur* turned not to an architect but to a lawyer, Robert Blecker. A professor of constitutional history at the New York Law School, Blecker undertook the assignment with good, wry humor:

The Supreme Court Building should rest on high ground, a secure and independent spot—well away from the White House and the Capitol. The structure must reflect the purposes of the Court—to protect the rights of the people; to maintain the delicate balance between freedom and control—and the fact that the Court can only react to the cases others bring to it; it has little power to act on its own. The design of the building should therefore be appealing but not obtrusive. It is the mystery of the law that draws one in.

The new Supreme Court is physically accessible to all—no more flights of stairs; but entrants must negotiate a procedural maze. The way through is apparent only to professional guides trained in making slight distinctions: lawyers. For those who wish to go it alone, there is a *pro se* passageway straight into the edifice.

Once inside, the visitor realizes that the

building has no front door to shut the people from their system of justice. The interior is comfortable and much more majestic than one would think from the outside. That is only correct: the Supreme Court is not egalitarian; the justices serve for life, not subject to the immediate or even periodic pleasure of the citizenry.

Of all the deep, permanent values the Court must conserve, the most important is the Union. Justices police the boundaries of clashing federal and state sovereignty. The Court can never be unself-conscious; it alone judges its own case, in deciding not only whether Congress may decide, whether the president may decide, but also whether *it itself* may decide. To express this, a mirrored spiral ramp leads to the courtroom. Those who would ascend must accept the condition laid down two hundred years ago: "This Constitution is the supreme law of the land."

In the library, the works of Plato and Aristotle, Locke and Montesquieu, should be as available as the thousands of case records that line the bookshelves. Reflecting the Court's reliance on ever-multiplying fields of thought, journals of history, philosophy, economics, psychology, and sociology dot the library. There must also

be a Bible in the house. The Court needs the latest information-processing equipment to help shape a future technological republic.

The public arena where cases are argued and decisions announced might well take the form of a gently sloping theater-in-the-round. Here is one field of public combat that should be wide open to the public view. Two main entrances lead to the courtroom. One is labeled "Jurisdiction: Constitutional Questions"; the other, "Uniformity among the Federal Courts."

What impressions should departing visitors take with them? A sense of respect for a system where judges find and fashion higher law so that it fits the ever-changing needs of American society while remaining true to original premises. And awe: where else does so much power rest without the backing of the sword or the purse? These feelings might find physical expression in a pair of mighty trees in a garden near the exit, each enormous, healthy, and growing.

From a distance, the casual observer might miss the Court entirely. The justices are like sports referees. They keep the game in check but let it take its course.

Ideally the Court should sit unnoted.