



# THE JOHN MINOR WISDOM COURTHOUSE

THE FIFTH CIRCUIT'S NEW ORLEANS HOME

*Leslie H. Southwick & J. Alexandra Bruce*

THE NEW ORLEANS COURTHOUSE for the United States Court of Appeals for the Fifth Circuit celebrated its centennial in 2015. Appalling in light of the broad agreement today about the magnificence of the structure, around year 50 of that first 100, the court vacated the dilapidated courthouse and demolition was debated. The building was for a time repurposed as a segregated African-American high school. Ironically, from elsewhere the Fifth Circuit was entering orders that integrated the public schools of the Deep South. Fortunately, renovation and not demolition triumphed and the court moved back in after almost a decade elsewhere.

What follows describes some of the struggles to authorize the construction of the building, which initially was a post office, general federal office building, and rather subordinately a courthouse. Some of the courthouse's unusual architectural details will be mentioned. The building's decline by the 1950's, its near destruction, and its rebirth in the 1970's are also part of the narrative. Interspersed are remarks about a few other aspects of the court's history.

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## I. CREATION

Back to the beginning. The U.S. Custom House on New Orleans' main thoroughfare of Canal Street was the home for the Fifth Circuit when circuit courts of appeals were first established in 1891 with two judges per circuit.<sup>1</sup> Today, the massive Custom House steadfastly maintains its watch on Canal Street, but the Tax Court is its only current judicial resident.<sup>2</sup> The court of appeals has moved. This is the story of that second and current home for the court.

The Fifth Circuit's and local district court's needs played little role in gaining approval for a new federal building in New Orleans at the turn into the twentieth century. The stated urgency was for a much larger and more efficient federal post office. There was a facility in the old Custom House. The city's postmaster thought it had a few shortcomings, describing it as "a damp semi-cellar which often smells like a tomb [where] yellow fever can, perhaps, never find better encouragement."<sup>3</sup> New Orleans was striving to become a modern city. It was the largest city in the South, with a population nearing 300,000. By 1895, to support the need for a substantial post office, the city's powerful Board of Trade and the possibly no-less-formidable Cotton Exchange focused on the improvements at the Port of New Orleans, the Southern Gateway of the Nation as the port called itself, with new wharves and other facilities.<sup>4</sup> In 1896, Louisiana U.S. Senator Newton Blanchard introduced a Senate Resolution to provide for a new post office and courthouse in New Orleans.<sup>5</sup> That bill failed. In 1901,

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<sup>1</sup> Ross Davies, *Evarts Act Day: The Birth of the U.S. Circuit Courts of Appeals*, 6 J.L. 251, 261 (2016).

<sup>2</sup> Construction of the Custom House took decades. It commenced in 1848, then after lengthy suspensions caused by a sinking foundation in unstable soil, design disputes, yellow fever epidemics, Civil War, and maybe only a little corruption, it was completed in 1881. STANLEY C. ARTHUR, WORK PROJECTS ADMIN. SURVEY OF FEDERAL ARCHIVES, A HISTORY OF THE U.S. CUSTOM HOUSE, NEW ORLEANS (1940), available at [catalog.hathitrust.org/Record/000565561](http://catalog.hathitrust.org/Record/000565561).

<sup>3</sup> RICHARD CAMPANELLA, CITYSCAPES OF NEW ORLEANS 167 (2017).

<sup>4</sup> *New Orleans' Splendid New Post Office Building Structure is Now Complete and Awaits Occupancy*, TIMES-PICAYUNE, Feb. 14, 1915, at 6.

<sup>5</sup> 28 CONG. REC. 54 (1896).

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Blanchard's successor, Senator Samuel McEnery, introduced a bill to acquire the land for a post office and courthouse. His bill passed. Congress made the first of several appropriations for the building, this one for \$200,000 to purchase a plot of land in the city of New Orleans.<sup>6</sup>

Deciding where to put the courthouse was the next struggle. Legislation created a Post Office Commission (notably, not a "Courthouse Commission") to secure the location.<sup>7</sup> Uptown or downtown was the central issue. In New Orleans terminology in that period, "uptown" meant upriver from Canal Street. "Downtown" would be from Canal Street into the adjacent French Quarter. Among the written pleas to place the new building in the area that was finally chosen was this: "We do not want a Post Office in the rear of the City, surrounded by houses of prostitution, and only fit to ornament Canal Street in that neighborhood to the detriment of Commerce."<sup>8</sup> In considerably more genial tones that may have meant the same thing, a city commissioner said he had the "highest admiration" for the downtown residents, "but the great majority of the letter-writing residents" live uptown.<sup>9</sup>

The Post Office Commission recommended the block that is now the location of the court at 600 Camp Street, about a half mile upriver from the French Quarter and its indelicate houses. The City Council rejected the recommendation because the lot contained a city fire house and the principal library. Not only would those useful buildings be demolished, but the federal government was offering a pittance for them.

The controversy over location ended when Treasury Secretary Leslie Shaw visited New Orleans and personally chose the Camp Street location.<sup>10</sup> Shaw thought it an impressive setting. Visible across the block-size park in front of the future post office and courthouse was the Greek Revival city hall, completed in the 1850's and still standing today, and the First Presbyterian Church with its towering steeple – church and steeple standing no more. The equally impressive and extant St. Patrick's Catholic Church

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<sup>6</sup> TIMES-PICAYUNE, *supra* note 4.

<sup>7</sup> CAMPANELLA, *supra* note 3.

<sup>8</sup> Letter from "Commerce" to James Knox Taylor, Supervising Architect, U.S. Dep't of Treas. (Sept. 2, 1902) (obtained by Gen. Serv. Admin. (GSA) from Nat'l Archives and Records Admin. (NARA) and on file with Fifth Circuit Library, New Orleans).

<sup>9</sup> CAMPANELLA, *supra* note 3.

<sup>10</sup> TIMES-PICAYUNE, *supra* note 4.

was a half block away. In January 1904, the Camp Street lot was purchased for about \$200,000. Construction, though, would be delayed for another six years. Congress authorized the construction in 1906 with a \$1.3 million budget. In 1907, the firehouse and library were flattened.<sup>11</sup> Hale & Rogers, the architects who designed Memphis' Shelby County Courthouse, won the bid to design the New Orleans structure.<sup>12</sup> As a result of Herbert Hale's death, James Gamble Rogers became the sole architect. He designed an Italian Renaissance structure similar to but significantly larger than the Memphis courthouse.

A full basement contained mechanical equipment and a huge coal bin (it is now the parking garage).<sup>13</sup> Excavation for that began in 1910. Later, a steel skeleton rose from the depths. The cornerstone was laid in January 1911. Congress authorized several budget increases, many due to the more expensive materials that were urged – bait and switch? – on Congressional appropriators. For example, “local businessmen managed to persuade the federal government to pay for the substitution of white marble for limestone as the cladding material.”<sup>14</sup> The result was a structure faced with white Cherokee, Georgia marble atop a gray granite base. Due to deficient budgets, failures to secure subcontractors, and the laborious wood and marble work, construction surpassed the originally contracted completion date of February 1912 by three years.<sup>15</sup>

The doors opened in March 1915. The post office occupied the entire first floor; on the second floor were three court rooms, chambers for three circuit judges and one district judge, the clerks' offices for both courts

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<sup>11</sup> CAMPANELLA, *supra* note 3, at 169-70.

<sup>12</sup> AARON BETSKY, JAMES GAMBLE ROGERS AND THE ARCHITECTURE OF PRAGMATISM 83 (1994).

<sup>13</sup> Original Drawings, Hale & Rogers, Architects, U.S. Post Office and Courthouse, New Orleans, LA, Drawing No. 125, Basement Plan, Dec. 16, 1912 (obtained by GSA from NARA and on file with Fifth Circuit Library, New Orleans).

<sup>14</sup> BETSKY, *supra* note 12, at 86. Congress appropriated an additional \$157,000 for the use of granite and marble rather than the originally-approved limestone. Notes from the Office of the Supervising Architect, U.S. Dep't of Treas. (Mar. 15, 1910) (obtained by GSA from NARA and on file with Fifth Circuit Library, New Orleans); 45 Cong. Rec. 2986; Act of June 25, 1910, Pub. L. No. 61-265, 36 Stat. 676; TIMES-PICAYUNE, *supra* note 4.

<sup>15</sup> TIMES-PICAYUNE, *supra* note 4; Report from Inspector Julius C. Holmes to James Knox Taylor, Supervising Architect, U.S. Dep't of Treas. (Aug. 29, 1911) (obtained by GSA from NARA and on file with Fifth Circuit Library, New Orleans).



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*The Post Office Building (and courthouse) in 1915, viewed from Magazine Street.*

courts, and the U.S. Attorney's office; the third floor had space for the grand jury and rooms for the U.S. Marshal, the Secret Service, the Weather Bureau, and for three officials of the once-upon-a-time vital Railway Mail Service, as well as other offices.<sup>16</sup>

Among various remarkable design features of the building, most striking, at least to observers who stand back far enough, are Attilio Piccirilli's "ladies" sculpture adorning the roof's four corners. The Fifth Circuit's ladies are four identical one-ton, 12-foot-tall female figures, each supporting a globe. They represent history, agriculture, commerce, and industry.<sup>17</sup> They also represent, but keep it to yourselves, an arrival rite for the judicial co-author's new law clerks, as we annually journey to the roof to get the new class photo.

<sup>16</sup> TIMES-PICAYUNE, *supra* note 4; one-page document listing the initial occupants entitled, "Lettering on Directory Boards" (Feb. 22, 1915) (obtained by GSA from NARA and on file with Fifth Circuit Library, New Orleans).

<sup>17</sup> Leslie A. Steele, *A New Home for Fifth Circuit Court of Appeals*, FLA. B.J., July 1973, at 451, 451.



*One of Attilio Piccirilli's rooftop portrayals of history, agriculture, commerce, and industry on a corner of the Wisdom Courthouse.*

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Just below the roof line is a frieze around the building on which are chiseled the names of all the Chief Justices of the United States through 1910, with no room for additions. Indeed, no adjustment was made even for Chief Justice Edward White, who was from New Orleans and became the chief five years before the building was completed. Unsurprisingly, the names of all the Postmasters General were also etched into exterior marble panels.

The three courtrooms are visually stunning. Each is entered through a lobby with marble wainscoting. Inside, the walls are highly polished gum-

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wood panels. The ceilings are bronze-glazed plaster (which to untrained eyes appears to be wood) with medallions and other symbols. In one of the courtrooms, water seepage through the years irreparably damaged the ceiling. Part of the lore of the building, related by a years-ago building manager, is that a portion of that ceiling near the bench fell during a court session. The judge ordered it all taken down – a district judge years ago would do that.<sup>18</sup> Today the ceiling is unadorned but no longer leaks.

A sign of the treatment of workers in that era was a series of narrow walkways at the mezzanine level, allowing a view into the first-floor mail sorting area and elsewhere. There are walkway remnants but no longer with a view down. The author of a New Orleans newspaper article celebrating the building believed what he termed the “Little Grey Eyes” were “thrilling:”

But one curious detail does not escape the observant. This is the little grey eye in the wall where everyone goes – with the exception of the women’s dressing rooms, little grey eyes look down with half-closed lids. Even a man may not get a drink of water but from somewhere a little grey eye is upon him. These are small windows with little grey louvres so placed at an angle that from within, one may look right down into a man’s hand or watch him at a distance. And within? Ah, that is the thrilling secret. Within is a labyrinth subway system. Quiet little corridors, just big enough for a man to traverse, wind everywhere where post office work is being done, and keep the little grey eye upon it. Little spiral stairways lead upstairs and down, and from the moment he enters the building an employee may expect to be under surveillance. Never for a moment can he be sure that the gaze of an inspector is not upon him for the little grey eyes are inscrutable. Such a measure has become necessary, owing to the large number of thefts in post office work. It is the ounce of prevention that is, at the same time, a pound of cure.<sup>19</sup>

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<sup>18</sup> Story from Dave Carlson, Assistant Circuit Executive for Space and Facilities (Aug. 30, 2018).

<sup>19</sup> TIMES-PICAYUNE, *supra* note 4 (slight altering of punctuation).

## II.

### DECLINE, ABANDONMENT, AND CONVERSION

Though construction and completion in 1915 were hard won, that effort and the grandeur of the building did not prevent its decline in the decades ahead. One scholar currently with the Tulane School of Architecture, who has written frequently on the building and spoke at the centennial celebration for the courthouse, believes the courthouse's "majestic brand of neoclassical exuberance soon fell out of favor among architects," causing it to be considered dated.<sup>20</sup> If so, there is something sadly amiss with architects. Whether a possible loss of enthusiasm for its aesthetics contributed or not, the building was neglected. The result was substantial structural as well as cosmetic deterioration in the building.

In 1961, the post office was relocated.<sup>21</sup> The Fifth Circuit and the Eastern District Court were left as the only occupants to deal with roof leaks and falling plaster.<sup>22</sup> The courts finally vacated the "crumbling and dirty structure" in 1963 and moved into the building recently vacated by the state supreme court on Royal Street in the French Quarter.<sup>23</sup> A renovation lasting 12 to 18 months was expected, after which both courts would return.<sup>24</sup> The Royal Street building, a marble Beaux Arts palace which also was seen as architecturally dated, would actually keep the courts far longer than that.<sup>25</sup> Ironically, the move temporarily reversed the early 1900's

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<sup>20</sup> Richard Campanella, *Two historic courthouses and a neighborhood rivalry that helped shape the downtown cityscape*, TIMES-PICAYUNE (June 10, 2015), [www.nola.com/homegarden/index.ssf/2015/06/a\\_century\\_ago\\_neighborhood\\_riv.html](http://www.nola.com/homegarden/index.ssf/2015/06/a_century_ago_neighborhood_riv.html).

<sup>21</sup> *Federal Renewal*, TIMES-PICAYUNE DIXIE ROTO MAGAZINE, Feb. 11, 1973, at 9.

<sup>22</sup> Gordon Gsell, *New Federal Building Move Begins in July*, TIMES-PICAYUNE, Apr. 16, 1961, at 24.

<sup>23</sup> Dale Curry, *Courthouse Returned to Elegance*, STATES-ITEM, Sept. 25, 1972.

<sup>24</sup> TIMES-PICAYUNE DIXIE ROTO MAGAZINE, *supra* note 21; STEELE, *supra* note 17.

<sup>25</sup> Campanella, *supra* note 20. Perhaps fittingly, the building to which the court moved was an ostentatious landmark built for the Louisiana Supreme Court and other state entities at about the same time as the Camp Street post office was built, opening in 1910. It too was allowed to deteriorate and was abandoned by its courts in 1958. Other state offices remained after the courts left. Later it was called the Wildlife and Fisheries Building because that agency was the last state tenant, moving out in 1982. It is now the Supreme Court Building again. *The Building at 400 Royal Street*, SUPREME COURT OF LOUISIANA

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decision to have the federal court uptown, away from the French Quarter's suspect citizenry.

The Camp Street structure's fate was jeopardized by creation of four new judgeships for the Eastern District of Louisiana and the imminent authorization of four more circuit judgeships. That caused the General Services Administration ("GSA") in 1965 to announce that it had "discarded" its plans to renovate the building because it was too small to house both courts.<sup>26</sup> A year later, GSA said there were three options for the courts: (1) demolish the old courthouse and construct a new one on the same lot, (2) add more floors to the existing building, or (3) construct a new courthouse elsewhere. Powerful local Congressman F. Edward Hebert was opposed both to razing the old building and to raising its roof, but he also revealed that GSA wanted a new building.<sup>27</sup> Levelling historic structures was more common then, as the 1960's predated but also were the catalyst for an architectural preservation movement. That decade saw such travesties as the 1963 demolition of the 1910 Beaux-Arts Pennsylvania Railroad Station in New York to make room for Madison Square Garden, designed in the aptly labelled Brutalist architectural style.<sup>28</sup> The similarly-aged New Orleans courthouse, with its demolition being considered at a similar time, managed to survive.

Before decisions about the courthouse were reached, Hurricane Betsy hit New Orleans in August of 1965 and caused extensive damage to the city. Most relevant for the courthouse story, Betsy destroyed New Orleans' oldest black high school – McDonogh No. 35 on South Rampart Street. That school and many African-American schools in the city were funded by a pre-Civil War Louisiana philanthropist, John McDonogh. His bust is in the park across from the Fifth Circuit's courthouse. In order to resume classes as quickly as possible, the Orleans Parish School Board approved the school's temporary relocation to the vacant, dilapidated post office. The structure was cleaned and partially restored for the school's

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HISTORICAL SOCIETY, [www.sclahs.org/about-the-society/history/current-building/](http://www.sclahs.org/about-the-society/history/current-building/) (last visited Sept. 11, 2018).

<sup>26</sup> Edgar Poe, *Old Post Office Planning Halts*, TIMES-PICAYUNE, Sept. 11, 1965, at 1.

<sup>27</sup> *Federal Court Ideas Weighed*, TIMES-PICAYUNE, June 3, 1966, at 1.

<sup>28</sup> LORRAINE B. DIEHL, *THE LATE*, GREAT PENNSYLVANIA STATION 142-51 (1985).

use. Classes were held in the second-floor courtrooms.<sup>29</sup> Photographs from the school's yearbooks show the adaptations. Part of the post office area was turned into a gym for basketball and other activities. Today it is the court's library. Some of the carpeted-over basketball court squeaks when stepped on. The band set up in one of the courtrooms, and the drama club is shown using one too. Amenities like hot water were lacking. The school had to "make do" until 1970, after the federal government decided the building was worth renovating and the school was relocated.<sup>30</sup>

The Orleans Parish School Board initially intended to move the students into an elementary school building in the French Quarter for the 1969 school year. The move was delayed by French Quarter residents who "opposed placing the Negro high school" there. The School Board expressed concerns about the effect of the "narcotics traffic and other questionable activities in the quarter" on students.<sup>31</sup> Finally in late February 1970, McDonogh No. 35 moved out.<sup>32</sup>

### III. REBIRTH

Though the school was out of the building by March 1970, restoration of the courthouse did not begin until April 1971, eight years after the courts had vacated the building. The building's three courtrooms were renovated and the first floor was converted into facilities for the clerk's office and library. Air conditioning was installed, the building's plumbing and electrical systems were replaced, rotted wooden doors and windows were replaced with metal frames, and the exterior granite was cleaned.<sup>33</sup>

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<sup>29</sup> Poe, *supra* note 26; *Buildings Get School Status*, TIMES-PICAYUNE, Sept. 25, 1965, § 1, at 23.

<sup>30</sup> *No Hot Water, Dolce Affirms But Denies McDonogh 35 is Unsanitary*, TIMES-PICAYUNE, Mar. 11, 1969, at 19.

<sup>31</sup> Emile Lafourcade Jr., *School will be located in McDonogh 41 Building*, TIMES-PICAYUNE, Sept. 23, 1969, § 1, at 3; *Board Will Vote on Plan to Relocate High School*, TIMES-PICAYUNE, May 10, 1969, at 7.

<sup>32</sup> *School to Move Thursday, Friday*, TIMES-PICAYUNE, Feb. 25, 1970, at 1.

<sup>33</sup> GENERAL SERVICES ADMINISTRATION, FEDERAL BUILDING, UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT (1972) (pamphlet for employees using the newly reopened building); Curry, *supra* note 23.

The \$3.5-million renovation successfully preserved the character of the building, which was important 40 years later when the structure was nominated to be added to the National Register of Historic Places. Existing light fixtures were used, and new metal doors and windows were coated in bronze to mirror the originals.<sup>34</sup> Because of costly roof damage caused by the weight of the “ladies,” the GSA’s initial restoration plans sought removal of the iconic sculptures.<sup>35</sup> No way, the court said, and the statues were restored at considerable expense. Antiques were used for furnishings in judicial chambers, though they were government-issued furnishings that had become old enough to be called “antiques” while stored in attics of federal buildings in New Orleans.<sup>36</sup>

While away from 600 Camp Street, the Fifth Circuit grew from nine to 15 judges and its annual filings increased from 800 to 2,500 cases. Likewise, the district court went from three to nine judges. The Fifth Circuit was the newly-renovated courthouse’s only tenant. The district court remained in the old state supreme court building until 1976. At that time, it moved into a \$26-million federal complex for the district court and various government officials. That complex was separated from the Fifth Circuit building by a concrete plaza that was formed upon the now-closed Lafayette Street.<sup>37</sup>

## IV. CURRENT EVENTS

In September 1972 the Fifth Circuit moved back into the courthouse, but in 1981 many of the judges and staff moved back out. Congress in 1978 had authorized 11 more judges for the then-six-state circuit, ballooning the court to 26 members.<sup>38</sup> A majority of judges on the court opposed reacting to that explosion by splitting into two circuits. The central courtroom in the building is where en banc cases are heard. Its bench was enlarged to handle the judicial surge. A photo from the period shows 23

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<sup>34</sup> GENERAL SERVICES ADMINISTRATION, *supra* note 33; Steele, *supra* note 17.

<sup>35</sup> Steele, *supra* note 17.

<sup>36</sup> TIMES-PICAYUNE DIXIE ROTO MAGAZINE, *supra* note 21, at 11.

<sup>37</sup> *Id.*; Gordon Gsell, *U.S. Courts Begin Moving*, TIMES-PICAYUNE, Apr. 18, 1976, § 1, at 12.

<sup>38</sup> HARVEY C. COUCH, A HISTORY OF THE FIFTH CIRCUIT, 1891-1981, 175, 191, 195 (1984).

judges, including senior judges, at a three-sided bench, and another five – the most junior judges – sitting below and in front of the central group at their own kiddie bench. I am told it took one sitting as a massive en banc court to convince all or at least enough of the objectors that the circuit needed to be split. Congress obliged, and on October 1, 1981, the lean and trim Fifth Circuit began operation with 14 judges, with Charles Clark of Mississippi as its first chief judge. The huge bench is still present in the central courtroom, but the judges spread out more and the baby-judge seating below and in front of the main bench has been narrowed, is unused, but remains.

A different kind of change occurred 40 years after the 1965 Hurricane Betsy had such a lengthy impact on the use of the building. This time it was Hurricane Katrina whose unwelcome visit disrupted the court more briefly. New Orleans suffered extensive flooding beginning on the morning of August 29, 2005. Along with most of the population, the court and its employees evacuated. Though the court building itself did not flood – damage consisted mainly of some broken windows and damage to a door to the underground garage that someone had tried to sledge-hammer open – the city itself was no place to live and work for months.

Continuity of operations from outside the city required finding a new temporary home for the court. The day before the hurricane struck, the office of the clerk of the court made Houston, Texas its headquarters. All filing deadlines were extended until the date the clerk's office could reopen. By December 2005, key components of the court were making plans to return. In January 2006, all the court's operations were back at the Camp Street location.<sup>39</sup>

Fortunately, the neglect from the first 50 years of the courthouse's existence that led to its abandonment in the 1960's is not yet being repeated. Shortly after Hurricane Katrina, outdated mechanical systems and electrical equipment were replaced. Additionally, in stages between 2007 and 2010, various projects in the Great Hall were undertaken, including bringing

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<sup>39</sup> Edith Brown Clement, *Maintaining Continuity: The Fifth Circuit's Rebound from Hurricane Katrina*, 38 TEX. TECH L. REV. 531, 532 (2006). See also Jacques L. Wiener, *The State of the Court*, 39 TEX. TECH. L. REV. 459 (2007).



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*Well-filled benches in the Fifth Circuit's en banc courtroom, circa 1983.*

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back to glory the cast-plaster vaulted ceiling with its bas-relief floral medallions and motifs, geometric key designs, and allegorical figures.<sup>40</sup> Other work has included conversion of the space originally occupied by the Weather Service Office into chambers for one of the court's resident New Orleans judges. (Each nonresident active judge also has at least a small suite of rooms assigned for use while attending court sessions.) Relatedly, the old Postmasters Office was transformed into space for the Fifth Circuit Executive in 2009.

The visually imposing structure has appeared in a few movies and television shows. The courthouse had a minor role in the 1977 TV movie "The Life and Assassination of the Kingfish," starring Ed Asner as flamboyant Louisiana Governor Huey P. Long. It appeared again on the big screen in scenes in the 1993 movie, "The Pelican Brief," based on John Grisham's novel. The current CBS television series "NCIS-New Orleans" at times films in Lafayette Square across the street from the courthouse and glimpses of the building are possible.

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<sup>40</sup> GENERAL SERVICES ADMINISTRATION, JOHN MINOR WISDOM U.S. COURT OF APPEALS BUILDING [5] (c. 2015) (single-sheet, folded brochure). *See also* Jennifer Walker Elrod, *Foreword*, 42 TEX. TECH. L. REV. 549, 550 (2010).



*The en banc courtroom of the Wisdom Courthouse today.*

One movie with scenes filmed at the courthouse has made the neighborhood a location of interest among JFK-assassination-conspiracy theorists/tourists. The premise of Oliver Stone's 1991 "JFK" is that there was a conspiracy to kill the President involving the CIA, the FBI, the military, the mafia, Lyndon Johnson, and others too numerous to mention. Early in the movie, the actor Kevin Costner as New Orleans District Attorney Jim Garrison is with two other men in scenes filmed at Lafayette Square. In the background are the courthouse and the F. Edward Hebert building where the Fifth Circuit Clerk's Office is now located. Costner/Garrison explains that Lee Harvey Oswald, a New Orleans native, in 1963 claimed an office address in a building directly across Lafayette Street from the courthouse. (That building was demolished, so no need to go looking for

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it.) Conspiratorially, in the same building was the office of an alleged CIA operative and assassination conspirator, detective Guy Banister (played sinisterly by Ed Asner). In flashbacks, Oswald is shown plotting with Banister and others in that office.

It's not a movie, but in early 2010 Domino's Pizza started broadcasting an ad in which a spokesman in a white chef's jacket stands across Camp Street with the courthouse in the background. He discusses a decision that was written by Fifth Circuit Judge Grady Jolly that rejected another pizza company's suit against Papa John's for false advertisement with its "better ingredients, better pizza" slogan. The chef says the court had called it "puffery." He then turns to a stiff-looking fellow in a suit standing nearby, holding a large book, and says: "You're a lawyer. What's puffery?" The charmless character then reads a definition from the book.<sup>41</sup>

To close my little story, three highlights of the latest two decades in the life of the building will be mentioned. One is that in 1994, Congress honored one of the most significant judges of the Fifth Circuit by naming the courthouse the John Minor Wisdom United States Court of Appeals Building.<sup>42</sup> He was still alive at the time and got to enjoy the recognition. His contributions to the court were in so many different areas of the law, but the honor was centrally based on his critical role in civil rights cases during his service that began in 1957. It is daunting to serve as a judge in a structure known as the Wisdom Building.

In May 2015, the court had celebrations for the centennial of the building's opening. The court's circuit justice, Antonin Scalia, participated in one of his last events with the Fifth Circuit before his death in February 2016. The grandson and namesake of the architect James Gamble Rogers spoke, along with others.<sup>43</sup> Substantial research had been done by the court's library staff that led to digital and printed displays throughout the

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<sup>41</sup> The lawsuit, unstated in the ad, was brought by Pizza Hut, not Domino's, against Papa John's. *Pizza Hut, Inc. v. Papa John's Int'l, Inc.*, 227 F.3d 489 (5th Cir. 2000).

<sup>42</sup> Act of May 25, 1994, Pub. L. 103-256, 108 Stat. 690; *Court Building Named for Wisdom*, TIMES-PICAYUNE, June 21, 1994, at B4; Ricki Tigert Helfer, *The Judge and Bonnie Wisdom: A Personal Tribute*, 69 TUL. L. REV. 1417 (1995).

<sup>43</sup> Program, Centennial Celebration, John Minor Wisdom United States Court of Appeals Building (May 3, 2015) (on file with Fifth Circuit Library, New Orleans).



*The Wisdom Courthouse today.*

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building about its history. At the end of 2015, another ceremony was held, presided over by Chief Judge Carl Stewart, celebrating designation of the courthouse as a National Historic Landmark.<sup>44</sup>



The New Orleans federal courthouse has had an adventurous first 100 years. Its structural dignity and vibrant history, not to mention its official name, inspire judges and staff continually to realize the importance of the work they perform within its walls. May that always be so.



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<sup>44</sup> *Historic Honor*, NEW ORLEANS ADVOCATE, Dec. 4, 2015, at 1B.