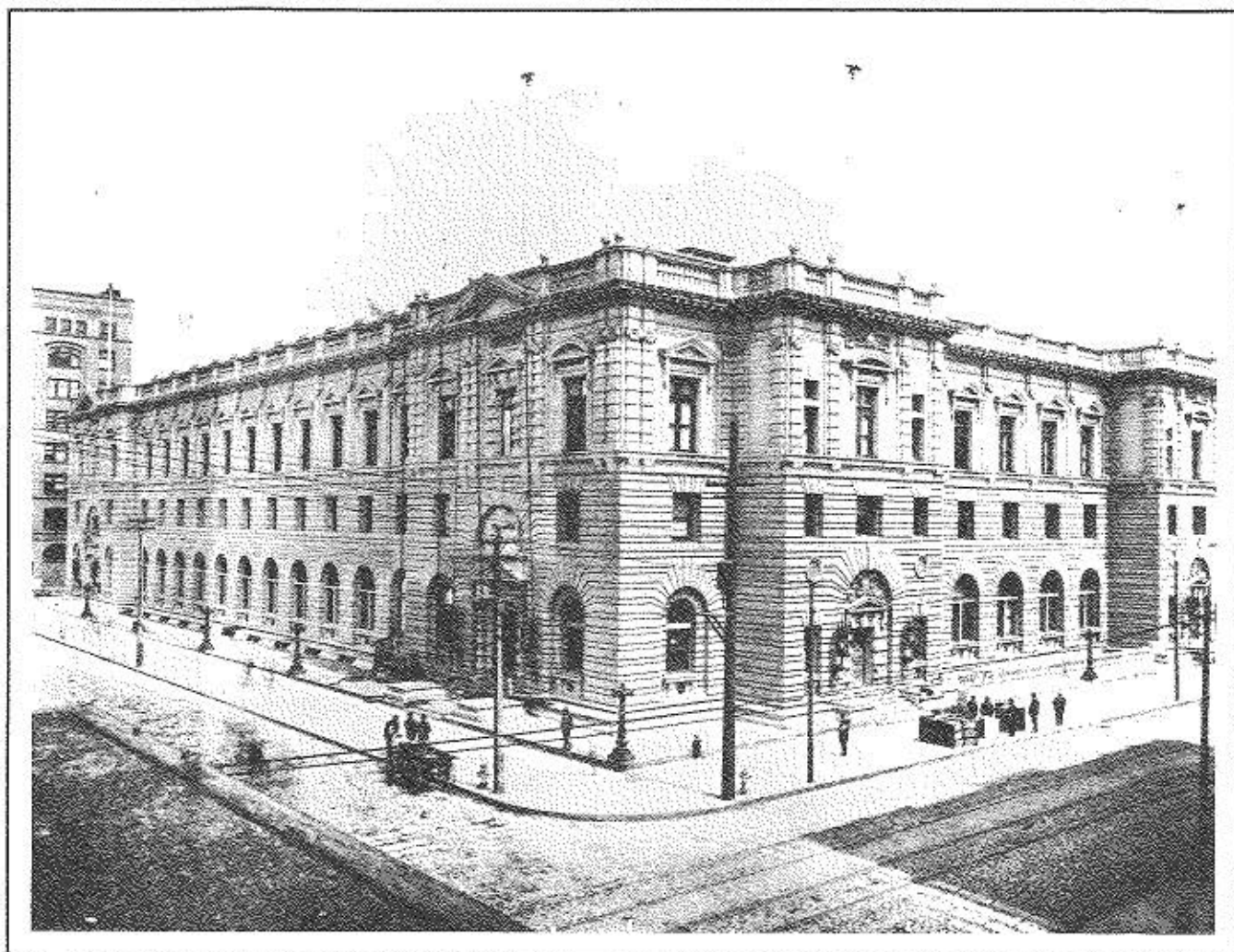


the HISTORICAL *reporter*

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The United States Courthouse in 1909. This view is from the intersection of Seventh and Mission. (Courtesy United States Court of Appeals for the Ninth Circuit.)

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From the Editor

Leigh Ruth Shields

In the feature article of this *Reporter*, Chief Judge J. Clifford Wallace of the Ninth Circuit Court of Appeals discusses the United States Courthouse at Seventh and Mission in San Francisco, one of the most historic courthouses in the West. Judge Wallace presents the history of the building, which for many years housed the Northern District Court; outlines damage done to it by the Loma Prieta earthquake; and recommends a strategy for giving the rehabilitated structure the setting it deserves. This article helps remind us that the heritage of the law in Northern California involves not only the stories of cases and of those who argued and decided them but also the historic structures in which the legal process took place.

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Editor

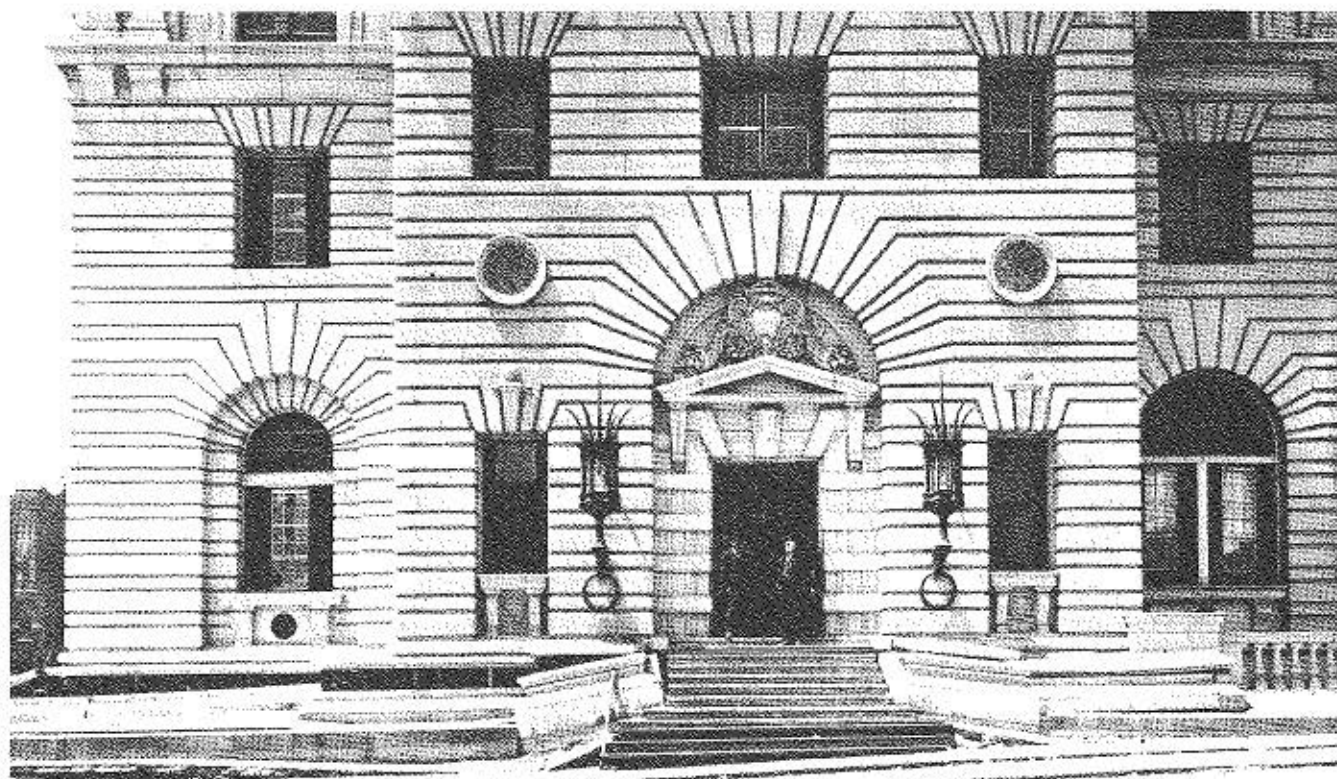
Leigh Ruth Shields

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The Mission Street entrance to the Seventh and Mission Courthouse after the 1906 earthquake. (Courtesy National Archives - Pacific Sierra Region.)

THE SEVENTH AND MISSION COURTHOUSE: PAST, PRESENT, FUTURE

by
Hon. J. Clifford Wallace

From 1905 until 1964, the U.S. District Court for the Northern District of California sat at the United States Courthouse at Seventh and Mission in San Francisco, one of the most architecturally outstanding courthouses in the West. On October 14, 1992, Ninth Circuit Chief Judge J. Clifford Wallace delivered the speech which follows as his "State of the Circuit" address to the San Francisco Chapter of the Federal Bar Association. In it, he discusses the past, present, and future of this distinguished and historic building.

RINCON CENTER

The United States Court of Appeals was forced to abandon its headquarters at Seventh and Mission due to the extensive damage the building sustained in the October 17, 1989 Loma Prieta earthquake. Court operations were dispersed into seven different temporary facilities.

We initially thought that we could reoccupy our courthouse within a short six months. However, structural tests proved that the building was unsafe and would need to undergo major repairs. It was estimated that it would take up to six years to design and accomplish this task.

Thus, the search was on to locate suitable interim space to reunite the court family. Rincon Center II was leased, designed, and built over an eighteen-month period.

Court was first held in Rincon in June of this year. Inauguration ceremonies, combined with a celebration of the Bicentennial of the Bill of Rights, were held on July 15, 1992.

We have 158,000 square feet of space on four floors of the new Rincon Center II building, located near the Embarcadero, bounded by Mission and Howard and by Spear and Stuart Streets. The building is part of the rejuvenated

bayside development South of Market. Our complex houses a staff of over 200 people, which includes:

Seat of the Judicial Council of the Ninth Circuit and the United States Court of Appeals for the Ninth Circuit

five resident judges and twenty-three nonresident judges' chambers

three hearing rooms (one of which is for en bancs)

Office of the Clerk of the Court

Office of the Staff Attorneys

United States Court of Appeals Library and staff

Office of the Circuit Executive

Annex facilities (attorneys' lounge, lunchroom, and exercise room).

Services provided, that may be of particular interest to the Federal Bar, are:

Court filings

Court sessions

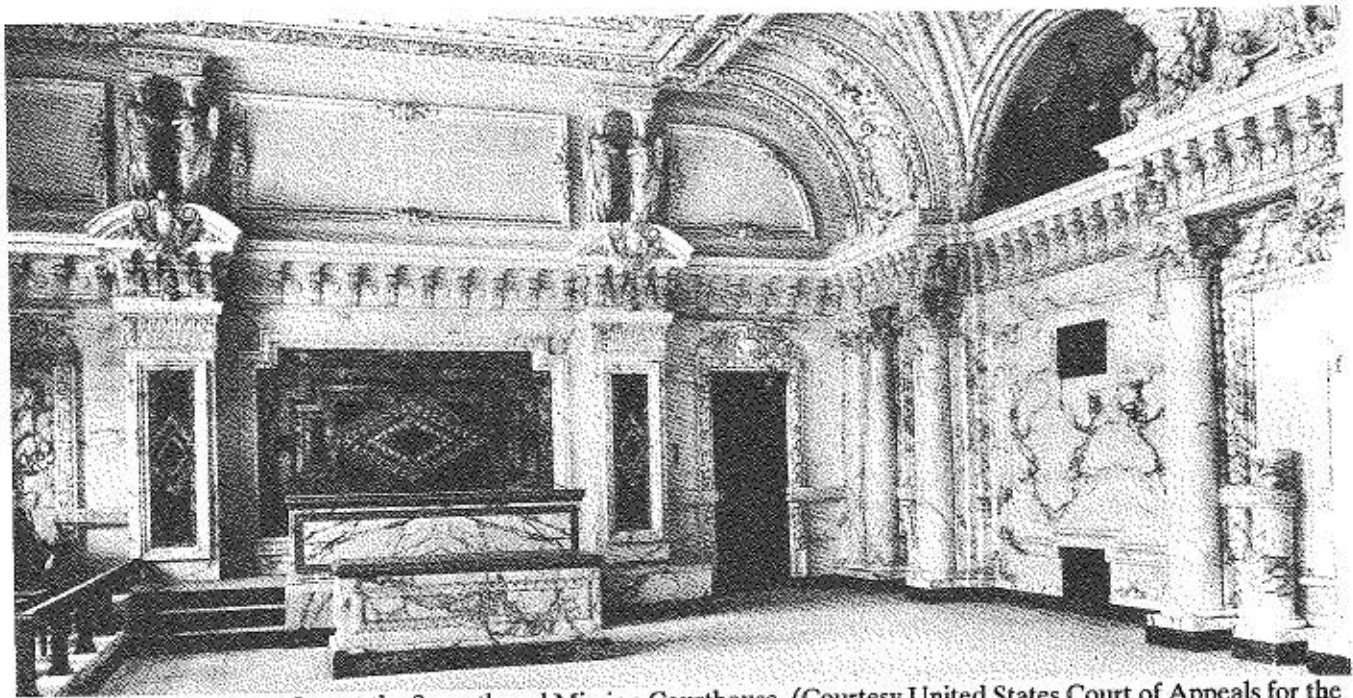
Procedural information

Circuit library facilities with over 75,000 volumes.

SEVENTH AND MISSION

Building History

The property on which the United States Court of Appeals and Post Office was built was purchased in 1891 for the sum of \$1,040,000. According to Stephen J. Farneth, in an 1988 article entitled, "A Post Office That's a Palace," this site was a second choice because it was situated so far



The ornate Courtroom One at the Seventh and Mission Courthouse. (Courtesy United States Court of Appeals for the Ninth Circuit.)

from the central business district and because it was located south of Market Street which “even at that time was considered to be rundown.”

The original building was designed by architect James Knox Taylor. It was a clear embodiment of the American Renaissance style, a style that represented the height of accepted taste in the years around the turn of the century. Characteristic elements of this style were classical details executed with luxurious materials and painstaking craftsmanship which, according to historian Richard Guy Wilson, were attempts to demonstrate that “America had become Europe’s immediate successor in the march in civilization.”

Construction was begun in 1897 and was expected to be completed early in 1904. In reality, the building was completed in August of 1905. A 1905 *San Francisco Chronicle* article declared that “the snail’s pace” work on the building could be attributed to the “plethora of funds” appropriated by Congress and to provisions for “mosaic floors, groined ceilings, and varicolored glass windows, which when well constructed are supposed to be remarkably effective absorbers of surplus funds.”

The impressive building features rusticated granite ashlar exteriors; the interior courtyard is finished with decorative red, white, and blue glazed brick and a terra cotta cornice adorned with lions’ heads. Interior finishes are extremely ornate and include carved marble figures, mosaic tile floor and vaults, marble-clad walls, marble fireplaces, and highly detailed wood moldings and paneling.

The building was officially dedicated on August 29, 1905. An editorial in the *San Francisco Call* the next day said: “In its exterior and interior...San Francisco’s new postal and judicial building is an expression of the highest art in architecture. We utter no local judgment, influenced by local pride and patriotism, but that of the best judges, in saying that the building is second only to the new Congressional Library in Washington.” August C. Headman, reporting for the *Architect and Engineer of California*, repeated the remarks of the president of the American Institute of Architects who declared that the third floor corridor was “a thing of beauty and a joy forever,” and went on to call the United States Circuit courtrooms the “cream of creation.”

This was one of the few downtown San Francisco buildings to survive the 1906 earthquake, although it was not entirely unscathed. The building dropped three and one-half feet on Mission Street, sank one and one-half feet along Seventh Street, and subsequently suffered the loss of an entire third floor suite to fire.

Local architect George W. Kelham designed a new addition in 1933. This was in response to continuing growth in the courts’ caseloads and the increased volume of mail to be handled. Kelham’s credentials were impressive; he designed the San Francisco Public Library and the Federal Reserve Bank. His plans faithfully replicated the exterior design of the original building, but showed much more austerity in the interiors.

In 1964, the building became overcrowded, and the United States District Court moved to the new federal

building on Golden Gate Avenue. The Court of Appeals moved into the vacated space and Judge Richard H. Chambers became a champion of the building's cause. He rescued original furniture which was being discarded and, in missions of mercy, commandeered additional furnishings, light fixtures, and plumbing fixtures from historic courthouses in Chicago, Spokane, Key West, Carson City, and Cheyenne.

The building was placed on the National Register of Historic Places in 1971 and was also determined eligible for national Historic Landmark status. The appropriateness of conferring Landmark status will be considered after the current building renovations are complete.

Repairing and Renovating the Courthouse

Following the Loma Prieta earthquake, the United States Post Office determined that its requirements precluded returning to the building. This was fortuitous because our projections indicate a need for the entire building.

After a rigorous selection process, the firm of Skidmore Owings and Merrill was selected as the architect/engineer. The firm's impressive credentials include the recently completed historic renovation of the Sheraton Palace Hotel on Market Street.

The project is an ambitious one which will provide just under 200,000 square feet of space for the court's use. The total cost of the project is approximately \$90 million. More than half of this sum is for the seismic upgrading of the entire structure. The relatively new technique of base isolation will be used. The building will literally be lifted, and base isolators, similar to shock absorbers, will be installed under the building. A small twenty-inch moat will then be built around the building so that the ground can move without disturbing the building in the event of an earthquake.

The exterior of the building will be repaired and urban landscaping incorporated with the historic bronze lighting standards. The entrances will be accented with second sets of brass and glazed doors and set off by bronze planters, in keeping with the historic nature of the building.

The interior architectural renovations will be significant with historic restoration of all of the finer rooms. The central part of the building that was the old postal sorting area will be demolished, and a new first floor and mezzanine will be constructed. A large, skylighted atrium will be at the center which will bring natural light into the inner portions of the building.

The current project schedule anticipates that the court will occupy the Seventh and Mission building in early 1996.

THE FUTURE

Though pleased with the progress of the restoration project for Seventh and Mission, the court faces a return to the neighborhood with a good deal of apprehension, and justifiably so. In spite of being just a stone's throw away, the United States Court of Appeals is isolated from the San Francisco Civic Center. Although our restored courthouse will be one of San Francisco's finest assets, the jewel will have no appropriate setting. Unless the environment changes, this pillar of justice will be surrounded by crime, drug dealing, and filth. Therefore, the court has determined to mobilize its energies toward encouraging a revitalization of the city center that includes the Court of Appeals building.

The California Supreme Court is in a similar position. They, too, will return—but to what? Thus, we are pleased that the Chief Justice of the California Supreme Court has endorsed this project.

The idea we present of linking the Seventh and Mission building to the Civic Center, in one way or another, is not a new one. Early visionaries saw it as important that the Court of Appeals be part of the Civic Center hub and that this was a realistic objective. In 1899, architect B.J.S. Cahill proposed a plan to "Beautify Market Street, to Open Up the City Hall, to Open Up the Post Office, to Provide a Public Library, Monument Sites, Parks, Fountains and Trees for the Adornment of the City at NO COST TO THE CITY." Cahill touted his project, saying it would "stimulate solid improvements and raise values over this now blighted area."

More recently, in the late 1950s, another architect, R.F. Olwell, developed renderings which show another expansive development of a grandly scaled plaza and open space between City Hall and the Court of Appeals and Post Office building and that included a public transit station. These unpublished drawings which are before you have been made available by Mrs. Olwell, the wife of the deceased architect.

The City Planning Department is currently working on proposed land use plans for this area. It is their intent to issue the Mid-Market Plan some time in the future. Preliminary inquiries with the City indicate, however, that for the time being, no thematic link between the Court of Appeals and Market and the Civic Center is envisioned. Because this appears to us to be short sighted, the court has determined to shoulder the banner and to espouse the earlier visionaries' cause. We encourage the City to catch the vision

of a more comprehensive and far-reaching future for the area.

And what sort of vision is possible and with what elements might we work to fashion the dream? Is there a way to develop and to maintain open space? The City is already having difficulty keeping up United Nations Plaza. If open space and public amenities are to be had, they will have to come in the context of further development, either by public or private institutions or a combination of both.

Private development must be encouraged. In addition, the public domain has quite an arsenal at its disposal to influence development. Given its projected growth, the United States Court of Appeals anticipates an expansion project to the Seventh and Mission facility some time in the late 1990s. Furthermore, the General Services Administration is currently considering the construction of a new San Francisco Federal Building. If it were built at Seventh and Mission, it could anchor the entire project. And there may be other public entities with expansion requirements that might be induced to locate nearby if the area was shown to have a promising future. The City too can offer incentives and model development by zoning, variances, the creation of set-backs, landscaping requirements, etc., and it should be encouraged to do so.

Here are some sketches that suggest ideas as to how the revitalization might occur.

In sum, an ambitious and innovative approach to development around the Civic Center and the Court of Appeals could make the earlier visionaries' dreams a reality. By combining and coordinating the efforts of the city, state, and federal governments, it is possible to revitalize and enhance this important part of the City, to recoup its prestige, and to reinforce the sense of "place and community" that San Francisco and its citizens deserve, and of which the United States Court of Appeals building is properly a part.

We intend to pursue this goal actively, but we need help. Thus, I come to the burden of my remarks. No group, other than the judges of our court, has a greater interest in the future of the Court of Appeals building than the lawyers involved in federal practice. Those lawyers belong to this association. What better project could be found than to assist in the revitalization of the environment around the Court of Appeals building. I encourage your active and dedicated support. Our jewel deserves a proper setting. Let us see to it.



Drawing by architect R.F. Olwell, showing plaza between City Hall and the Court of Appeals. This drawing was made in the 1950s. (Courtesy United States Court of Appeals for the Ninth Circuit.)

Society News

Judge Peckham Oral History Begun

Continuing its mission to document the history of the Northern District, the Historical Society recently commissioned the oral history of Judge Robert F. Peckham. To be taken by the Regional Oral History Office of The Bancroft Library, the interview will be conducted by Carole Hicke, well known for her work in legal oral history. The oral history can be expected to touch upon the numerous historic cases presided over by Judge Peckham, his participation in efforts to improve the administration of justice, and his activities to increase knowledge of the history of the Northern District and of the federal courts generally. It is anticipated that the oral history, which already has begun, will be completed during 1993.

California Court Records Plan

Historical Society members may be interested to learn of the recent management plan adopted by the Judicial Council of California for superior court records. Mandated by Assembly Bill 796, passed in 1989, the plan preserves a "scientific sample" of superior court records while allowing for easier destruction of those case files not included in the sample. The sampling plan applies to case files created after 1910, although courts are encouraged to save all files through 1950. For years in which not all files are being saved, the plan requires a 10 percent random sample be taken and also authorizes a 2 percent "subjective sample" of historically valuable cases, including cases reviewed by the California Supreme Court, "fat files," and other cases of historical significance. In addition to the sample, the plan requires the preservation of all case indices, judgment books, minute books, and registers of action.

While less ideal than complete preservation of these records, the plan insures that future researchers will have access to a sample of the complete range of actions filed in the superior courts. In doing so, it preserves the widest possible range of future research projects.

Mock Trial Proves Popular

The Society's reenactment of the celebrated hydraulic mining case of *Woodruff v. North Bloomfield* has proved to be a popular event. Since the trial was presented in San Francisco, it has been restaged in the Central District of California in February 1992. Sponsored by the National Archives-Pacific Sierra Region, the United States District Court for the Central District of California, and the Ninth Judicial Circuit Historical Society, the restaging featured Judges Manuel Real and Barbara Caulfield playing the roles of the two judges who originally presided over the case. In addition, there now are plans to present the trial a third time, in Nevada City, near the site of the North Bloomfield Mine. Sponsored by the Nevada County Superior Court and the National Archives-Pacific Sierra Region, among other groups, the reenactment is scheduled to take place on April 28, 1993 at the Nevada County Courthouse.

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Please enter my name as a member of the Historical Society of the U. S. District Court of the Northern District of California, in the following category:

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Name _____

City _____ State _____

Zip _____

Progress on Court Record Preservation

This November, the joint committee on court records of the Federal Judicial Center and the Administrative Office of the United States Courts held its third meeting to discuss issues relating to the preservation of district court records. Among other things, agreement was reached to reevaluate the current schedule for these records, which calls for destruction of approximately 90 percent of files dated 1970 or later. As a result of this important agreement, it seems likely that more case files will be preserved and that those saved will be chosen with an eye to preserving the fullest possible range of research possibilities for future scholars. It is anticipated that a new schedule will be proposed by the end of calendar year 1994. In addition to considering the preservation of case files, the committee also discussed encouraging the preservation of judges' papers and questions relating to exhibits and to sealed records. The committee will meet again in mid-year 1993.

Harry Bridges Program Planned

Planning recently began for a program on Harry Bridges' several trials before the Northern District Court. These very controversial cases climaxed with Bridges' 1949 trial for conspiracy to violate naturalization laws before Judge George B. Harris. At the conclusion of that trial, Judge Harris sentenced Bridges' attorney Vincent Hallinan to six months imprisonment for contempt of court. Among the most contentious heard in the District Court, the Bridges' cases have remained important landmarks in the law of immigration and naturalization.

The planning committee anticipates presenting its program in late spring of 1993.

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