

A piece of judicial history

Legal organizations raise funds to save John Marshall's last robe

By: Maura Mazurowski © October 28, 2019



Every judge has a story behind his or her robe. Last month, two legal organizations joined together to ensure that the tales behind former U.S. Supreme Court Justice John Marshall's are told.

"There are just some inspiring artifacts that give people a tangible reminder of ideals. In this case the rule of law, judicial independence," said Kevin Walsh, president of the John Marshall Foundation, or JMF. "We're so lucky to still have this one."

On Sept. 17, JMF and Preservation Virginia announced their "Save the Robe" campaign, a national fundraiser to restore and conserve Marshall's only known surviving robe. Walsh said their "big number" goal is to reach \$218,000. Money raised will be used to restore the robe, purchase a

storage and display case, create at least three replicas and design an exhibit to accompany the robe, among other educational outreach efforts.

"The conservation of Chief Justice Marshall's only surviving judicial robe will – for generations to come – serve as a visual artifact to help tell the compelling story of this outstanding jurist and founding father of our nation," said Judy Perry Martinez, president of the American Bar Association.

The robe, which is owned by Preservation Virginia, is in a "fragile state due to acid hydrolysis from the dye and iron mordant used to achieve its deep shade of black," according to the website.

Without immediate stabilization, Marshall's robe could deteriorate and be lost forever.

"Of the many artifacts in our collection related to John Marshall, the robe is the most evocative link to the Chief Justice's enduring legacy on the Supreme Court," said Elizabeth Kosteleny, CEO of Preservation Virginia, in a statement. "Every person who views the robe feels an immediate and physical connection to its history and importance."

The conservation will be performed by Howard Sutcliffe, principal conservator and director of River Region Costume and Textile Conservation. According to Sutcliffe, the robe has undergone "previous campaigns of restoration" over the years, the most recent being in the 1960s. As such, he plans to take a "preventative approach" by leaving the previous restoration work in place to better support the robe for long-term preservation.

"There are hundreds of stitches per inch — removing all of that would cause a lot of damage," Sutcliffe said.

"Overall, it's a really difficult object to deal with. It's black silk, so the dyes that were used would be highly acidic, and that is quite deleterious to the preservation of the material."

Sutcliffe said the first step in the preservation process will be using a specialist, low-powered vacuum that will remove dust and fiber fragments. Then comes the "careful humidification" in which Sutcliffe will introduce a small amount of moisture to the silk to help reduce creasing. The rest of the conservation work will provide internal support for the robe.

Sutcliffe said preserving Marshall's robe will be a challenging process – but that's what makes it all the more interesting.

"Black shattered silk is not an easy material type to treat. I think that's going to be a big challenge. And that's good," Sutcliffe said. "That makes it exciting."

Sutcliffe's previous projects include conserving Tiraz fragments from Medieval Egypt, Tzar Nicholas II's parade uniform and the original Kermit the Frog puppet.

Once restored, the robe will remain in the permanent collection of Preservation Virginia's John Marshall House, located in the home that Marshall built in 1790 and where he lived for 45 years until his death. The house also holds the largest collection of original Marshall Family pieces, according to the JMF website.

Marshall served as the fourth chief justice of the United States from 1801 until his death in 1835. He remains the longest-serving chief justice and fourth-longest serving justice in Supreme Court history. Prior to joining the Supreme Court, Marshall served as the Secretary of State under President John Adams.

Walsh said he has "seen the effect" that Marshall's robe has on judges when they view the historical artifact. He added that while all robes carry their own significance, Marshall's in particular can bridge gaps between ideological divides – which is an important symbol to have in today's political climate.

"It's easy to feel like there's nothing that holds us together as one nation... Being able to draw on our history and legal traditions for a unifying figure is important," Walsh said. "If there is a single justice that both [Justices] Neil Gorsuch and Sonia Sotomayor agree was great, it's Marshall."

Walsh said it's unknown whether Marshall had another robe or not. Walsh recounted the time he was working on an exhibit at the Virginia Museum of History and Culture and contacted U.S. Chief Justice John Roberts, requesting they borrow one of his robes for the display.

One of Roberts' staff members informed Walsh that the justice only had one robe, and he was using it at the time.

"Robes are weird. No one pays attention to them. But once you do, you realize how special they are... And what's supposed to happen to judges and individuals when they put them on," Walsh said, noting that robes are a physical "unifier" that represents a judge's transformation into an unbiased party in the courtroom.

"Because in an ideal legal system, you will get the same result in each courtroom that you step into," Walsh said. "It should not depend on the identity of the judge."

Preservation Virginia's mission is to "make Virginia's communities and historic places of memory stronger, more vital and economically sustainable through preservation, education and advocacy," according to the website. Since 1889, Preservation Virginia has saved more than 400 historic sites statewide, six of which are open to the public.

The John Marshall Foundation exists to educate the public about the rule of law under the Constitution through the life, character and services of America's great Chief Justice, according to the website.

Visit the Save the Robe website to learn more.

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