

SUPREME COURT OF THE UNITED STATES

Present: Chief Justice Roberts, Justice Kennedy, Justice Thomas, Justice Ginsburg, and Justice Sotomayor.

STATEMENT CONCERNING THE SUPREME COURT'S FRONT ENTRANCE

Memorandum of JUSTICE BREYER, with whom JUSTICE GINSBURG joins.

I write with regret to note the closing of the Court's front entrance. The Supreme Court building is currently undergoing extensive construction, and the Court has decided that, after this construction is completed, visitors to the Court—including the parties whose cases we decide, the attorneys who argue those cases, and the members of the public who come to listen and to observe their government in action—will have to enter through a side door. While I recognize the reasons for this change, on balance I do not believe they justify it. I think the change is unfortunate, and I write in the hope that the public will one day in the future be able to enter the Court's Great Hall after passing under the famous words "Equal Justice Under Law."

Cass Gilbert faced a difficult problem when he was commissioned to design the Court's present home. The Court was to be built on a small, irregularly-shaped plot of land adjacent to both the Capitol and the Library of Congress, two powerful and prominent architectural competitors. How was Gilbert to create a distinctive, yet fitting, home for the Court in these circumstances?

Gilbert's solution was to design an entrance that, in the words of architect and lawyer Paul Byard, "emphasiz[ed] the processional progress toward justice reenacted daily in [the Court's] premises." Starting at the Court's western plaza, Gilbert's plan leads visitors along a carefully choreographed, climbing path that ultimately ends at the courtroom itself. The Court's forty-four marble steps, the James Earle Fraser sculptures *Contemplation of Justice* and *Authority of Law*, the Western portico with its eight pairs of columns standing high above the removed wings of the building, the Great Hall—each of these elements does its part to encourage contemplation of the Court's central purpose, the administration of justice to all who seek it.

But the significance of the Court's front entrance extends beyond its design and function. Writers and artists regularly use the steps to represent the ideal that anyone in this country may obtain meaningful

justice through application to this Court. And the steps appear in countless photographs commemorating famous arguments or other moments of historical importance. In short, time has proven the success of Gilbert's vision: To many members of the public, this Court's main entrance and front steps are not only a means to, but also a metaphor for, access to the Court itself.

This is why, even though visitors will remain able to leave via the front entrance, I find dispiriting the Court's decision to refuse to permit the public to enter. I certainly recognize the concerns identified in the two security studies that led to this recent decision (which reaffirmed a decision made several years ago). But potential security threats will exist regardless of which entrance we use. And, in making this decision, it is important not to undervalue the symbolic and historic importance of allowing visitors to enter the Court after walking up Gilbert's famed front steps.

To my knowledge, and I have spoken to numerous jurists and architects worldwide, no other Supreme Court in the world—including those, such as Israel's, that face security concerns equal to or greater than ours—has closed its main entrance to the public. And the main entrances to numerous other prominent public buildings in America remain open. I thus remain hopeful that, sometime in the future, technological advances, a Congressional appropriation, or the dissipation of the current security risks will enable us to restore the Supreme Court's main entrance as a symbol of dignified openness and meaningful access to equal justice under law.