

THE UNITED STATES COURT HOUSE IN INDIANAPOLIS

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In 2003, the Historical Society of the United States District Court for the Southern District of Indiana celebrated the centennial of the Court House¹ in Indianapolis with a series of events including the court history symposium which is the subject of this issue of the *Indiana Law Review*. Generally admired as a landmark in the historical, architectural, and artistic heritage of Indianapolis and Indiana, the Court House has a special claim on the hearts and minds of the Indiana legal community. It is there that much of the professional life of the bench and bar has been focused and it provides a widely-recognized, indeed magnificent, physical symbol of the intangible federal justice that is administered therein. But while many in the legal community express a fondness for the building, few know its history or the details of its architectural and artistic character that make it so noteworthy. As the setting for much of the legal history that is discussed in this issue of the *Indiana Law Review* and the cherished home of federal justice in southern Indiana, the United States Court House merits historical attention itself. This Article highlights parts of the building's history and character that are of most interest to the bench and bar.

The United States Court House was only the second unified federal building to be built in Indiana. The first opened for business in 1860 at the southeast corner of Pennsylvania and Market Streets in Indianapolis, one block south of the current building.² Until this building opened, Indiana's federal courts had no home of their own; judges borrowed the Indiana Supreme Court's courtroom for their proceedings in Indianapolis and presumably borrowed local courtrooms while riding the circuit of divisions around the state. The 1860 building was designed in the newly-created office of the Supervising Architect of the Treasury which had been established to assure high quality design and construction of federal facilities by bringing the design process in-house and establishing uniform standards. All federal offices in Indianapolis, including the post office and the courts, were consolidated for the first time in this building which shifted the center of business activity in the city farther to the east away from Illinois and Washington Streets.

The 1860 Court House received a baptism by fire as it quickly became the focal point for some of the most contentious legal disputes of the Civil War era, such as fugitive slave cases and prosecutions of southern sympathizers, culminating in the most famous and divisive federal case originating in this

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1. The historic and formal name of the building at its inception is the "United States Court House and Post Office." For purposes of this Article, "Court House" and "Post Office" will be used in reference to the building.

2. The Union Federal Bank building, 45 North Pennsylvania Street, currently occupies the site.

district, *Ex parte Milligan*.³ After the Civil War, power began to shift to the national government from the states with a resulting growth in federal legislation and bureaucracy. So began a trend of continual strain on federal facilities that continues today. After renting more and more space to house more and more government employees, Congress finally authorized construction of a new federal building in Indianapolis at the turn of the century.⁴

John Hall Rankin and Thomas M. Kellogg, principals of the new Philadelphia architectural firm of Rankin & Kellogg, created the building's design which was awarded a silver medal at the 1904 World's Fair (Louisiana Purchase Exposition). Ground was broken in May 1902 and the cornerstone was laid on March 25, 1903 as the climax of a day of celebration in the city that included festooned buildings, a large parade, and an official ceremony attended by most of the community's federal, state, and city leaders.⁵ Postcards showing the architects' rendering of the impressive facade had been circulating in the city, whetting its appetite for what was to come. In his address, delivered in the shadow of the hoisted limestone cornerstone, Congressman Jesse Overstreet voiced the civic pride that most of the audience felt that day:

It is fitting that in architecture, convenience and equipment this edifice should meet the demands of the future as well as the needs of the present. Erected upon a magnificent site, unexcelled in the country, the beauty of the structure will be equal to its utility, and both will be as lasting as time. The characteristics of beauty and utility can be appropriately applied to our city within which this building will stand. It is a city of an industrious, honest and energetic people. A city of homes, and churches, and schools, within which truth, thrift and patriotism are taught. We are highly honored and complimented by this act of the Government and shall take an honest pride in our share of the business which may be here transacted. Our people will be benefitted by the building and its business, and the Government will not suffer by the confidence imposed.⁶

Two years and nearly two million dollars later, the United States Court House

3. 71 U.S. (4 Wall.) 2 (1866).

4. The 1860 Court House did not long survive its centennial. After the federal government moved out, the building was occupied by a succession of banks and other tenants. When plans to demolish the structure became known, a rescue effort by concerned architects, historians, and community leaders failed and the building was demolished in 1962. The campaign drew attention to the issue of preservation, however, and the *ad hoc* group's campaign became institutionalized and well-funded in 1963 with the establishment of the Historic Landmarks Foundation of Indiana which has been responsible for saving and restoring many historic Hoosier properties. *Group to "Save" Area Landmarks*, INDIANAPOLIS STAR, Jan. 30, 1963, at 17.

5. *Corner Stone Formally Laid, Various Civic and Military Organizations and Prominent Citizens Participated*, INDIANAPOLIS NEWS, Mar. 25, 1903, at 1 [hereinafter *Corner Stone Formally Laid*]; *Picture of Parade Put in Cornerstone*, INDIANAPOLIS NEWS, Mar. 26, 1903, at 4; *With Fitting Ceremony, Federal Building Corner Stone Was Laid*, INDIANAPOLIS SUN, Mar. 24, 1903, at 1.

6. *Corner Stone Formally Laid*, *supra* note 5, at 1.

and Post Office opened for business in September 1905. It impressed visitors with its massiveness and beauty. Occupying an entire city block, the limestone building rose four stories on a surrounding granite-balustraded terrace, and the entrance front was set back from the street behind a grass and concrete plaza. The building housed 925 federal employees in the Post Office, the courts, and other federal offices, including overnight accommodations for approximately 400 railroad postal workers when laying-over in the city. The finest materials went into the Court House's construction — including Indiana limestone and granite on the exterior and costly marbles imported from around the world on the interior — and accomplished artists and artisans of the day decorated the building with sculptures, mosaics, ornate stone and wood moldings, stained-glass windows and skylights, murals, decorative painting, and bronze and brass fixtures. The quantity and beauty of rare and expensive materials and sophisticated design and ornament was something new to the city and proclaimed the importance of the building in the life of the city and the state.

The architectural style of the Court House and Post Office is Beaux Arts Classicism. Also known as Neo-Classical, architects used this style during the late Nineteenth and early Twentieth Centuries for upper-value residential, commercial, and especially governmental structures. Here, it also provides an allusion to Rome, the origin of our civil law and republican government. The popularity of this style in America originated with the 1893 World's Fair in Chicago — where, for the first time, the designers of the principal buildings adhered to a uniform style — and was propagated throughout the country for public buildings through the work of prominent architectural firms such as McKim, Mead & White and Rankin & Kellogg. Characteristics of this style, plainly evident in the Court House, include large limestone block walls, a granite base (rustic), Roman orders of columns and pilasters, heavy ornate entablature, roof balustrade, flat roof, symmetrical elevations, and monumental pedimented entrances at the top of long, broad flights of stone steps. Another common Beaux-Arts feature is the four allegorical limestone statues flanking the front entrances. Sculpted by John Massey Rhind, a Scottish artist who executed many public works in America, the statues represent Agriculture, Literature, Justice, and Industry. Like a Roman temple or basilica, the Court House sits atop an elevated granite terrace ringed with large bronze lampposts. The building met with such acclaim that it helped to inspire Beaux Arts designs for other public buildings in Indianapolis, including the City Hall (1910), the Indianapolis-Marion County Public Library (1917), and buildings in the Indiana World War Memorial Plaza (1922–1950).

The interior of the Court House and Post Office has an Italian Renaissance expression that begins its calculated effect on the senses at the thresholds. Passing through the porticos, one enters the vestibules with their yellow-gray marble walls, rows of solid-marble columns, and barrel-vaulted ceilings of ornate limestone coffers. The visitor immediately senses that he is entering a place of importance, power, and stability. The vestibules lead to octagonal rotundae with red marble walls, bronze shell-arched niches, and domed ceilings of beautifully-colored glass mosaics depicting classical symbols, such as the fasces, caduceus, scales, and Pegasus representing governmental power, communication, commerce, swift travel, and justice. These and other symbols repeated

throughout the building represented the agencies housed in the building, their missions, and their guiding ideals and values. The rotundae lead into the lofty first-floor corridors that are walled with marbles and topped by barrel vaults covered with more glass and marble mosaics depicting classical and Renaissance motifs and highlighted by shimmering brass chandeliers and sconces. In today's richer, better-traveled, and faster-paced world, whose city skylines are crowded with sleek and towering structures, these details are often overlooked or taken for granted, but the earlier visitor would have examined all in amazement and found them both moving and inspiring.

The first floor was the domain of the Post Office as evidenced by the restored tellers' cages and service windows in the main cross corridor. By far the largest and most-visited tenant when the Court House opened in 1905, the Post Office was the primary means of communicating, diffusing knowledge, transferring money, and facilitating commerce and industry before the time of telephones, U.P.S., FederalExpress, e-mail, and electronic transfers.

At each end of the building, a cantilevered semi-circular marble staircase topped by a ribbed half-dome and fishscale stained-glass skylight leads to the second floor, known as the "court floor" when the building opened. Sets of heavy bronze gates, still in place, restricted access to the upper floors on evenings and weekends when only the Post Office was open. With only one district judge for the entire state in 1905, the court did not require a great deal of office space and all judicial and legal offices of the United States fit easily on the second floor:⁷ two courtrooms with accompanying chambers in the south (front) wing, the clerk of courts and United States Attorney in the west wing, and rooms for the United States marshal (including detention cells), bailiffs, and witnesses in the east wing.⁸

Although only one district judge served at the time, a second courtroom and chambers were included in the design in order to accommodate the itinerant circuit court.⁹ The original district court courtroom is Room 202, now referred

7. From the creation of the United States District Court for the District of Indiana in 1817 until 1925, Indiana had only one district court and one district judge for the entire state. A second judge was appointed in 1925 and served until 1928 when the state was divided into two districts: the Northern District of Indiana and Southern District of Indiana. The second, junior, judge was then reassigned to the Northern District as its first judge. The Southern District continued with only one judge until 1954 when a second judge was authorized for the Southern District. Federal Judicial Center, *History of the Federal Judiciary, U.S. District Courts of Indiana: Legislative History*, available at http://www.fjc.gov/newweb/jnetweb.nsf/fjc_history?OpenFramSet (last visited Mar. 25, 2004).

8. As explained farther on, the original building was U-shaped and smaller than the current building. The 1936 expansion extended the sides of the building and added the north wing, filling out the block. The original length of the east and west wings is still indicated in the east hall of the second floor where the original marble walls and floors meet the terrazzo floors and plaster walls of the 1936 addition.

9. From the passage of the first Judiciary Act in 1789, each justice of the United States Supreme Court was assigned to a circuit consisting of a regional group of states. Twice each year,

to as the “William E. Steckler Memorial Courtroom” and currently the courtroom of Chief Judge Larry J. McKinney.¹⁰ The original circuit court courtroom is Room 216, now in use by Judge Sarah Evans Barker.¹¹ Sitting at opposite ends of the south wing, these original courtrooms are mirror copies of each other in design but differ in materials and ornament. They are expansive rooms horizontally and vertically, rising through the fourth floor. Natural light enters each courtroom through two large stained-glass windows designed and built by Otto Heinigke of New York City in an Italian renaissance “cinquecento” (Sixteenth Century) style, the best surviving exemplars of his scarce work in the midwest. Large central skylights originally provided additional natural light but maintenance difficulties long ago forced their conversion to artificial light wells. The skylights’ ceiling frames survive and their leaded glass coverings were recently reproduced. Brass and glass-globed sconces, recently reproduced, give supplemental artificial light. Each courtroom is traditionally arranged on a

each justice was expected to “ride the circuit” holding a session of court in each district of his assigned circuit. (The circuit courts are sometimes denominated by district, *e.g.*, “Circuit Court for the District of Indiana”, and sometimes by circuit, *e.g.*, “Circuit Court of the United States for the Seventh Judicial Circuit”.) The circuit courts’ jurisdiction covered most federal crimes, diversity suits, and civil suits brought against the United States, including *habeas corpus* suits. The circuit courts also heard appeals of most civil suits from the district courts. As the caseload of the United States Supreme Court grew, the justices found it increasingly difficult to meet their obligations as circuit justices which resulted in missed sessions of court and cases delayed to successive terms. In response, Congress expanded the circuit court benches to include the resident district judges with the proviso that either judge could exercise the full jurisdiction of the circuit court in the absence of the other. As caseloads (and complaints about district judges sitting alone hearing appeals from their own decisions) increased, the circuit bench was again expanded by adding a newly-created “circuit judge” who was assigned only to the circuit court and thus continually rode the circuit. In 1891, Congress created the current courts of appeals for each circuit and transferred to them the appellate jurisdiction of the circuit courts and the circuit judges. The trial jurisdiction of the circuit courts continued until the final abolition of the circuit courts in 1912. The abolition left the three-level system that exists today. One vestige of the circuit court system that survives is the continued circuit assignment of each supreme court justice, albeit for different purposes. ERWIN C. SURRENCY, *HISTORY OF THE FEDERAL COURTS* 35-64, 66-68, 83, 85-92 (2d ed. 2002); Federal Judicial Center, *supra* note 7.

10. The courtroom is named in memory of Judge Steckler who presided there from the time of his appointment by President Harry S. Truman in 1950 until a brief period before his death in 1994. Judge Steckler was only the third district judge to sit in the building, succeeding Albert Anderson, who moved from the 1860 Court House, and Robert C. Baltzell, who served from 1925 to 1950. (Thomas Whitten Slick also served for a brief period from 1925 until his transfer to the new Northern District in 1928). Judge Steckler was the last judge to serve alone as district judge for the Southern District.

11. Appointed in 1984, Judge Barker succeeded to the seat and courtroom of Judge Cale James Holder who was appointed to the bench in 1954 and died suddenly while still in office. From the abolition of the circuit court in 1912, this courtroom was vacant until occupied by Judge Thomas Whitten Slick from 1925 until his transfer to the Northern District in 1928. The courtroom then sat vacant again until Judge Holder’s appointment.

central axis starting from the central aisle in the public gallery, through the bronze and wood balustrade separating the gallery from the rest of the courtroom (the “bar” before which only attorneys may practice), through the well of the court occupied by the counsel tables and podium, and terminating at the centrally-placed bench at center front.¹² On either side of the wells of the courtrooms are the jury and witness boxes and clerks’ desks. The magnificent expanse of the rooms, the ornate stained glass, lush decoration, and progressive hierarchical axial floor plan are similar to traditional church design at the time and aim at evoking similar effects of awe, respect, quiet attention, and reduced ego on the part of all who enter and labor there.

The large allegorical murals behind each bench were painted by W. B. Van Ingen, a Philadelphia artist who also produced works for the Library of Congress, the United States Mint, the Pennsylvania State Capitol building, and the United States Post Office building in Chicago.¹³ The bench mural in the district courtroom is titled “Appeal to Justice” and while a title for the mural in the circuit courtroom has not been found, we know that Van Ingen intended to show in that mural that judges, while the ultimate authority in the courtroom, are still servants of justice.¹⁴ The district courtroom contains original frieze murals

12. A photograph of the district courtroom taken sometime before mid-1907 shows a bench at least twice as long as the current one with a smaller ornate clerk’s desk positioned on the floor in front of it. At some point, the footprint of the elevated dais was reduced and a smaller bench was constructed, possibly remodeled from the original. The 1907 photograph and another one of the Judges’ Library also show that the current counsel tables in the Steckler Courtroom are original to the Court House and the courtroom. The courtroom photograph shows the public gallery with rows of individual theater-style seats; it is not known when they were replaced with the current wood pews. The 1907 photograph also shows an elevated witness chair and two-tiered jury range as today but both are open, without “box” railings. Judge Steckler ordered construction of the current wood enclosures when women’s fashions turned to shorter skirts. No photograph showing the original appearance of the circuit courtroom has been discovered.

13. The Van Ingen bench murals were installed in August 1907, two years after the building opened. They replaced the original murals painted by Nicola D’Ascenzo, who had also painted the frieze murals in the district courtroom. A newspaper article at the time reported that the D’Ascenzo murals were judged “not altogether satisfactory”, without further explanation. *Paintings Hung in Federal Building*, INDIANAPOLIS STAR, Aug. 4, 1907, at 36. Van Ingen was also hired to tint the walls of the courtrooms (some of which survives in the district courtroom around the bench mural and in the narrow verticals in the corners between the pilasters) and to direct the hanging of velvet curtains at the stained-glass windows “to add to the acoustics of the rooms.” *Id.* The curtains have been removed.

14. The mural in the circuit courtroom depicts two allegorical female figures in a classical setting. “Justice” holds a balancing scale and sits on a monumental plinth atop a flight of stone steps that suggests the Rhind statues along the front of the Court House. A few steps below Justice stands the “Judge” facing outwards and gesturing toward Justice. Van Ingen himself described his intentions for this mural in a newspaper report on its unveiling: “The figure in front is a representative of justice who sits waiting to weigh in the balances each case. The fore figure is appealing to persons not in the picture, telling them that justice is to be done. The judge who sits

painted by Nicola D'Ascenzo, an Italian immigrant artist based in Philadelphia. The side and rear wall murals are on plaster and depict the seals of the thirteen original colonies. The three bench wall panels are on canvas and depict the seal of Indiana in the center flanked by panels representing arts and industry.

The large lobbies lined with white marble walls and columns that greet visitors approaching each courtroom are connected by a broad marble-lined hallway extending from east to west along the full length of the south wing. While impressive in themselves, the lobbies and hallway served a very practical purpose at the time and tell a history themselves. Until relatively recent times, the district court did not continuously sit and remain open for business. When the building opened, the court sat only twice a year, at May and November terms. Before a particular term opened, the court published a list of pending cases and instructed attorneys who had business before the court to be present and ready to proceed when the term opened. A court crier emerged from the courtroom to call the pending cases in docket order. Unlike today, most court practice was not conducted in writing and according to scheduled appointments, but orally in open court as the cases were called *seriatim*. The judge opened court at a set time each day, heard the attorneys argue motions or other matters as they were called, and then, in open court, issued his decisions and orders thereon which the clerk of court recorded in the order book. With this type of on-call court practice, large comfortable lobbies and hallways were necessary to accommodate what must have been a bustling crowd of waiting attorneys, parties, family and friends, witnesses, reporters, and other interested persons and spectators. After progressing through the roll of cases enough times to dispatch the pending pre-trial business, the judge held jury and bench trials and then issued his written bench decisions. The term in Indianapolis having closed, the judge and clerk rode the circuit of judicial divisions around the state. After divisional business was completed, there was often significant time remaining before the next term of court opened which allowed the judge to attend to other matters such as teaching law.

A sad loss in this precinct was the Judges' Library originally located between the district and circuit judges' chambers in the middle of the south (front) wing. A large room with wood paneling, bookcases, and fine furniture centered on an ornate marble and mahogany fireplace, the room was remodeled in the 1950s to serve as the home-state chambers for a court of appeals judge. The space was divided by walls and the original decorative ceiling was painted over and had a suspended ceiling anchored to it. This decorative ceiling copied a fresco painted by the Renaissance artist Pinturicchio on a ceiling in the Palazzo dei Penitenzieri in Rome.¹⁵ The fireplace survives, however, as does a small portion of the wall

on that bench is merely a representative of justice and in the painting I tried to portray his position toward justice." *Id.* Today, Van Ingen's choice of model is more prescient than his pronoun: the bench located in front of this mural is now occupied by Judge Sarah Evans Barker, the first woman appointed to the federal bench in Indiana.

15. Ranking & Kellogg, Specifications for Certain Proposed Mural Painting and Decoration in the New U.S. Court House and Post Office at Indianapolis, Indiana (on file with author);

moldings. The adjacent chambers now utilize the rooms.¹⁶

As the United States grew in population, wealth, and importance with the progress of the new century and the federal government expanded, the Court House and Post Office building began to run out of space to hold its many tenants. In 1936, the architectural firm of McGuire and Shook designed and oversaw the construction of the north addition which expanded the building to the northern edge of the city block. Their design extended the original pilastered sides and closed the square footprint with a north wing expressing a classical Palladian facade. A fifth-floor penthouse was added above this north wing and two driveway portals at each end gave access to the postal loading dock below.

This 1930s expansion also marked a shift in the artists and the art of the building. Whereas primarily east-coast artists contributed traditional classical ornament and themes to the original building, the 1930s brought to the building the work mostly of midwestern and Hoosier artists who depicted contemporary, historic Indiana, postal, and other realistic, non-allegorical themes. The architects of the north-side expansion, William C. McGuire and Wilbur B. Shook, were Hoosiers whose firm was located in Indianapolis. David K. Rubins, an instructor at the Herron Art Institute in Indianapolis, carved in place the limestone spandrels and keystones over the driveway portals in 1939.¹⁷ In 1935-36, Grant Christian, a young art student at Herron, painted nine panels of murals depicting Post Office and Indianapolis themes pursuant to a Treasury Relief Art Project commission. And, under another Great Depression-era program, Sidney Newton Sanner, an Indiana resident at the time, painted frieze murals for the then-unused circuit courtroom. The murals are heraldic designs bearing the surnames of thirteen United States Supreme Court justices and were painted in the same style and color schemes as the D'Ascenzo murals in the district courtroom.¹⁸ So far, it is a mystery why the particular justices were selected for

Subcontract Proposal, Chapman Decorative Co. to John Peirce [Co.], Apr. 19, 1905; Contract Proposal, John Peirce [Co.] to Rankin & Kellogg, May 5, 1905; Proposal Acceptance, United States Treasury Department to John Peirce [Co.], June 7, 1905. Cardinal Domenico della Rovere built the palazzo in 1480 as his residence. It eventually became the home of the "penitenzieri", the priests who heard confessions and administered penance at St. Peter's Basilica and it was still so used when the Court House was constructed. The Palazzo survives today on the Via Conciliazione just outside the Vatican City and is now mostly occupied by the Hotel Columbus. The Pinturicchio ceilings reportedly also survive. JULIAN KLACZKO, *ROME AND THE RENAISSANCE: THE PONTIFICATE OF JULIUS II* 239 (1903).

16. Nothing remains of the original Clerk's offices along the outer side of the west hallway, now mostly occupied by the Tax Court Courtroom and offices. The original United States Attorney's space on the inside of the west hallway also does not survive, except for what might be the fairly in-tact office of the United States Attorney at the south end. Little, if any, trace remains of the original offices along the east hallway.

17. Mr. Rubins is also known for sculpting the statue of Abraham Lincoln as a boy which sits on the Indiana State House lawn and the bronze cherub which appears every Christmas on the old L. S. Ayres & Company clock at the southwest corner of Meridian and Washington Streets.

18. The Sanner murals were unexpectedly discovered five years ago during repairs to part of

inclusion in the murals. This courtroom was returned to active service with the appointment of Judge Cale J. Holder in 1954 when he became the second judge for the Southern District.

In 1961, Congress expanded the district court bench again and a third courtroom, Room 243, was built for the new appointee, Judge S. Hugh Dillin, on the inside expanse of the north wing of the second floor. The simplicity and plainness of this courtroom, compared to the original district and circuit courtrooms, represents the change not only in tastes in the sixty years since the Court House opened but also in the gradually diminishing role of architecture and design in public buildings since the beginning of the century. This courtroom is characterized by flat surfaces, minimal decorative trim and moldings,¹⁹ and no ornamental fixtures or decorative artwork. A further expansion of the number of authorized judgeships in 1966 brought Judge James E. Noland and, thus, a fourth courtroom, Room 307, to the Court House.²⁰ Now designated as the James E. Noland Memorial Courtroom, this courtroom was built with a longer-than-usual bench in order to accommodate multi-judge hearings.²¹ Following the construction of Judge Dillin's courtroom by only a few years, the design of Judge Noland's courtroom adheres to the same bare, utilitarian style, but lacks even the minimal decorative trim and moldings of Judge Dillin's courtroom. With this courtroom and chambers in the south wing of the third floor, the district court started its gradual expansion beyond the original "court floor."

With the growth of the executive and judicial branches in the 1960s and '70s, the Court House was again bursting at the seams. The court continued to expand with the addition of full-time magistrate judges starting in 1971²² and bankruptcy judges in 1979.²³ In 1973, the Court House lost its largest tenant when the Post

the wall plaster in the courtroom. They have been beautifully restored. Unfortunately, it was also discovered that the three canvas panels on the bench wall of the courtroom were missing. Copies of the panels in the same position in the district courtroom were installed as part of the restoration work.

19. The decorative trim is in the same blond wood as the wall surfaces and furniture and consists primarily of "floating" pediments applied to the walls over the doors and behind the bench and picture-frame trim dividing the walls into panels. In the 1990s, the original flat suspended tile ceiling and lighting was enhanced with wood beams and new lighting and sound systems.

20. Room 307 is currently the courtroom of Judge John Daniel Tinder. Judge Tinder was appointed to the bench in 1987 upon Judge Noland's assumption of senior status. Judge Noland moved to the senior judge's chambers, without courtroom, that had been constructed in the west wing of the third floor (currently the chambers of Recalled Magistrate Judge John Paul Godich).

21. Until 1976, all federal constitutional challenges to state statutes that sought injunctive relief were heard by panels of three judges. There are fewer occasions for three-judge panels today. The last one in the Southern District was a state reapportionment case heard and decided in Judge Noland's courtroom in 1986.

22. One full-time magistrate judge position was authorized in 1971, a second in 1973, a third in 1979, and a fourth in 1988. Today, three full-time magistrate judges sit in Indianapolis and one sits in Evansville. Two recalled magistrate judges also sit in Indianapolis.

23. Three bankruptcy judges were appointed in 1979 and a fourth in 1980. Today, three

Office moved to a new main facility at South and Capitol Streets and, in 1979, most executive-branch offices moved to the new six-story Minton–Capehart Federal Building three blocks north at Michigan and Pennsylvania Streets.

A fifth district courtroom, Room 344, and chambers were constructed in the north wing of the third floor in 1985 in anticipation of future needs which quickly presented themselves when Judge Steckler took senior status and Judge Larry J. McKinney was appointed to the court.²⁴ This fifth courtroom continued the plain, utilitarian style of the third and fourth courtrooms and continued the court's expansion into the third floor.

The most recent major events in the history of the Court House were the extensive restorations and remodelings in the 1990s. Significant historical losses had occurred in the Court House fabric in the 1960s. A program of maintenance simplification and utilitarianism resulted in the removal and disposal of the original ornate brass chandeliers and sconces except for those in the south (front) wing of the second floor, the “court hallway”. Round disks housing floodlights, popularly known in the building as “flying saucers,” replaced the chandeliers in the first-floor main cross corridor and industrial-style fluorescent fixtures replaced them elsewhere in the building. The postal tellers' cages and windows were removed from the main cross corridor; the decorative wall and ceiling painting, including hand-painted laurel-leaf garland borders in the stairwells and the second-floor court hallway, disappeared under layers of overpainting; and aluminum and glass fire walls and doors closed the elevator and stair lobbies. In the 1990s, the General Services Administration, the civilian federal government's landlord and the Court House's property manager, began an expensive and carefully-executed restoration of much of the building that continues today. The original light fixtures were reproduced, the decorative painting throughout the building was painstakingly uncovered and restored, and various details, such as the teller's cages, were reproduced. After a century of exposure to environmental and structural deterioration and poor maintenance, the Heinigke stained-glass windows in the original courtrooms were removed and shipped to Illinois for repair, cleaning, and restoration and were re-installed in the late 1990s along with protective outer windows. Additionally, the D'Ascenzo and Christian murals were cleaned and conserved. Today, visitors to the Court House are able to see more of the original character of the building from its opening in 1905 than has been possible for at least four decades.

The 1990s also saw a comprehensive remodeling of the north sides of the second and third floors. Three new chambers and courtrooms were constructed for magistrate judges on the second floor and new courtrooms and chambers

bankruptcy judges sit in Indianapolis and the fourth sits in New Albany.

24. Room 344 is currently the courtroom of Judge David F. Hamilton who was appointed to the bench when Judge S. Hugh Dillin assumed senior status in 1994. Following Judge Noland's death in 1992, Judge Steckler moved from the original district judge's suite on the second floor to the senior judge's chambers previously occupied by Judge Noland on the third floor. Chief Judge McKinney moved from Room 344 to Judge Steckler's former courtroom and chambers. On his appointment, Judge Hamilton occupied the courtroom and chambers vacated by Chief Judge McKinney.

were constructed for bankruptcy judges on the third floor. This project included the construction of the newest district courtroom, Room 349, at the northwest corner of the third floor. Planned for visiting judges and future needs, it is currently the Indianapolis courtroom of Judge Richard L. Young who was commissioned to the bench in 1998 on the occasion of Judge Gene E. Brooks' retirement. (Judge Young's home courtroom is in Evansville.) This new construction represents a departure from the plain, utilitarian trend of courtroom design in the Court House and a return toward more sophisticated and crafted decorative elements. Reproducing trim details from the original postmaster's office in the 1936 expansion, the new courtrooms contain deeply-carved mahogany wainscoting, chair rails, ten-panel doors, crown molding, and ceiling coffers. The benches, clerks' stations, and jury and witness boxes were designed in the same manner. Walls behind the benches include thick mahogany trim framing court seals. However slight, these designs and the restoration program represent a shift back to the recognition of architecture and art as valuable contributors to the enhancement of federal governmental facilities. Not simply ornate or expensive ornament, the reproduced classically-solid molding profiles and materials convey the distinctiveness of the judicial arena, framing the courtroom activity in the minds of the occupants with the seriousness and uniqueness of the proceedings.

The 1990s also saw construction of new, modernized offices for the United States Marshal (who still had been in the space occupied since the Court House had opened), new Probation and Pretrial Services offices, new offices for the clerk of the bankruptcy court, and extensively-remodeled offices for the clerk of the district court, all on the first floor. In 2002, the court library moved into new space in the north wing of the fourth floor. Continuing the constant movement of tenants, the United States Trustee moved out to rented space in the early 1990s and the United States Attorney followed suit in 2000.

Although changing little in outward appearance, the United States Court House has undergone a century of remodeling and updating, evolving from primarily a Post Office and headquarters of all federal agencies in the state, including one federal judge, to its role today as chiefly a Court House where five district judges, assisted by five magistrate judges, three bankruptcy judges, and a large administrative staff, dispatch the judicial business of the national government in the southern half of the state. Today, approximately eighty percent of the Court House is occupied by the district court and the United States Marshal.²⁵ Built with the most modern technologies for its day, including electric lights, elevators, heating plant, and communications, the Court House today continues to incorporate new information and communication technologies while preserving its historic character.

The Court House is a surviving exemplar of a time when public buildings, and especially federal public buildings, were expected to employ the best devices

25. Non-court-related tenants include the Department of Labor's Bureau of Labor Statistics, Office of Federal Contract Compliance Programs, and Occupational Health and Safety Administration; the Corporation for National Service; and the Internal Revenue Service's Lead Development Center.

of architecture and art to express and instill the values and missions of their occupants. Addison C. Harris, the keynote speaker at the 1903 cornerstone-laying ceremony, described the values that he felt the Court House conveyed:

The building to rise here is also to be the abode of national justice

in Indiana. And it is fitting that justice shall reside in homes as noble in design as the brain of man can conceive, for justice is the supreme power and authority in this republic. Nations express their chief traits in their public works. The Greeks built beautiful temples to their gods, and adorned them with the treasures of art. Rome erected great amphitheaters in which to show the courage of men and beasts in deadly strife, as her chief aim was to extend her power by war and carnage. Modern Europe is full of fortresses, and the waters of the sea are covered with battleships as their means of maintaining the stability of their empires. While in our land the highest aspirations of the people are shown in the noble edifices dedicated to justice. We rule not by force, but by law. Everyone, from the lowest to the highest, guides his course by the stable rules of justice. Right, not might, is the lofty aspiration of our national life.²⁶

The Court House continues to effectively symbolize the stability, power, dedication, and protection of the federal justice administered therein. It is as well an elegant expression of our country's devotion to the principle of the rule of law. The Court House is not simply a relic of the past, therefore, but a beautifully-crafted reliquary, housing and displaying the principles of justice and equality for which the republic stands. At 2:30 p.m. on March 25, 2003, one hundred years to the day and hour after our ancestors gathered to lay the cornerstone of the Court House, the court family gathered again to rededicate the cornerstone and the Court House to the mission and the values which they represent and to celebrate the Court House's century of life and the continuing fulfillment of Congressman Overstreet's prediction that "the beauty of the structure will be equal to its utility, and both will be as lasting as time."²⁷

On June 23, 2003, President George W. Bush signed Public Law 108-35 which designated the building the Birch Bayh Federal Building and United States Court House in honor of Indiana's former United States Senator. On October 24, 2003, a ceremony was held formally renaming the building and unveiling the new limestone sign that was installed on the lower grass plaza in front of the building.

26. *Corner Stone Formally Laid*, *supra* note 5.

27. *Id.*