Visitor's Guide to the Lewis F. Powell, Jr. U.S. Courthouse & Annex

U.S. Court of Appeals for the Fourth Circuit
Richmond, Virginia

Welcome to the Powell Courthouse & the Fourth Circuit

Welcome to the Lewis F. Powell, Jr. U.S. Courthouse, headquarters of the U.S. Court of Appeals for the Fourth Circuit. The original structure was completed in 1858 as a U.S. customhouse, post office, and courthouse, the building is the oldest U.S. courthouse in the federal government's inventory. Its monumental scale, imposing Italianate architecture, and location across from the grounds of the Virginia State Capitol make it a fitting setting for the important decisions made inside its walls for the past 160 years.

Today, the Powell Courthouse and Annex function as modern buildings housing the Fourth Circuit and other important government agencies. The Courthouse has been listed on the National Register of Historic Places since 1969 and is significant for its architecture and its role in local, state, and national history.

To arrange for a guided tour, please call (804) 916-2715 or email tours@ca4.uscourts.gov.

Cover: Lewis F. Powell, Jr. U.S. Courthouse with the Richmond skyline, April 29, 2015. *Acroterion CC RY-SA 3.0.*

Below: View from the southwest corner of 11th and Main St., 2009. *Beyer Blinder Belle Architects & Planners.*

By the Numbers

1929

The Modernist Art Deco Annex, designed in 1929, contrasts sharply with the continuity of design and revivalist style of the Powell Courthouse.

4K

Around 4,000 new cases are filed in the Fourth Circuit each year. Of those, the Court hears oral argument in about 350 cases.

6

There are six courtrooms in the Powell Courthouse — all conveniently identified by carpet color. The Red, Blue, and Gold courtrooms are the oldest.

0.1%

The U.S. Supreme Court hears less than 0.1 percent of cases originating from the Fourth Circuit, making it the court of last resort for most cases it hears.

$100K

In 1852, Congress appropriated $100,000 for this, the first federal building in Richmond. That is equivalent to around $3.5 million today.

9

The Fourth Circuit hears appeals from the nine federal district courts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

$1M

Richmond collected $1 million in customs revenue during 1913, more than double any other port in the state. The pattern continued throughout WWI.

1891

The Judiciary Act of 1891, commonly known as the Evarts Act, established the structure of the federal appellate courts we have today.

160

The Powell Courthouse has served as a courthouse for over 160 years, and is the oldest federal courthouse currently in use.

15

There are currently 15 Fourth Circuit judgeships authorized by Congress. Judges are nominated by the president, confirmed by the Senate.

The Fourth Circuit Court of Appeals Today

The U.S. Court of Appeals for the Fourth Circuit is one of 13 appellate courts within the federal judicial system. It hears appeals from the nine federal district courts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina and from federal administrative agencies.

The appellate courts do not retry cases or hear new evidence. They do not hear witnesses testify. There is no jury. Appellate courts review the procedures and the decisions in the trial court to make sure that the proceedings were fair and that the proper law was applied correctly. Because the Supreme Court reviews only a small percentage of the cases it is asked to review, the appellate courts are the court of last resort for the great majority of cases in the federal system.

Today, the Fourth Circuit is allotted 15 active judgeships. Appellate judges are nominated by the president, confirmed by the Senate, and serve for life. Judges may retire from active service but still sit on the court as senior judges with a reduced caseload.

Above: Court portrait, 2018. Chief Judge Gregory (seated at center), Judge Duncan (seated far right), and Judge Diaz (standing second from left) all represent diversity firsts on the Fourth Circuit. Judge Motz is standing at center.

Left: Court portrait, 1973. Judge Sobeloff (seated far left), the first Jewish-American judge on the court, was the son of Russian immigrants who settled in East Baltimore. *Dementi-Foster Studios.*

Diversity on the Bench

The federal bench in the Fourth Circuit has included former state court judges and justices, governors, legislators, and members of Congress. In 1956, President Eisenhower appointed Simon E. Sobeloff, the first Jewish American to serve on the court. He was Eisenhower's Solicitor General from 1954 to 1956.

The first woman to sit on the court was Karen J. Williams, appointed by President George H.W. Bush in 1992. She was joined in 1993 by Diana Gribbon Motz, appointed by President Clinton. Roger L. Gregory, the first Black judge to serve, received a recess appointment from President Clinton in 2000 and was nominated for the same position by President George W. Bush in 2001. In 2003, Bush appointed Allyson K. Duncan, the first Black woman to serve. Albert Diaz, the first Hispanic to sit on the court, was appointed by President Obama in 2009.

Major Decisions

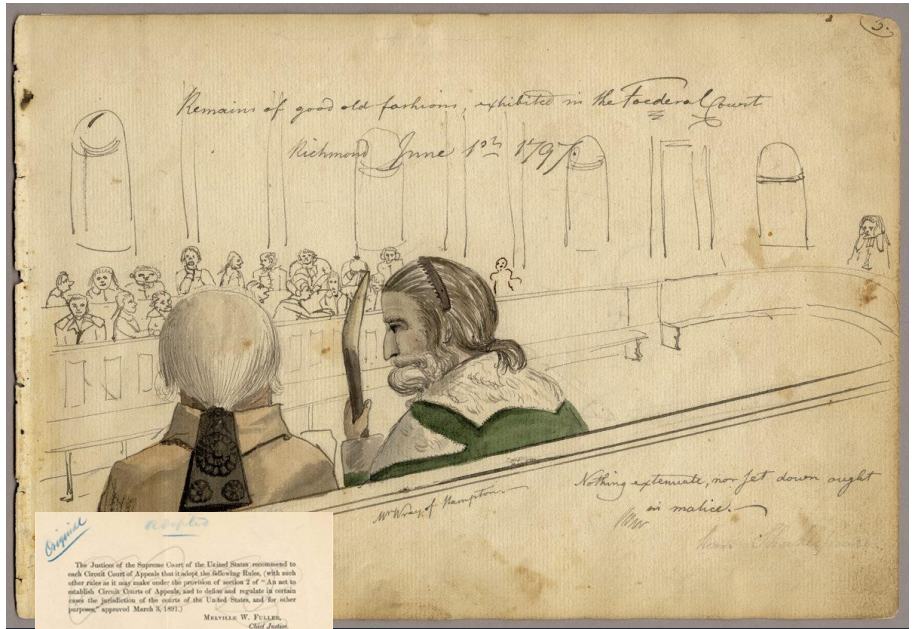
The present-day Fourth Circuit has addressed such complex and divisive issues as the rights of enemy combatants after the 9/11 terrorist attacks, the civil rights of transgender students in public schools, immigration, government surveillance, congressional deference to administrative agencies, and public corruption.

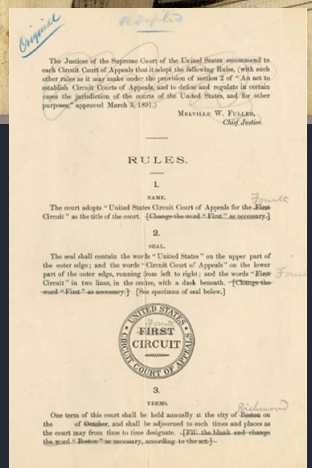
History of the U.S. Courts in Richmond

For over two centuries, the U.S. courts in Virginia have been called upon to resolve the most significant legal, political, and social problems of the day. The federal judicial presence in Virginia began in 1789 with the organization of the district and circuit courts, which initially met in Charlottesville, Richmond, and Williamsburg.

Richmond has been a meeting place for the U.S. district and circuit courts in Virginia ever since, except for a brief interruption during the Civil War. Both the U.S. district and circuit courts met in this courthouse from 1858 until 2008, when the district court moved into the new Spottswood W. Robinson III and Robert R. Merhige, Jr, U.S. Courthouse located in the 700 block of E. Broad Street.

The U.S. Court of Appeals for the Fourth Circuit was constituted in its contemporary form by the Judiciary Act of 1891. The legislation established nine courts of appeals, one for each judicial circuit at the time. This act and later statutes gave the U.S. circuit courts of appeals jurisdiction over most appeals from the U.S. district courts and some petitions for review from federal agency decisions. This reorganization sharply limited the categories of cases that could be routinely appealed directly to the Supreme Court.





Original

The Justices of the Supreme Court of the United States recommend to each Circuit Court of Appeals that it adopt the following Rules, (with such other rules as it may make under the provision of section 2 of "An act to establish Circuit Courts of Appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.)

MELVILLE W. FULLER,
Chief Justice.

RULES.

1.

NAME.

The court adopts "United States Circuit Court of Appeals for the ~~First~~ Fourth Circuit" as the title of the court. ~~[Change the word "First" as necessary.]~~

2.

SEAL.

The seal shall contain the words "United States" on the upper part of the outer edge; and the words "Circuit Court of Appeals" on the lower part of the outer edge, running from left to right; and the words "First Circuit" in two lines, in the centre, with a dash beneath. ~~[Change the word "First" as necessary.]~~ [See specimen of seal below.]

UNITED STATES CIRCUIT COURT OF APPEALS
FIRST CIRCUIT

3.

TERMS.

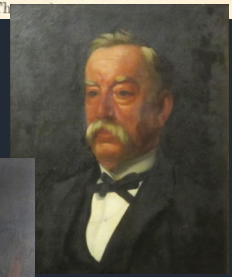
One term of this court shall be held annually at the city of ~~Boston~~ Richmond on the ~~of October~~, and shall be adjourned to such times and places as the court may from time to time designate. ~~[Fill the blank and change the word "Boston" as necessary, according to the act.]~~

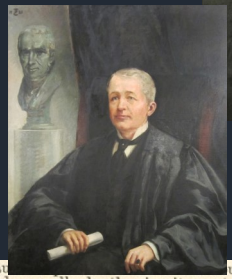
Above: U.S. Circuit Court for the District of Virginia, in session in the Virginia Capitol, June 1, 1797, with U.S. Supreme Court Justice James Iredell presiding (far right). Federal courts met in various rooms of the Virginia Capitol from the 1790s until the 1820s. When Aaron Burr stood trial for treason in circuit court in 1807, the event took place in the Old House Chamber. *B.H. Latrobe Sketchbook, Maryland Historical Society.*

Left: Draft rules for the Fourth Circuit, 1891. The new circuit courts of appeal were the first federal courts designed exclusively to hear cases on appeal from trial courts. The original circuit courts served both trial and appellate functions from 1789 to 1891, and continued to serve as trials courts from 1891 until 1911, when they were abolished. *Fourth Circuit Archives.*

Hugh Lennox Bond was appointed to the U.S. Circuit Courts for the Fourth Circuit — the predecessor to a present-day U.S. district court — in 1870 by President Grant. On June 16, 1891, Judge Bond was assigned as the first judge to sit on the U.S. Court of Appeals for the Fourth Circuit.

Nathan Goff joined Judge Bond on March 17, 1892. Judge Goff was appointed by President Harrison to a new seat created by the Judiciary Act of 1891. Over fifty judges have since served on the Fourth Circuit. Judges appointed to the U.S. circuit courts of appeal continued to also be appointed to U.S. circuit courts until January 1, 1912, when the circuit courts were abolished according to the terms of the Judicial Code of 1911.





Far right: Judge Bond's portrait hangs in the Tweed Courtroom. Judge Bond was the first judge to sit on the Fourth Circuit.

Right: Judge Goff's portrait hangs in the Tan Courtroom. Judge Goff is one of the only Article III Fourth Circuit judges to serve in all three branches of the federal government. Before taking the bench, Judge Goff served as Secretary of the Navy and as a U.S. Representative. He served as a judge on the Fourth Circuit until 1913 when he was elected to the Senate.

Background: The Judiciary Act of 1891 (26 Stat. 826). The Act established the structure of the federal appellate courts we have today. *Fourth Circuit Archives.*

March 3, 1891.

CHAP. 517.—An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.

United States courts. Additional circuit judges to be appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, in each circuit an additional circuit judge, who shall have the same qualifications, and shall have the same power and jurisdiction therein that the circuit judges of the United States, within their respective circuits, now have under existing laws, and who shall be entitled to the same compensation as the circuit judges of the United States in their respective circuits now have.

Qualifications, etc.

Circuit court of appeals created. Composition.

SEC. 2. That there is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record with appellate jurisdiction, as is hereafter limited and established. Such court shall prescribe the form and style of its seal and the form of writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. It shall have the appointment of the marshal of the court with the same duties and powers under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. The court shall also appoint a clerk, who shall perform and exercise the same duties and powers in regard to all matters within its jurisdiction as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the marshal of the court shall be twenty-five hundred dollars a year, and the salary of the clerk of the court shall be three thousand dollars a year, to be paid in equal proportions quarterly. Th

General powers.

Marshal.

Clerk.

Salaries.

on the trial or hearing of such ca urt of appeals. A term shall be held annually by the circuit court of appeals in the several judicial circuits at the following places: In the first circuit, in the city of Boston; in the second circuit, in the city of New York; in the third circuit, in the city of Philadelphia; in the fourth circuit, in the city of Richmond; in the fifth circuit, in the city of New Orleans; in the sixth circuit, in the city of Cincinnati; in the seventh circuit, in the city of Chicago; in the eighth circuit, in the city of Saint Louis; in the ninth circuit, in the city of San Francisco; and in such other places in each of the above circuits as said court may from time to time designate. The first terms of said courts shall be held on the second Monday in January, eighteen hundred and ninety-one, and thereafter at such times as may be fixed by said courts

Terms.

Regular.

Additional.

First term.

Post, p. 1115.

SEC. 4. That no appeal, whether by writ of error or otherwise, shall hereafter be taken or allowed from any district court to the existing circuit courts, and no appellate jurisdiction shall hereafter be exercised or allowed by said existing circuit courts, but all appeals by writ of error otherwise, from said district courts shall only be subject to review in the Supreme Court of the United States or in the circuit court of appeals hereby established, as is hereinafter provided, and the review, by appeal, by writ of error, or otherwise, from the existing circuit courts shall be had only in the Supreme Court of the United States or in the circuit courts of appeals hereby established according to the provisions of this act regulating the same.

No appeal allowed from district to circuit courts.

Appeals, etc., from circuit court.

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases:

"Appeals allowed direct to Supreme Court.

In any case in which the jurisdiction of the court is in issue; in such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision.

Jurisdiction questions.

From the final sentences and decrees in prize causes.

Prizes.

In cases of conviction of a capital or otherwise infamous crime.

Capital crimes.

Richmond's First Federal Building

From 1789 to 1858, the U.S. courts in Richmond sat in various locations downtown. In 1852, Congress appropriated $100,000 for the first federal building in Richmond. Its multipurpose design, with space for a post office on the 1st floor (facing Main Street), the collector of customs on the 2nd floor, and a courtroom, judge's chamber, and jury room on the 3rd floor, was typical of federal buildings built in the 1850s.

The designation of the building as the Richmond Customhouse reflected the importance of the collector of customs in the nineteenth century, when import and export taxes were the largest source of public revenue. The building came to be known as the post office in the early twentieth century.

Architect Ammi B. Young designed Richmond's first federal building. He was pleased with the site, located directly across from Capitol Square and visible from the seat of state government, and called it the best in the city. Young chose the Italianate style, popular in the mid-nineteenth century, for the Richmond Customhouse and more than a dozen others nationwide. It enabled him to maximize space and light at minimal cost per square foot and was easy to adapt and expand. Construction began in 1856 and was completed in 1858.

1864 map of the city of Richmond, Va., showing the location of the customhouse just south of Capitol Square. *Library of Congress.*

Witness to War & Emancipation

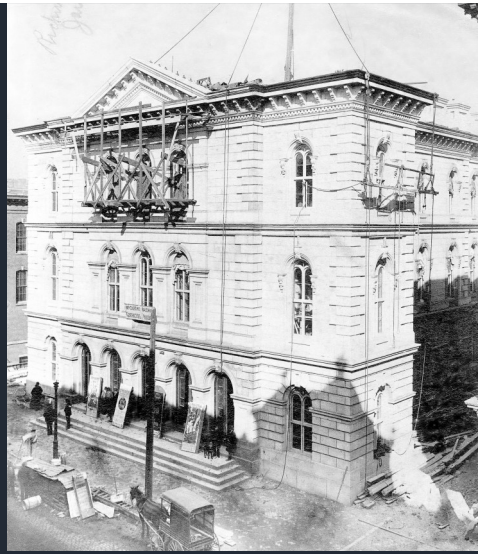
When Richmond was occupied during the Civil War, the Confederate government used the building for executive office space. After the war, the U.S. Circuit Court for the District of Virginia appointed a petit jury as part of proceedings against Confederate President Jefferson Davis on charges of treason. It was probably the first interracial jury in Virginia. Davis appeared in the federal courtroom on the 3rd floor for a habeas hearing on May 13, 1867. The trial never proceeded and charges were dropped.

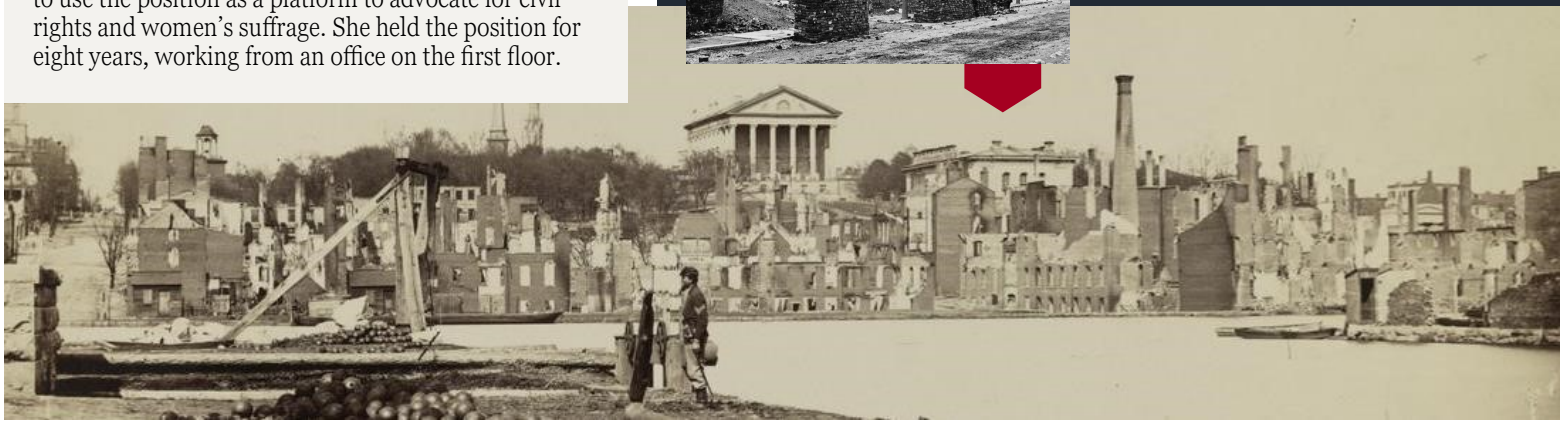
In 1869, President Grant appointed Elizabeth Van Lew, a Richmond Unionist, abolitionist, and highly successful spy, postmaster of Richmond. Van Lew was the first postmaster to hire African Americans and women and to use the position as a platform to advocate for civil rights and women's suffrage. She held the position for eight years, working from an office on the first floor.

Bottom: Taken from the south side of the Canal Basin, April 1865, showing the still standing Virginia Capitol and Customhouse among the ruins from the fires that swept the lower business district. *Library of Congress.*

Inset: Bank St. façade of the Customhouse, April-June 1865. *Library of Congress.*

Top: Exterior construction, 1889. The first expansion, completed in 1889, changed the shape of the building from a rectangle to an I shape. *General Services Administration (GSA).*





A Grand Post Office & a New Court

The nineteenth-century Richmond Customhouse was essentially reconstructed and expanded between 1900 and 1912 to provide more space for the post office and courts. A fourth floor was added and the western perimeter of the building was extended to 10th Street. An east wing was added extending the building to 11th Street between 1930 and 1932. The consistency of design and detailing of the exterior resulted in a faithful interpretation of the original building exterior outlined by architect Ammi Young.

Most of the architectural woodwork from the original construction was reused in three new courtrooms designed by James Knox Taylor (the Blue and Gold Courtrooms on the 3rd floor and the Red Courtroom on the 4th). The Gold Courtroom was created for the new appellate court. The five arches forming an arcade on Main Street and three arches at the entrance on Bank Street were also preserved and incorporated into the reconstructed building. Knox's courtrooms and corridors on the 1st, 3rd, and 4th floors are still in use and virtually intact. They are the most unique and significant design features of the interior.

Clockwise from top left: Construction, 1910, showing Bank St. façade, a portion of which was preserved and incorporated into the new building. ❖ View of the new post office from Main St., 1912. ❖ Installation of revolving doors in the 1912 postal lobby during the east wing expansion project, 1930-1932. *GSA.*

Parcel Post Building to Courthouse Annex

The Parcel Post Building was designed by Richmond architect Marcellus Wright, Sr., in 1929 and built by the Public Works Administration in 1935-1936. Its architectural significance lies in its juxtaposition to the Courthouse. The Modernist Art Deco design contrasts sharply with the continuity of design and revivalist style of the Courthouse, Virginia Capitol, and nineteenth-century cast iron-fronted buildings across the street.

Wright's design displays many features characteristic of the Modernistic Art Deco style: low-relief, frequently incised geometric designs, continuous scrolled banding, and fluted jams in deeply recessed doors. Incised, stylized carvings of eagles, shields and stars signal federal ownership of the building. The building's limestone facing survives almost completely intact. Wright is known for his Moorish Revival design of the Altria Theater, a Richmond landmark.

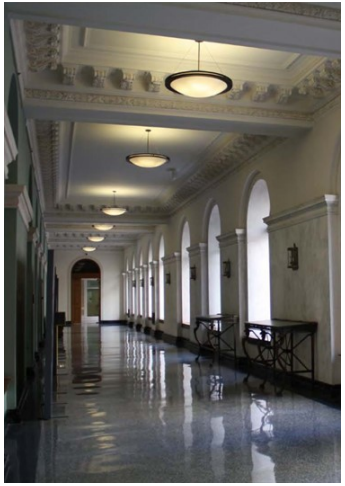
Most of the original interior was removed when it was remodeled in 1973. It currently houses offices for the Fourth Circuit and other federal agencies.

Counterclockwise from top: Parcel Post Building from Bank St., 1939. *National Archives.* ❖ Garage of the Parcel Post Building showing mail chute and mail truck, circa 1939. *National Archives.* ❖ Main St. entrance, showing fluted jams in recessed doorways typical of Modernistic Art Deco design, 2009. *Beyer Blinder Belle Architects & Planners.*

Restoring a Historic Building for an Expanding Court

The departure of the postal sorting operations in 1972, when most operations moved to another facility north of downtown, allowed for the restoration of historically significant courtrooms, corridors, and chambers from the 1912 expansion. The vaulted ceilings and arches in the 2nd floor Bank Street lobby were built in the 1990s, with deference to the original structure. A portion of the original Greek Revival detail work in the Main Street lobby was restored after the post office closed its remaining public service lobby in 1991. Finishing details in the Red Courtroom, including the original pale blue color on the vaulted barrel ceiling, were brought back in 2003.

The U.S. Courts also oversaw construction of two new courtrooms in the 1970s and a third in 2000. The post office mail processing room on the 2nd floor was replaced with the Tan Courtroom and Green Courtroom. The Green Courtroom was renamed the John D. Butzner, Jr. En Banc Courtroom in 2006, in honor of Judge Butzner, who sat on the court from 1967 to 2006 with chambers in Richmond. He took a particular interest in the historic preservation of the courthouse. The Tweed Courtroom on the 4th floor was added in 2000.



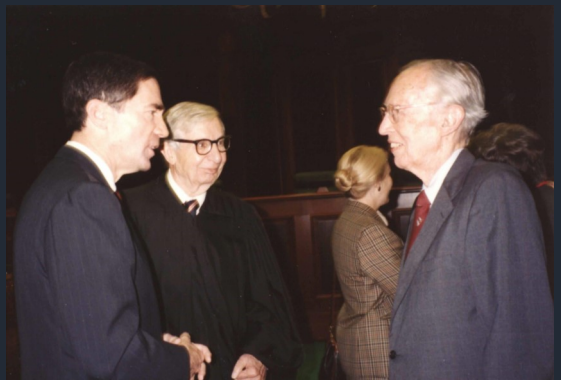
Clockwise from top: John D. Butzner, Jr. En Banc Courtroom, with unique semicircular bench. ❖ Main St. lobby, formerly the postal lobby, after restoration. ❖ 1912 Red Courtroom, with restored vaulted barrel ceiling. *Beyer Blinder Belle Architects & Planners.*

Dedication of the Lewis F. Powell, Jr. U.S. Courthouse

President Clinton signed legislation designating the former Richmond Customhouse, Post Office, and Courthouse the Lewis F. Powell, Jr. U.S. Courthouse in 1993. President Nixon appointed Powell to the Supreme Court in 1971, and he assumed senior status in 1987.

Powell practiced law in Richmond from 1932 to 1971 and chaired the Richmond School Board from 1952 to 1961. He considered his most important judicial opinion to be *Regents of the University of California v. Bakke* (1978). In a 5-4 decision, the Court upheld the concept of affirmative action but ruled the use of racial quotas was unconstitutional.

Left: Portrait of Justice Powell by George Augusta, 1972. Presented by the Virginia Law Foundation. The portrait hangs in the Bank St. lobby.



Right: Virginia Senator Chuck Robb, one of four sponsors of legislation naming the Courthouse for Justice Powell, Judge John D. Butzner, Jr., and Justice Powell at the dedication in December 1993. Senator Robb clerked for Judge Butzner from 1973 to 1974. *Powell Archive, Washington & Lee University Law School.*

Far right: Bank St. lobby view toward the entrance, showing the vaulted ceilings and arches built in the 1990s. *Beyer Blinder Belle Architects & Planners.*

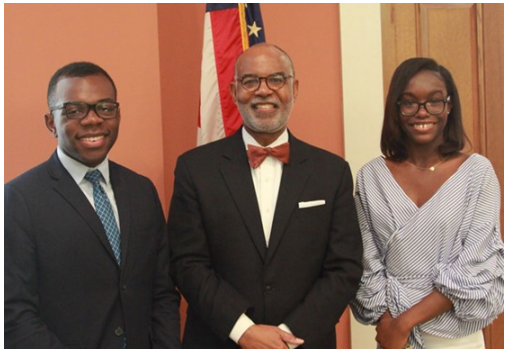
Community Engagement & Civics Education

The U.S. Court of Appeals for the Fourth Circuit is dedicated to promoting citizens' understanding of the Constitution and the function of the federal judiciary.

Started in 2017, the **Fourth Circuit Student Essay Contest** encourages students to consider their constitutional rights and share their thoughts in order to help them become more knowledgeable citizens. The annual contest runs during the spring, and is open to students in grades 9 through 12 from the five states within the Fourth Circuit. Three cash prizes are awarded, and the recipients are recognized at the Court's **Constitution Day Program** in September.

Federal judges within the Fourth Circuit administer the **Oath of Allegiance** during naturalization ceremonies, the culmination of a rigorous process to apply for U.S. citizenship. These important civic events are open to the public and bring communities, schools, and new citizens together in courtrooms and other community sites throughout the year.

Sponsored by the court, the **Fourth Circuit Appellate Practice Seminar** features appellate judges and attorneys who provide insight into the appellate process and deliver educational programming and resources. CLE credit is often available.



Counterclockwise from top: Award winners of the 2017 Student Essay Contest with Chief Judge Gregory. The plaque honoring past winners hangs in the Fourth Circuit Library. ❖ Citizenship candidates taking the Oath of Allegiance administered by Chief Judge Gregory in 2018 at the Virginia Museum of History & Culture. ❖ "Tips for Effective Appellate Advocacy — Perspectives from the Bench and Bar" panel during the 2019 Fourth Circuit Criminal Appellate Practice Seminar. *Fourth Circuit Clerk's Office.*

Local students with honored guest Sixth Circuit Judge Damon Keith (seated at center) in the Butzner Courtroom in 2015. *Fourth Circuit Clerk's Office.*

Visiting the Court & Scheduling a Tour

The Powell Courthouse is located in downtown Richmond, near Capitol Square. The primary entrance is on Main Street, with a secondary entrance open on Bank Street when court is sitting. Visitors must show photo identification and pass through security screening in order to enter the building. Please note that electronic devices, food, and beverages may not be brought into the courthouse. Photographs, video recording, and audio recording are prohibited. Wheelchair access is available through the Main Street Entrance.

The Fourth Circuit hears oral argument for six weeks each year in Richmond. Please visit www.ca4.uscourts.gov to view the oral argument calendar. Student groups interested in attending oral argument are encouraged to use the contact information below for assistance in coordinating their visit.

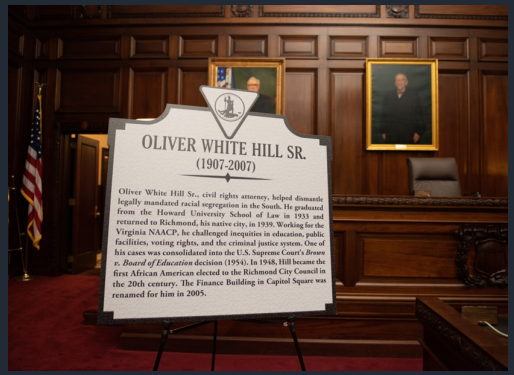
Free guided tours of the Courthouse are available by appointment.

Telephone: (804) 916-2715

Email: tours@ca4.uscourts.gov

Lewis F. Powell, Jr. U.S. Courthouse
1000 East Main Street
Richmond, VA 23219

A Living Monument to the History of the Federal Government in Richmond



Clockwise from left: Chief Judge Karen J. Williams with U.S. Supreme Court Justice Sandra Day O'Connor in one of the historic Courthouse chambers, March 2008. Each was the first woman appointed to her respective court. *Fourth Circuit Archives*. ❖ Emancipation Day parade past the Courthouse (center building) on Main St., circa 1905. *Library of Congress*. ❖ Supporters and opponents of gay marriage demonstrate outside the Courthouse, May 13, 2014. *Richmond Times-Dispatch*. ❖ Nancy Johnson, one of Richmond's first female mail carriers, on the Main St. steps, July 20, 1972. *Richmond Times-Dispatch*. ❖ The Oliver White Hill Sr. historic marker during the dedication ceremony in the Red Courtroom, February 6, 2020. Spottswood W. Robinson III was also honored with a historic marker during the ceremony, and both markers are now located on Main St. in front of the Courthouse. *Governor of Virginia's Office*.

Rev. 2023-02-02