

JOHN MARSHALL AND EARL WARREN
THE UNITED STATES SUPREME COURT AND FREEMASONRY
BY
IRA GILBERT, PM, PDDGM

From its early beginning, there have been Justices of the United States Supreme Court who were Freemasons. Many of these Justices were Worshipful Masters, and three of these brethren rose to the title of Most Worshipful Grand Master. From 1949 to 1954, eight of the nine Supreme Court Justices were Master Masons. However, from 1992 to the present time, this record of continuance of Masonic membership was broken. During this time period that has not been a Masonic presence on the Court. It can be speculated that their association with our brotherhood formed there perspective when these brethren wrote their decisions.

The list of Masonic Justices contains many illustrious names. Their association with our fraternity has been well documented. Justices such as John Jay, Joseph Story, John M. Harlan, William Howard Taft, Hugo L. Black, William O. Douglas, and Thurgood Marshall were all on this list. Seven Chief Justices, John, Jay, John Rutledge, Oliver Ellsworth, John Marshall, William Howard Taft, Fred M. Vinson, and Earl Warren share this honor.

One Justice, David Davis was a close friend of President Abraham Lincoln. There is evidence he was buried with Masonic honors in Bloomington, Illinois. William Howard Taft was made a Masonic At Sight while he was President of the United States. His Masonic activities were well documented. He would regularly visit a lodge. It is known that he attended meetings of the George Washington National Memorial Association.

Robert Trimble, an Associate Justice from 1826 to 1828 was Master of Union Lodge #16 in Paris, Kentucky. Henry Baldwin, an Associate Justice from 1830 to 1844 was Master of Lodge #45 in Pittsburgh, Pennsylvania. Joseph R. Lamer, an Associate Justice from 1910 to 1916 was Senior Warden of Webb Lodge # 166 in Augusta, Georgia. Many of the Justices over the years also belonged to one or more Appendant Bodies. There were three Justices who became Most Worshipful Grand Masters in their state Grand Lodges. John Blair, Jr. who served on the Court from 1789 to 1796 was Most Worshipful Grand Master of Virginia from 1778 to 1784. The other two Justices who became Grand Masters were of particular note and will be treated at length in the balance of this article.

Chief Justice John Marshall served in his position from 1801 to 1835. He was Grand Master of Virginia from 1793-1795. Chief Justice Earl Warren served on the Court from 1953 to 1969. He was Grand Master of California for the years 1935 and 1936. Justice Warren was also Potentate of Aahmes Shrine, was 33rd Degree Scottish Rite Mason, having served as presiding officer in two Scottish Rite bodies in Oakland, California. The balance of this article will detail the lives of Most Worshipful Brethren John Marshall and Earl Warren.

JOHN MARSHALL

For the information regarding the life of John Marshall, I am indebted to Bro. Thomas P. Tignor,

Junior Deacon of the Virginia Research Lodge, Grand Secretary, Grand Chapter, Royal Arch Masons, and the Scottish Rite Bodies of Richmond, Virginia.

Most Worshipful Brother John Marshall was born on September 24, 1755 near Germantown, Virginia. He was the eldest of fifteen children. His father was Colonel Thomas Marshall, and his mother was Mary Randolph Marshall.

The Marshalls came from a distinguished family background. Mary Randolph Marshall came from a family that included the Jeffersons, the Randolphs, and the Lees. Colonel Thomas Marshall counted Bro. George Washington as a good friend. Colonel Marshall also served in the House of Burgess at Williamsburg along with such distinguished men as Patrick Henry, George Washington, George Wythe (first American law professor, signer of the Declaration of Independence, participant in the Continental Congress and Constitutional Convention), and Thomas Jefferson. It is from this eminent background that Most Worshipful John Marshall gained his early life experiences.

As stated above, John Marshall was considered to be the greatest Supreme Court justice in history. It is unusual, then, to outline his experience learning the basics of his chosen profession. John Marshall only took courses in law for a period of six to eight weeks at the College of William and Mary. His studies were under the tutelage of George Wythe. He was admitted to the bar in Virginia on August 28, 1780. His licence to practice law was signed by the then Governor of Virginia, Thomas Jefferson.

John Marshall was a hero of the Revolutionary War. He started in the military as a lieutenant, later promoted to captain in the Culpeper Minutemen and then in the Virginia Continental Army. He fought in the Battle of Great Bridge in 1776, the battle of Brandywine, and other battles leading to his experiences during the battle at Valley Forge. While serving at Valley Forge he met and befriended General George Washington. He also served with Alexander Hamilton and James Monroe. John Marshall went on to fight in several more battles in the American Revolution.

After his military service, John Marshall was appointed deputy Judge Advocate prosecuting court marshals. It was at this time that he became involved with what became his judicial experience.

John Marshall married the love of his life, Polly Ambler. Meeting in 1779, their relationship lasted for 53 years. After their marriage in 1783, 10 children were born to this couple. Polly's death in 1831 devastated her husband.

John Marshall's Masonic career started when, with George Washington, he was initiated as an Entered Apprentice during his time while at Valley Forge. Apparently he was also raised to the sublime degree of Master Mason while at Valley Forge.

It cannot be determined when MW Brother John Marshall joined his Blue Lodge. It is known that he was a member of Richmond Lodge #13, later changed to Richmond Lodge #10. He also

was a Companion in Royal Arch Chapter #3 located at Richmond, Virginia.

On January 2, 1786 he was appointed to a committee of the city council of Richmond. He was to form a lottery to raise money for to erect and complete FreeMason's Hall in Richmond. On October 5, 1785, he helped lay the corner stone of Free Mason's Hall. The building housed Richmond Lodge #10 starting on July 11, 1786. The Virginia Grand Lodge met there in October 27, 1786. On March 31, 1792, Richmond Royal Arch Chapter met in this lodge hall. It is said that Mason's Hall is the oldest Masonic building in continuous use in the United States.

John Marshall practiced law with an office in Mason's Hall. He also acted as a judge while in this building.

There is a possibility that John Marshall, on orders from George Washington, was influential in getting the Virginia delegates to approve the new Constitution, over the objection of Patrick Henry.

Further reports regarding John Marshall's Masonic experience included information that he presided over a visit of General Lafayette and his son, George Washington Lafayette. He was also present at the lying of the corner stone of the Virginia State Capitol.

On October 27, 1786 when he was 31 years of age, John Marshall was appointed Deputy Grand Master of Masons in the State of Virginia. There is evidence that between 1786 and 1790, John Marshall attended 15 sessions of the Virginia Grand Lodge.

An interesting fact is that John Marshall purchased the Master's chair for Richmond Lodge #10. This chair was made in England and is still utilized as the Master's chair for Richmond Randolph Lodge #19.

Brother Marshall was elected to the office of Deputy Grand Master a second time. Another interesting fact is the report that as Deputy Grand Master, John Marshall signed the dispensation to start Marshall Lodge in Lynchburg, Virginia. This is said to be the only time that a Deputy Grand Master signed a dispensation for naming a lodge in his own name.

At the communication of the Virginia Grand Lodge in 1793, John Marshall was elected as Most Worshipful Grand Master of Virginia. He was 38 years old at the time. The last time that Most Worshipful Brother John Marshall presided over the Virginia Grand Lodge was on November 23, 1795.

It was John Marshall that offered a resolution in Congress to build a marble monument in Washington, D.C. honoring his friend, George Washington. The resolution to fund this monument did not pass, but later, John Marshall headed a private foundation to get Congress to donate the site for the Washington Monument. The cornerstone for the monument was laid on July 4, 1848 and dedicated with Masonic ceremonies on February 21, 1888.

John Marshall was an active Mason during the 1800s, serving on many Masonic committees.

John Marshall died on July 6, 1835 at age 80. He was buried with Masonic ceremonies on July 9, 1835. The brethren of Richmond Randolph Lodge #19 conducted the funeral. He was interred at Shock Cemetery in Richmond, Virginia with further Masonic honors. Thus ended the life of a just and upright Mason.

EARL WARREN

Earl Warren was the 14th Chief Justice of the United States Supreme Court. He was widely separated in time from Chief Justice John Marshall. However, he was close to Chief Justice Marshall in political philosophy.

Earl Warren was born in Los Angeles, California on March 19, 1891. His father was an immigrant from Norway. His mother came to this country from Sweden. His father was a long time employee of the Southern Pacific Railroad. Young Earl had summer jobs working for the railroad.

Growing up in Bakersfield, California Warren's life was marred by the murder of his father. Earl Warren was well educated, getting a Bachelor of Arts Degree from the University of California in 1912. His Bachelor Degree was in legal studies. He then earned a Bachelor of Laws Degree in 1914.

While in college he was a member The Gun Club secret society. He also was a member of another group with which he kept a life long association, Sigma Phi fraternity. Warren was a musician, playing clarinet in the University of California band.

Warren was admitted to the Bar in 1914. One of his college friends was named Robert Gordon Sproul, who, at the 1948 Republican Convention nominated Earl Warren to become Vice President of the United States.

After graduation from college, Earl Warren worked for the Associate Oil Company in San Francisco. Leaving this job, he was connected with a law firm in Oakland, California.

In 1917 Earl Warren enlisted in the United States Army to serve during World War I. He served with the 91st Division at Camp Lewis, Washington. He was discharged as a 1st lieutenant in 1918.

After conclusion of his military service, Warren became a clerk for the Judicial Committee for the 1919-1920 session of the California State Assembly. Warren's legal career then continued with employment as Deputy City Attorney for Oakland, California, serving from 1920-1925.

Earl Warren progressed when he was noticed by Joseph R. Knowland, who was an influential publisher of the Oakland Tribune. With the help of Knowland, Earl Warren was appointed to the position of District Attorney for Alameda County, California. He was re-elected to three consecutive four year terms as District Attorney. Warren was known as a no nonsense tough on

crime District Attorney from 1925 to 1939. He was reputed to be a high handed individual, however, none of the convictions handed down while he was District Attorney were overturned. Later, as a Court Justice he later declared some of the techniques he used as District Attorney to be unconstitutional.

As a tough no nonsense District Attorney, Warren earned a reputation as the best District Attorney in the United States. He was a strong advocate for police departments. However, he was also an advocate for fair dealing by prosecutors and the police.

Earl Warren married Nina Elisabeth Palmquist Meyers, who, like his mother was of Swedish descent. He was married on October 4, 1925. Warren's wife died at the age of 100. The Warrens had a family consisting of six children.

Earl Warren joined many social organizations. He was a member of groups such as the American Legion, the Benevolent and Protective Order of Elks, and, notably he became a Free Mason. As a result of these memberships, Warren acquired a progressive and liberal philosophy.

In 1938, winning primaries with all political parties, a legal situation due to California law, as Attorney General of California. He was a strong anti crime Attorney General, cracking down on gambling ships that plied the Pacific Ocean off of the coast of California. Warren served as California Attorney General from 1939 to 1943.

In 1943, Earl Warren was elected as Governor of the State of California. Other than Governor Jerry Brown, Warren was the only person elected as Governor three times. He ended his terms as Governor in 1953.

In October of 1953, Earl Warren was nominated, by President Dwight Eisenhower as the 14th Chief Justice of the United States Supreme Court. He held this position until June, 1969.

During his service as Chief Justice, Warren earned a reputation as a liberal and progressive Justice. He wrote several important decisions that changed the legal framework in the United States. Among these decision was *Brown vs. Board of Education*, which desegregated the schools in the United States. He also wrote the decision in *Miranda vs. Arizona*. This case mandated that certain warnings were to be given to those who were arrested for criminal activity. Warren also championed the 1st Amendment, writing a decision eliminating prayer in the schools. After retiring from the Supreme Court, Warren was appointed to lead the Warren Commission, investigating the circumstances surrounding the assassination of President John F. Kennedy.

Earl Warren was an ardent brother in the Masonic fraternity. He was initiated as an Entered Apprentice in 1934. He progressed through the Blue Lodge degrees, becoming a Master Mason. He was Worshipful Master of his lodge and later became Most Worshipful Grand Master of Masons in California from 1935 to 1936. He was an officer in two of the Scottish Rite bodies and was coroneted a 33rd Degree Mason in the Scottish Rite. Warren also served as Potentate of Aahmes Shrine Temple.

Earl Warren's Masonic philosophy can best be summed up by a quotation from Jim Newton, his biographer. Newton wrote that "Warren thrived in the Masons because he shared their ideals, but the ideals also shaped him, nurturing his commitment to service, deepening his conviction that society's problems were best addressed by small groups of enlightened, well meaning citizens. Those ideals knitted together Warren's Progressivism, his Republicanism, and his Masonry".

Earl Warren died on July 9, 1974. His funeral took place at the Washington National Cathedral. Warren was buried at Arlington National Cemetery. He left a lasting impact on the fabric of the United States of America.

John Marshall and Earl Warren were separated by many years. However, their impact on this United States of America was great. Here we have two brethren who embodied the term of being a just and upright Mason.