Roger Brooke Taney

(1777–1864)

The fifth chief justice of the Supreme Court of the United States, Roger Brooke Taney was born in Calvert County, Maryland. Taney first practiced law in 1799 in Annapolis. He moved two years later to Frederick, Maryland, then to Baltimore in 1823. Appointed U.S. attorney general by President Andrew Jackson in 1831, Taney supported the president in his opposition to rechartering the Second Bank of the United States, which was one of the major issues of the day. Consequently, Jackson appointed Taney secretary of the treasury in 1833 during a congressional recess. Taney proceeded to withdraw federal funds from the Second Bank and establish a system of government depositories, drawing fire from the bank's supporters. Meeting in 1834, the Whig-dominated U.S. Senate failed to confirm Taney as secretary of the treasury. The following year he was nominated for an associate justiceship and again rejected by the Senate. At the end of 1835, however, with the Senate back under Democratic control, he was nominated by the president for chief justice and was subsequently confirmed in 1836 despite strong Whig opposition.

Taney's judicial opinions as chief justice reversed a pattern of interpretation established by his eminent predecessor, John Marshall. Instead of emphasizing federal supremacy, Taney upheld state sovereignty, especially in relation to the threatened domination of the South by Northern culture and interests. The 1857 *Dred Scott* v. *Sandford* case, in which the Supreme Court determined that a slave under Missouri law had no constitutional right to bring suit in federal court, most clearly demonstrated this view. Taney served as chief justice for 28 years, second only to Marshall in tenure. He died at age 87 in 1864.

Though this bust of Chief Justice Roger B. Taney was executed by the noted sculptor Augustus Saint-Gaudens, much credit must go to William Henry Rinehart, for whom the commission was probably intended. Rinehart had previously made a much-admired bronze, life-size figure of Taney for the statehouse at Annapolis, Maryland, which was unveiled in 1872. The Joint Committee on the Library evidently hoped that Rinehart would replicate the head of this sculpture for the Supreme Court Chamber in the U.S. Capitol.

The commissioning of such a bust, however, had previously met with strong opposition in Congress. Several years earlier, in February 1865, a heated debate erupted in the Senate Chamber when Senator Lyman Trumbull of Illinois introduced a bill providing for a bust of Taney for the Supreme Court room. In response, Senator Charles Sumner of Massachusetts exclaimed: "I object to that; that now an emancipated country should make a bust to the author of the Dred Scott decision." While Trumbull eulogized the late chief justice, noting that even if Taney had made a wrong decision he was still a great and learned man, Sumner retorted: "Let me tell that Senator that the name of Taney is to be hooted down the page of history. Judgement is beginning now; and an emancipated country will fasten upon him the stigma which he deserves."[1] Following the debate further action on the bill was indefinitely postponed.

Therefore, it was not until January 29, 1874, that a congressional resolution authorized the Joint Committee on the Library to procure a bust of Taney and one of Chief Justice Salmon P. Chase. A later note on this appropriation in the *United States Reports* mistakenly cites Rinehart as the author of the completed bust, but he died in Rome on October 28, 1874, before action could be completed on the commission. It is unclear if Rinehart even knew of the committee's intention, but if he did, Saint-Gaudens probably knew as well. The two were closely associated in the American art colony in Rome.

When the committee at last acted upon this legislation two years later, it directed the chairman "to contract with some competent artist for a bust of the late Chief Justice Taney, the head of same to be modeled after that of the Chief Justice [by William H. Rinehart] at Annapolis. The cost of the same not to exceed $1,000."[2] Saint-Gaudens, then in New York City, quickly learned of the opportunity from a patron (former New York Governor Edwin D. Morgan, who was at that time a senator),

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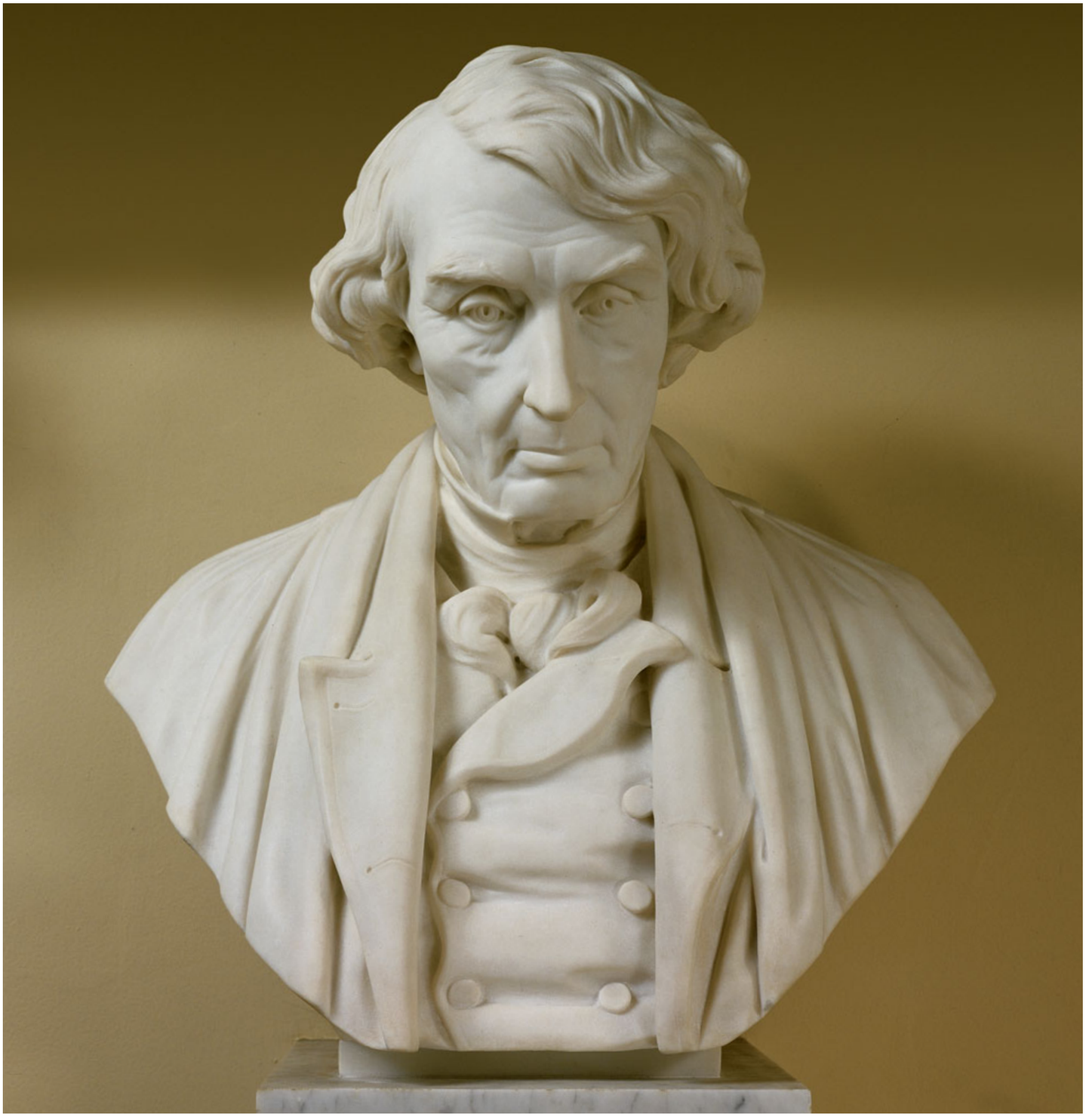
Roger B. Taney

Augustus Saint-Gaudens (1848–1907)

Marble, 1876/1877
25¾ x 24 x 14 inches (65.4 x 61 x 35.6 cm)
Unsigned
Commissioned by the Joint Committee on the Library, 1876
Accepted by the Joint Committee on the Library, 1877
Cat. no. 21.00018



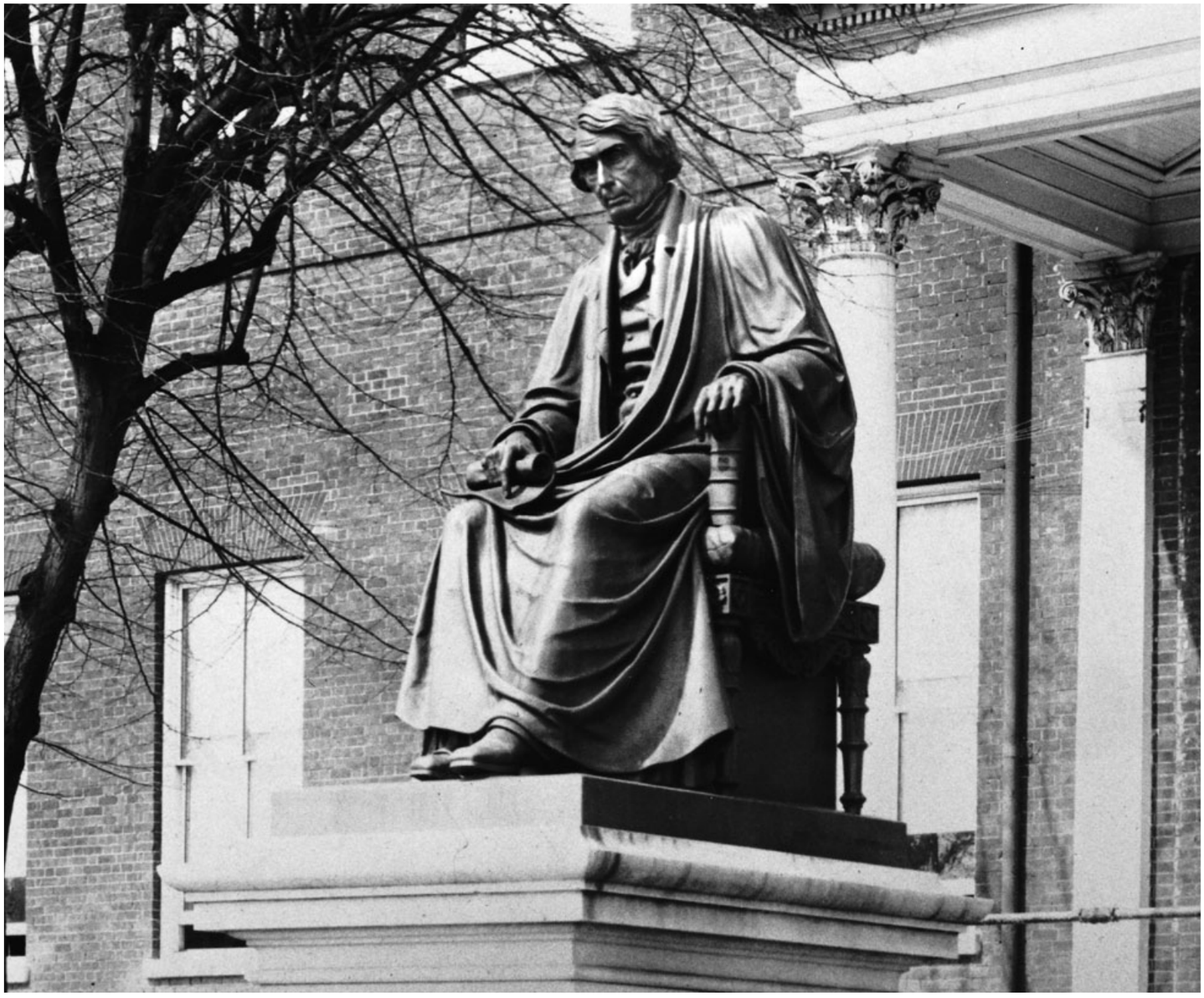
The plaster model for the bust of Chief Justice Roger B. Taney by Augustus Saint-Gaudens.
(U.S. Department of the Interior, National Park Service, Saint-Gaudens National Historic Site, Cornish, NH)

and was in Washington, D.C., by February. He secured the contract, which stipulated that the "bust should be a faithful copy of the head of Rinehart's Chief Justice." The fee was set at $700, not $1,000, presumably because it was for a copy.

There appears to have been some dissatisfaction on the part of the committee members concerning the completed bust. In his own defense, Saint-Gaudens wrote to Senator Justin Morrill of Vermont: "If there are any artistic defects in the work, which in justice to the deceased artist I do not feel free to speak of, they cannot be credited to me. My work is a faithful copy according to contract and as to that I will refer to any artist." In fact, Saint-Gaudens was able to translate the sensitive, dignified face modeled by Rinehart into stone with no loss of character. Saint-Gaudens's plaster sketch/model is extraordinarily fresh and vigorous, and is the perfect bridge between the bronze and the marble.

The costume of the Saint-Gaudens bust closely follows Rinehart's model. A tightly wound cravat presses a stiff wing collar against the jaw, while its flowing ends billow in the opening of his tightly buttoned waistcoat. In a little minuet of overlaps, the left lapel of his waistcoat overlaps the lapel of his suit coat. That lapel in turn is tucked under the edge of the judicial robe, while the right lapel of his coat evades the robe and lies atop it. This elegant play of in and out, of curves against angles, animates the larger design of the costume with its powerful verticals and horizontals.

Although the bust is strongly symmetrical, the head is tilted forward and ever so slightly to the left. The lean, variegated face is carved with extraordinary skill, particularly around the eyes, which suggest preoccupation. Meanwhile, the unagitated, judicious face is underlined by the full lower lip and wide horizontal crease above the chin. It is a pose of reflective deliberation, and in all, an excellent, agreeable work which does its sculptor great credit. The bust was completed by 1877 and placed in the Supreme Court Chamber. Saint-Gaudens is further represented in the U.S. Senate by a bust of Chester A. Arthur (p. 18).



Augustus Saint-Gaudens copied the head of this 1872 statue by William Rinehart for his Senate bust of Roger B. Taney.
(Courtesy of the Maryland Commission on Artistic Property of the Maryland State Archives MSA SC 1545–0760)