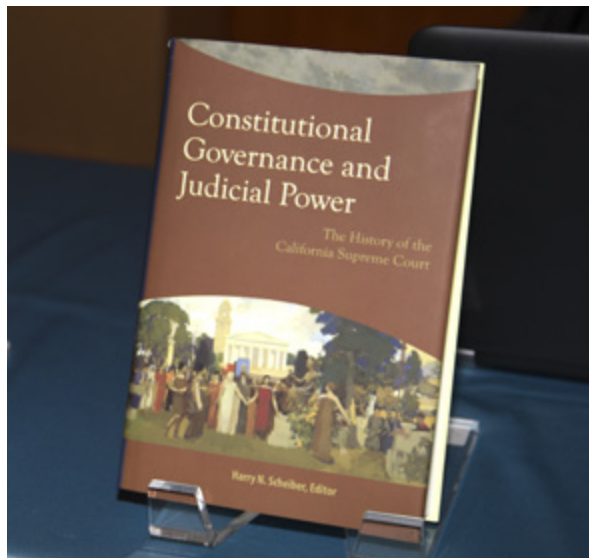


conviction of a white defendant because it was based on the testimony of a Chinese witness. Conversely, former Chief Justice George praised the Court's 1948 trail-blazing decision in *Perez v. Sharp*.⁴ Nineteen years before the U.S. Supreme Court's decision in *Loving v. Virginia*,⁵ a plurality of the California high court signed onto Chief Justice Roger G. Traynor's decision invalidating the state's anti-miscegenation law. Contrary to the perceived shift of power from state to federal courts, former Chief Justice George continues to see California leading the way in civil rights because such rights in California are based on the state and not just the federal constitution.

Professor Scheiber concluded the program by highlighting the historical significance of the book itself and expressing the hope that the publication would contribute to a deeper understanding and appreciation of California's Constitution and its legal history among the general public as well as continued academic interest. Two of the other book authors on the stage, Charles J. McClain, vice chair of the Jurisprudence and Social Policy Program at Berkeley Law, and Bob Egelko, legal affairs reporter for the *San Francisco Chronicle*, concurred in that assessment. The event, which was underwritten by the Historical Society and several law firms, finished with hors d'oeuvres and wine in the foyer outside the auditorium. ★

ENDNOTES

1. *Spiritual Psychic Science Church v. City of Azusa*, 39 Cal. 3d 501 (1985).
2. *Mackenzie v. Hare*, 165 Cal. 1976 (1913).
3. *People v. Hall*, 4 Cal. 399 (1854).
4. *Perez v. Sharp*, 32 Cal. 2d 711 (1948).
5. *Loving v. Virginia*, 388 U.S. 1 (1967).



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California's Lost 'Arcadia'

Constitutional Governance and Judicial Power: *The History of the California Supreme Court*, the Society's newest publication and perhaps the most comprehensive account of the state high court, contains a 65-year old mystery. The mural that graced the Supreme Court's San Francisco courtroom from 1924 to 1950 and that now adorns the volume's cover, was removed during a renovation and has been lost ever since.

"The Commonwealth" was painted by Arthur Mathews, one of California's most famous artists. The enormous mural, fourteen feet high and thirty-four feet long, depicted California as "a prosperous, harmonious and cultivated Arcadian state," as Ray McDevitt noted in the *CSCHS Newsletter*, Spring/Summer 2011,¹ including symbols from Greek mythology, literature, justice, commerce and nature.

A sought-after painter whose work hung in the homes of San Francisco's elite as well as in the State Capitol rotunda, Mathews was chosen to paint a mural for the Supreme Court's courtroom in the new state office building, then under construction in San Francisco's Civic Center. His finished painting, for which the state apparently paid \$8,000,² was installed on the north wall of the new courtroom on April 10, 1924; it covered the entire wall above the justices' bench. The following morning, Mathews wrote that he experienced his first moments of "real 'comfort' after eighteen months of anxiety and hard labor."

In the early 1950s, however, the state spent \$80,000³ to expand and renovate the State Building. Naugahyde covered the architectural detail on the walls. The neo-classical dome and skylight were hidden by a dropped ceiling and fluorescent lighting. Mathews' mural, deemed out of place, was rolled up and stored away. According to the records of the California Department of Public Works, "the large painted canvas mural on the north wall of the Supreme Court Room (space 441) which is in sections will be carefully removed so that the canvas is not damaged in any way. The sections will be rolled, numbered and stored in the basement of the building until received by the State."⁴ The *Madera Tribune* noted that no one knew who ordered this work and "[s]ome amazement at the redecorating job was expressed."⁵ According to the report of the Director of Public Works, the contract for the renovations was awarded in September 1950 to Arthur W. Baum, a San Francisco general contractor.⁶



The lost mural, “The Commonwealth” by Arthur Mathews, as it appeared at the Supreme Court.

BLACK-AND-WHITE PHOTO OF COLOR MURAL, MOULIN STUDIOS

Following the 1989 Loma Prieta earthquake, the damaged, seven-story 1950s annex was demolished, and the 1920s State Building (renamed the Earl Warren Building) was seismically updated with its original architectural details restored. The justices’ bench was redesigned to resemble the original with space overhead to replace Mathews’ mural.

But no one could find it. An extensive search of storerooms, courthouses, historical societies, and art collections around California turned up nothing.

What remains is Mathews’ smaller study for the mural — now part of the Santa Barbara Museum of Art’s collection — which is the cover image on the Society’s court history book.

A second image fortuitously surfaced in recent years: a photograph of the justices of the Court, most likely taken in the 1920s or 1930s, standing in the courtroom. Above them was a complete image of the lost Mathews mural. Friends of a former law clerk for one of the Court’s justices bought the print at a Santa Rosa secondhand store. Jake Dear, the Court’s chief supervising attorney, the unofficial Court historian, and associate editor of this *Newsletter*, was able to obtain a large print of the image, reproduced in part above (without the standing justices), which now hangs directly outside the entrance to the courtroom on the fourth floor of the Warren Building. ★

ENDNOTES

1. This article draws heavily on Ray McDevitt’s excellent account of the lost mural, “‘The Commonwealth’ — A Lost Art,” *CSCHS Newsletter*, Spring/Summer 2011, pp. 2–6, <http://www.cschs.org/wp-content/uploads/2014/08/2011-Newsletter-Spring-The-Commonwealth.pdf>. The Editor is also grateful to Sebastian Nelson, court records archivist, California State Archives, who provided additional background materials for this article.
2. California Department of Public Works, Division of Architecture, *Second Biennial Report to the Governor of California by the Director of Public Works* (California State Printing Office, 1924), p. 25. Retrieved on September 22, 2016 from <https://archive.org/stream/appendixtojourn1925cali#page/n1420/mode/1up>.
3. “Decoration Job Order Is Veiled,” *Madera Tribune*, Oct. 9, 1950, <http://cdnc.ucr.edu/cgi-bin/cdnc?a=d&d=MT19501009.2.7&srpos=6&dliw=none&e=-----195-en--20-1--txt-txIN-mural---1950---1>.
4. Work Order number 933, July 1950, Public Works Dept. Records, Division of Architecture, R386.155, California State Archives, Office of the Secretary of State, Sacramento.
5. *Ibid.*
6. *Director’s Reports*, September 1950, Public Works Dept. Records, Division of Architecture, R386.019, California State Archives, Office of the Secretary of State, Sacramento.