

When the Justices First Donned Robes

BY MOLLY SELVIN*

ON WEDNESDAY, APRIL 4, 1928, the *San Francisco Chronicle* reported that the seven California Supreme Court justices took the bench attired, for the first time, in black robes. The new regalia contributed “an added courtesy to the ‘your honors’ from the lips of the attorneys,” the newspaper noted, and would henceforth be worn at all official appearances.

Before calling for this sartorial shift, Chief Justice William H. Waste had directed librarian Thomas F. Dunn to request information on the practice from

Supreme Court clerks in other states. The responses he received, copies of which are archived in the Judicial Center Library, reveal that California was not the first state to adopt judicial robes but ahead of many others.

Early American jurists adopted the English custom of wearing robes, minus the wigs. The official portrait of John Jay, the first chief justice of the United States, shows him in a black and red robe with white borders. But by 1801, when John Marshall became chief justice, it is believed that the justices wore only plain black garments. Departures have been rare and noteworthy: In 1995, Chief Justice William Rehnquist added four gold stripes to each sleeve of his robe after attending a performance of Gilbert & Sullivan’s “Iolanthe” in which the lord chancellor sported similar embellishment. Justice Sandra Day O’Connor, the first woman appointed to the high court, wore a white collar, what she called “a modest addition” to her robe.¹

Ninety years after Justice Waste established the robe tradition here, we asked Chief Justice Tani Cantil-Sakauye and former Chief Justice Ronald M. George to reflect on what this simple garment has meant to them. ☆

* Molly Selvin is the *Review* editor.



ENDNOTE

1. Sandra Day O’Connor, “Justice Sandra Day O’Connor on Why Judges Wear Black Robes,” *Smithsonian Magazine*, Nov. 2013, <https://www.smithsonianmag.com/history/justice-sandra-day-oconnor-on-why-judges-wear-black-rob-4370574/>.

LEFT: *San Francisco Chronicle*, April 4, 1928. BELOW: Responses from supreme court clerks in Minnesota and Iowa about judicial robes.

