

Facing the United States Constitution in Buffalo, New York

*John Q. Barrett**

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On the evening of June 4, 2020, a Buffalo police officer on patrol in front of City Hall, located on Niagara Square in the heart of the city, shoved a senior citizen who had approached him. The shove caused this man to fall hard, to hit his head on the sidewalk, to lose consciousness immediately, and to bleed profusely from his ear and the back of his head.

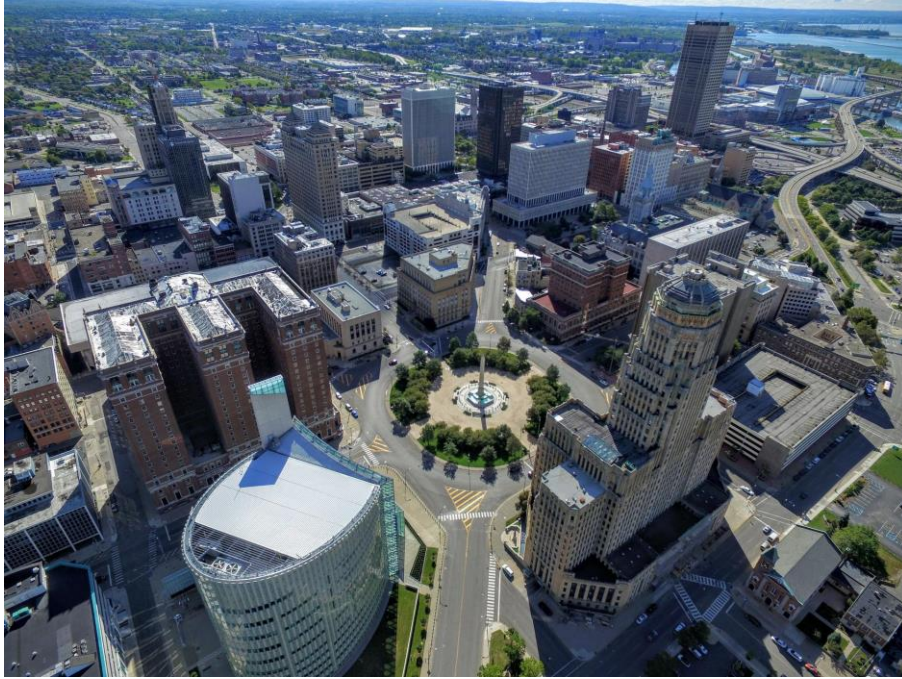
This horrible act, which was captured on video and shared and broadcast widely, occurred in a location where any police officer can see the United States Constitution—the protections of individual rights that he has sworn to uphold—staring him in the face.

The Robert H. Jackson United States Courthouse stands on Niagara Square adjacent to Buffalo City Hall. A 2012 federal law named the courthouse for Justice Jackson, the great Western New York lawyer who became a renowned U.S. Supreme Court justice and, following World War II, the chief prosecutor at Nuremberg of Nazi war criminals.

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Niagara Square, Buffalo, New York:
Robert H. Jackson U.S. Courthouse at lower left, Buffalo City Hall at lower right.

The courthouse location is important in Robert H. Jackson's life story. From 1913-1934, his private law practice was based in its federal jurisdiction, the Western District of New York. He was admitted to the bar of that court and sometimes litigated in a predecessor Buffalo federal courthouse.

Today's U.S. courthouse in Buffalo is, indeed, located in a former Robert Jackson home neighborhood. In 1917 and 1918, when Jackson practiced law in Buffalo, he and his wife Irene lived in an apartment on Johnson Park, a few blocks from today's Jackson Courthouse.

In those years, Robert Jackson's office was in the Ellicott Square building. On at least some of Jackson's walks to work or back home, he must have passed the President William McKinley memorial obelisk—he was assassinated in Buffalo in 1901—in the heart of Niagara Square. On those walks, Jackson would have passed the land that today supports the Jackson Courthouse.

The Robert H. Jackson United States Courthouse, an award-winning design, is architecturally striking and, we can hope, inspiring both to people having business therein and to passers-by.

One of the Courthouse's most notable features, in its pavilion lobby, is a series of large glass panels. They face Niagara Square, including City Hall. The panels display, etched into the glass, the words of the U.S. Constitution.



September 30, 2013: Robert H. Jackson U.S. Courthouse name and Jackson bust unveiling; Buffalo City Hall, next door, is viewed through the etched glass.

On the night of June 4, 2020, one theoretically could have seen, from inside the Jackson Courthouse, looking out through the etched words of the Constitution, the Buffalo police officer push the older man to the ground in front of City Hall.

But that hypothetical witness would have been looking through *backward* text. At the courthouse, the words of the Constitution are etched for reading not from the inside, but from the outside. The glass panels thus give the people of Buffalo, looking from outside, the fully intelligible content of the U.S. Constitution.

Facing the United States Constitution in Buffalo, New York



June 1, 2020: At curfew declared by Buffalo’s mayor, law enforcement officials look out from the Jackson Courthouse on police officers removing people from Niagara Square. Photograph by Harry Scull Jr./Buffalo News.

These possible viewers and readers include public servants, such as police officers. An officer could, looking into the Jackson Courthouse, be reminded that he and every federal, state, and city employee is sworn to uphold the Constitution.

Under the Fourteenth Amendment, state government officers are explicitly barred from depriving any person of life, liberty, or property without due process of law. Under long-standing U.S. Supreme Court (Justice Jackson’s court) interpretations of that amendment, due process protects every person’s freedom of speech, his right peaceably to assemble, and his right to petition government for redress of grievances.

Those protections are our rights.

Ensuring those rights is the duty of every public official who serves us.