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## Article Title: History in Stone: The Story in Sculpture on the Exterior of the Nebraska Capitol

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Article Summary: Chapters One and Two explain the monumental, historical and architectural settings for the building. Chapter Three presents the west and south sides of the building. Chapter Four provides guide for the nine terrace panels portraying ancient events. Chapters Five and Seven explains the great south pavilion with its three pierced stone panels and ten lawgivers. Chapter Six discusses the nine panels portraying English and American events in legal history. Chapter Eight is for viewing the tower including the eight buttress figures. Chapter Nine "And Know the Place for the First Time" presents a brief summary of the extensively described tour.

### Cataloging Information:

Names: Bertram Grosvenor Goodhue; Lee Lawrie; Hartley Burr Alexander; Hildreth Meiere; Augustus Vincent Tack; William E Hardy; William H Thompson; Walter W Head; Thomas R Kimball; Waddy B Wood; James Gamble Rogers; Willis Polk; Harry F Cunningham; Howard Carter; Edgar N Johnson

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## A WORD TO CAPITOL VISITORS

Those who wish to view the exterior capitol sculpture will find this essay and its accompanying illustrations a handy guide. If time is limited you may choose to postpone reading chapters 1 and 2 which explain the monumental, historical and architectural settings for the building. Begin at the north entrance using chapter 3, proceed west and south around the building referring to chapter 4 for guidance on the nine terrace panels portraying ancient events. Refer to chapter 6 for discussion of the nine panels portraying English and American events in legal history. Turn to chapters 5 and 7 as you "read" the great south pavilion with its three pierced stone panels and ten lawgivers (Minos and Napoleon are best seen from the interior of the building). For viewing the tower, including the eight buttress figures, which appear chronologically two on each side, refer to chapter 8 and view from at least as far away as the sidewalk around capitol square.



*The three panels above the east portal (left to right): "Las Casas Pleading the Cause of the Indian," "The Signing of the Pilgrim Compact on the Mayflower," "Lincoln's Proclamation of the Emancipation of the Negroes." The minor sculpture on the corners (left to right): Phrygian cap, balloting urn, balloting urn, anvil.*



*The three panels above the west portal (left to right): "Solon Giving a New Constitution to Athens," "The Publishing of the Law of the Twelve Tables in Rome," "The Establishment of the Tribune of the People." The minor sculpture on the buttress corners (left to right): mural crown, lamp, lamp, Corinthian helmet and sword.*

# History in Stone: The Story in Sculpture on the Exterior of the Nebraska Capitol

BY ORVILLE H. ZABEL

## CHAPTER I "A GREAT MONUMENT . . ."

Nebraska's beautiful and widely-acclaimed capitol is nearing the 50th anniversary of its completion. Construction was approved by the legislature in 1919, parts were first occupied by state offices in 1924, and the building was essentially completed in 1932. The Nebraska State Capitol Commission was dissolved on December 31, 1934, and its final report to the legislature is dated January 1, 1935.<sup>1</sup>

Few Nebraskans can remember when Lincoln's skyline was not dominated by the 400-foot tower topped by the Sower. They know their capitol is supposed to be a great building and are proud of it. Many may even believe the capitol is a great building because of its height. In fact, as skyscrapers go, it is dwarfed by buildings in most large American cities. For example, the world's tallest building, Chicago's Sears Tower (1,450 feet), is over three times as high. Nebraska's capitol is a great building not because of size, but because of its architectural and symbolic planning and execution. In other words, it is a great monument.

Many contributed to the building of this monumental capitol, but especially important were the capitol commission, architect Bertram Grosvenor Goodhue (Plate 1), sculptor Lee Lawrie (Plate 2), consultant on inscriptions and symbolism Professor Hartley Burr Alexander (Plate 3), and artists such as Hildreth Meiere and Augustus Vincent Tack.

The capitol commission upon which the legislature placed

responsibility for planning and building Nebraska's new capitol was composed of five men. The governor, who served as chairman, and the state engineer were *ex officio* members. Three citizens were appointed by the governor. While four different governors and three state engineers served on the commission from 1919 to 1934, the appointed citizens provided continuity. William E. Hardy and William H. Thompson served throughout the period while Walter W. Head served from 1919 to 1931.<sup>2</sup> These farsighted men, aided by their professional adviser, Omaha architect Thomas R. Kimball, prepared a program of competition to choose the capitol architect. That program, with its provisions for anonymity, allowed great freedom for the competitors.<sup>3</sup>

The responsible men on the capitol commission were not only concerned that a new functional capitol be built. They also wanted it to be a great building. The commission's initial comment stating what a capitol ought to be is as follows:

The Capitol of a State is the outward sign of the character of its people. Their respect for its traditions and history, their belief in its importance and worth, and their love of its fair name—all find expression in its Capitol.<sup>4</sup>

Moreover, the commission expressed the hope that "Beside a noble Capitol for Nebraska, may not this competition yield to Architecture a wider heritage?"<sup>5</sup> The commission insisted that it sought in "this competition not to buy a plan" but to select an architect who would then make "a complete study of the Capitol problem in close touch with this Commission. . . ."<sup>6</sup>

The three aims listed for the new capitol in the program of competition were even more explicit about the commission's thinking. The building was to be,

First—A practical working home for the Governmental machinery of the State; adequate not only for present needs, but with provision made or anticipated for development and growth for a century to come.

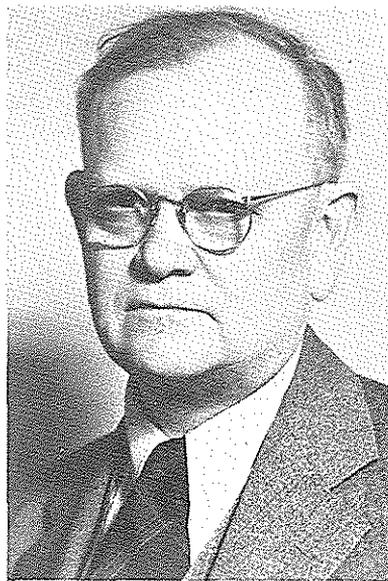
Second—An inspiring monument worthy of the State for which it stands; a thing of beauty, so conceived and fashioned as to properly record and exploit our civilization, aspirations, and patriotism, past, present, and future; intelligently designed, durably and conscientiously built, and of worthy materials; and all beautifully and fittingly set, surrounded, embellished, and adequately furnished.

Third—the whole accomplished without friction, scandal, extravagance, or waste—a work calculated to inspire pride in every Nebraskan.<sup>7</sup>

*Plate 1. Bertram Grosvenor  
Goodhue.*



*Plate 2. Lee Lawrie.*



*Plate 3. Hartley Burr Alexander.*

The professional adviser's statement in the program of competition reinforced the views of the commission. Kimball observed that "regardless of obstacles, anything short of a great monument advantageously placed and properly environed will be nothing less than a complete failure."<sup>8</sup>

The jury of three prominent architects, Waddy B. Wood, James Gamble Rogers and Willis Polk, who remained anonymous during the competition, recommended the plan of Bertram Grosvenor Goodhue to the Nebraska capitol commission. They also indicated concern for producing a great building:

We judge that the design of the winner shows the greatest utility of any of the plans; that it shows him to be able to design a monument worthy of Nebraska, and it shows him to be capable of giving the fullest consideration as to proper expenditure.<sup>9</sup>

From its inception, then, the new Nebraska capitol was intended to be a monumental building. Frequent comments to that effect are found in the press as the building progressed. It is noteworthy that the cornerstone laid on Armistice Day, 1922, proclaims that the building is "dedicated to the memory of those who fell in the service of their country." (Plate 4) Likewise, high in the tower is the impressive "War Memorial Room."

Goodhue had been known primarily as a "Gothic revival" architect. However, he commented to a friend that "never, in any competition, have I been set free as in this one."<sup>10</sup> While most of his competitors presented plans in the classic tradition, suggesting buildings resembling the U.S. capitol, Goodhue provided for a tall central tower rising from a broad base. In contrast to the large dome typical of American capitol buildings, the tower would provide useable space. Goodhue's freedom produced a plan for the Nebraska capitol which is seen now as pointing "the way to an entirely new concept in American architectural design."<sup>11</sup>

The program of competition suggested that cooperation of artists under the supervision of an architect had "been responsible for the creation of monumental masterpieces in the past" and urged the competing architects to work toward such collaboration. Lee Lawrie, sculptor for the Nebraska capitol, had worked on numerous buildings with Goodhue who asked him to participate in drawing the original plans submitted in the capitol

competition. In fact, when it was suggested later that competitive estimates be secured for sculpturing, Goodhue said, "Frankly, I think this a most silly proceeding, also rather insulting to Mr. Lawrie who, after all, was my collaborator and not my employee in any sense on the competition drawings."<sup>12</sup>

Hartley Burr Alexander, long-time philosophy professor at the University of Nebraska, first met Goodhue in February, 1922, when he was asked to help prepare inscriptions.<sup>13</sup> He was soon actively involved in helping develop the symbolic program of inscriptions, sculpture and mosaics for the capitol. Hildreth Meiere was the artist chosen for the interior mosaics while Augustus Vincent Tack prepared the murals for the Governor's reception room and office.

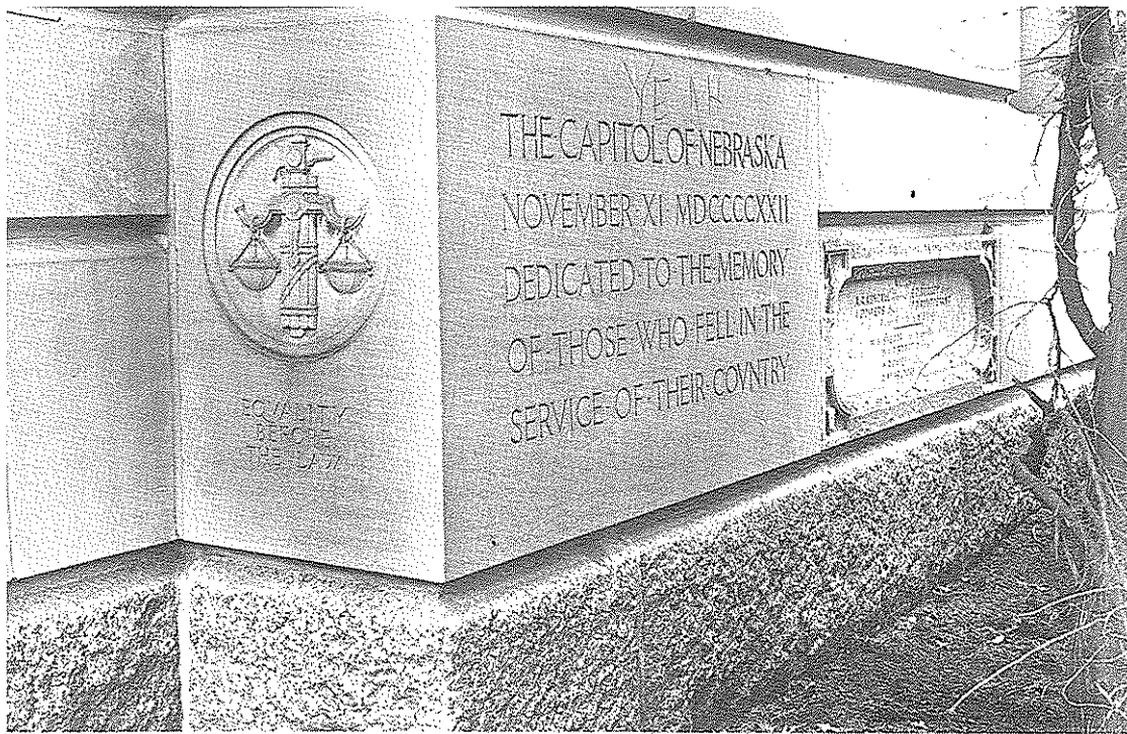
Now state employees and citizens on business hurry in and out of the building taking little notice of the art and symbolism around them. But numerous individuals and groups come to the capitol because they wish to view it. The visitors usually enter by climbing the broad stairs leading to the north entrance. They may glance at the carved buffalo on the balustrades, observe the pioneer panel above the arched entrance, and read the inscription **THE SALVATION OF THE STATE IS WATCHFULNESS IN THE CITIZEN**. Some will wonder about the massive carved figures on the pylons flanking the entrance and note the inscription

WISDOM JUSTICE POWER MERCY  
CONSTANT GUARDIANS OF THE LAW

Then they hurry into the building and are greeted by guides who explain the beautiful marbles, the exquisite and colorful floor and ceiling mosaics planned by Hildreth Meiere, the murals of Augustus Vincent Tack in the governor's rooms, and the unique doors of the legislative chambers.

The exterior sculpture, which is a major part of the monumental character of Nebraska's capitol, is largely ignored. It is more difficult to observe than the inside art because it requires circling the building. It is less colorful because it is carved into the light buff Bedford (Indiana) limestone itself. Finally, it is difficult to interpret without aid because it requires some knowledge of the history of the Western tradition.

As suggested above, one of the three major aims of the capitol planners was to provide a beautiful, inspiring monument "so



*Plate 4. Cornerstone.*

conceived and fashioned as to properly record and exploit our civilization, aspirations, and patriotism, past, present, and future. . . .” As Lee Lawrie knew well, “the sculptures of Babylon, Egypt, Greece and even of the Middle Ages were made almost entirely for and on buildings. The art museum is a recent invention . . . and sculpture in early days was done for a reason.”<sup>14</sup> Such architectural sculpture spoke to people directly and dramatically in visual images. It was used to provide an historical record and to issue public proclamations. In the Western world printing and growing literacy modified that approach as words competed with pictures.

Professor Alexander in a short essay on the exterior sculpture of the capitol compared the building to “a book, logically arranged, with introduction, body and conclusion. . . .”<sup>15</sup> The aim of this essay is to provide aid in “reading” that “book” carved in stone on the outside of Nebraska’s capitol. It may be considered, therefore, an introductory guide to “our civilization, aspirations, and patriotism” as recorded on the outside of Nebraska’s monumental capitol.

## CHAPTER II THE HISTORICAL AND ARCHITECTURAL SETTINGS

### *Historical Setting*

The United States is mainly a part of Western, or European, Civilization which has spread to the Americas and elsewhere with European emigrants. There is general agreement that the oldest roots of Western Civilization are found in the river valleys of the Ancient Near East: the Nile in Egypt and the Tigris and Euphrates in Mesopotamia (modern Iraq). Thousands of years before Christ, important civilizations developed in those areas. The Semitic desert tribes we call the Hebrews or Israelites established themselves about the 13th century B.C. in the Land of Canaan, now called Palestine (or land of the Philistines following the Greek historian, Herodotus).

Like their modern namesakes, the ancient Israelites lived in the Fertile Crescent on the crossroads between Egypt to the south and empires that waxed and waned in Mesopotamia to the northeast. The fortunes of the Hebrews, like those of the modern Israelis, were closely tied to the plans of their usually unfriendly neighbors. Much of the Old Testament bears witness to the unhappy Hebrew experience with Assyrians, Babylonians, Egyptians and others.

As would be expected, Hebrew culture was influenced by its neighbors. For example, the patriarch, Abraham, the Hebrew holy books say, came from Ur of the Chaldeans (Genesis 11:31), while Moses delivered the Hebrews from the pharaoh of Egypt (Exodus 3:14). Moreover, as will be discussed later, many of the laws found in Exodus are similar to those of the code of the Amorite king Hammurabi, while other parts of the Old Testament are strikingly similar to Egyptian religious literature.<sup>1</sup> More important, however, was the fact that in the course of their historical experience the Hebrews, who felt they were God's "Chosen People," developed the concept of ethical monotheism in their effort to explain God's ways to His People. Likewise, ideas such as those distinguishing mercy and justice, knowledge and wisdom, freedom and authority and the civil ruler and God

gradually emerged. Because Christianity grew out of Judaism and adopted the Hebrew holy books (the Old Testament), the Hebrews served as a funnel of ancient Near Eastern culture to the West. The Hebraic-Christian influence permeates the Western tradition.

The Greco-Roman or "classical" influence is another component of the Western tradition. The Greeks settled in what is now the lower Balkan Peninsula, on the islands of the Aegean Sea, and along the western coast of Asia Minor, apparently about the same time the Hebrews invaded Palestine. Like the Hebrews, the Greeks were influenced by other cultures including the maritime Minoan civilization centering on Crete, which had also spread to such places as Mycenae and Tiryns on the Greek mainland. Greek culture provided a rich cultural heritage to the Western tradition in art, architecture, literature, philosophy, science, and political theory. For example, we still refer to Herodotus as the "Father of History," Hippocrates as the "Father of Medicine," and Greece as the "Cradle of Democracy." An early democratic society emerged in the city-state of Athens and in the 5th century B.C. Greece provided a level of cultural achievement seldom, if ever, equalled in the world's history.

From their small republic at Rome on the Tiber River in Italy, the Romans, in the course of centuries, established a vast empire. At its greatest extent it surrounded the entire Mediterranean Sea and stretched from Britain in the west to beyond Mesopotamia in the east, and from the sands of the Sahara in the south to beyond the Rhine and Danube Rivers in the north. Rome borrowed much in art and literature from Greece, but its great gifts to the Western tradition were in engineering, language, law and political administration. Christianity's early development occurred in the Roman world and it influenced, and was influenced by, the Roman Empire.

From the 3rd century on the Roman Empire's ability to defend itself declined as barbarian peoples, especially Germans, forced their way south and west into the embattled empire. Meanwhile, Slavic peoples moved into areas vacated by Germans. In the early 4th century the imperial capital was moved east from Rome to the new city of Constantinople (now Istanbul) on the Bosphorus. By the late 5th century the western Roman Empire disappeared and was replaced by the Christian church and the German monarchies. Its successor in the east, the Byzantine Empire, a

center of culture and wealth, continued with varying fortunes until the Turks captured Constantinople in 1453.

Traditionally the 1000-year period after the “fall” of Rome in the West has been called the Middle Ages or the medieval period. The German invasions disrupted culture and security and other invasions continued for centuries—Scandinavian Vikings from the north, Hungarians from the east and Moslems from the south. Gradually the new peoples and the native population merged as the church converted some of the newcomers and extended its influence, organization and power. Meanwhile, by 800 most Germans had been united politically under Charlemagne who was crowned Holy Roman Emperor thus reviving the idea of empire in the West. Political unity was lost by Charlemagne’s successors and feudalism replaced it. The later Middle Ages included a long struggle between German emperors and the papacy, the gradual reassimilation of ancient culture, the crusades, and the appearance of strong English and French monarchies. The Middle Ages, then, provided the milieu for the merger of Roman and German cultures into a new Western Civilization different from either.

Numerous historical developments important for the further growth of a Western tradition are associated with the end of the Middle Ages and the coming of the modern era. Among them are the Renaissance with its emphasis on recovering the classical tradition, several important technical developments (the compass, printing press, gunpowder), the splintering of the Western church in the Reformation, the rise of unified nation-states (especially England, France and Spain), and the discovery of the New World. These developments added other components to the Western tradition. For example, Westerners adopted expansionism with almost a crusading zeal as peoples migrated overseas and governments established world-wide empires. Likewise, particularly in England, governmental power over the individual was limited. Westerners also increasingly emphasized science, technology and industrialization.

The planners of Nebraska’s monumental capitol were well aware of the importance of the Western tradition in American culture, and incorporated reminders of it, especially in law, throughout the building. About half of the exterior sculpture, for example, reminds us of our ancient heritage and the other half reminds us of our more recent roots.

*Architectural Setting*

Hartley Burr Alexander saw the general plan of the capitol building and its distribution of masses as providing the clue for the whole scheme of symbolism. Writing in 1934 he commented that:

The first story, earth-clinging, forms a dramatic platform upon which uprears, like the circumvallation of an olden town, the low horizontal square of the outer edifice. Within this wall-like structure the transepts shape the four courts, while at the crux the central tower sweeps sheerly upward. It is geometrically simple. And its horizontal and vertical movements are readily symbolically translated as the level progress of history and the rising altitudes of the ideal. Goodhue's first notes implied that; they lacked only the details.<sup>2</sup> (Plate 5)

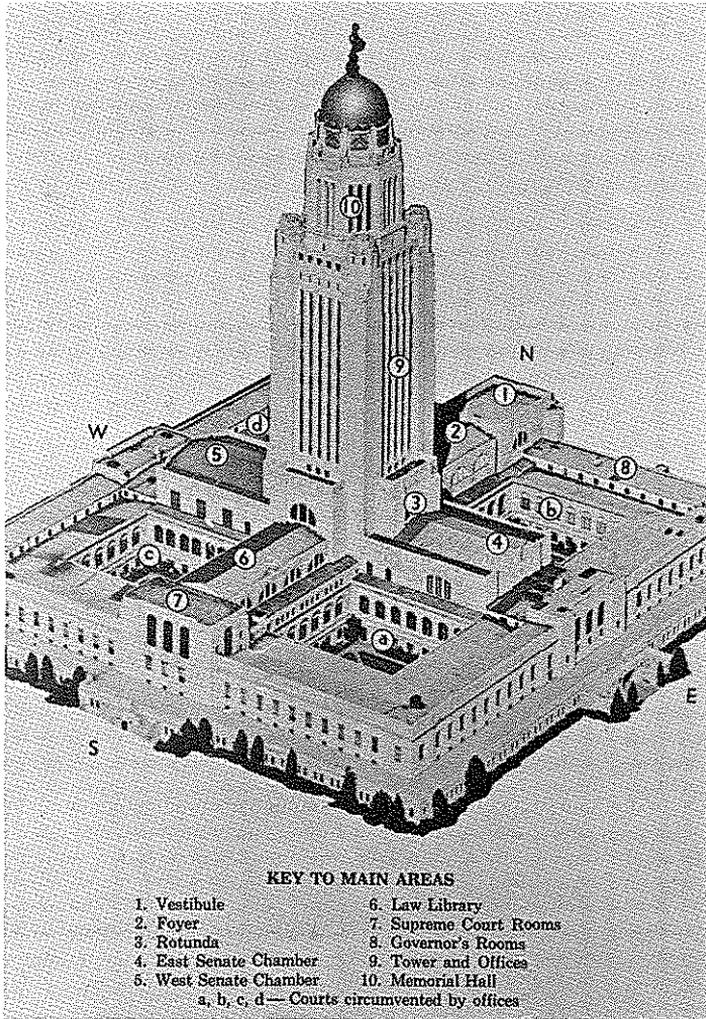
The exterior sculpture, a major part of the symbolism on Nebraska's capitol, is best described as architectural sculpture. It is clearly intended to be subordinate to the architecture. Some understanding of the architecture, therefore, aids us in appreciating the sculpture.

As mentioned above, the capitol commission's aims as described in the program of competition required the architect to design both "an inspiring monument" and "a practical working home" for state government. In the screed, or brief commentary, which accompanied his original design Goodhue stated that

from the very beginning, the authors of the design herewith submitted have felt impelled to produce something quite unlike the usual—and, to them, rather trite—thing of the sort, with its venerated order and invariable Roman dome.<sup>3</sup>

He commented that "the surrounding country is generally level" and as studies progressed there emerged "a vast, though rather low structure, from whose midst rises a great central tower, which, with its gleaming dome of golden tiles would stand a landmark for many miles around."

Goodhue argued, also, that "though everywhere monumental, no element of the practical or convenient has been sacrificed to this end." The tower was no "mere useless ornament" because, in contrast to traditional capitols with domes, its space was useable. He suggested a "many storied Library book-stack," but offices have always occupied the tower.<sup>4</sup> The building was so designed, he wrote, that "it would prove no labyrinth to the unfamiliar visitor, and that this none-too-



*Plate 5. Major parts of Capitol.*

common—though surely desirable—end has been attained without sacrificing, but actually increasing its monumental quality.” He mentioned also that:

Because of climatic conditions, the plan has been grouped around four large courts, which, cool in summer, would yet be protected from the cold winds of winter. Also, for the same reason, the outer windows have been kept small, with those larger that open on the courts.

Those of us familiar with Nebraska weather appreciate Goodhue’s thoughtfulness. Not mentioned in the screeed, but

also a result of careful planning, was daylight in all offices (partly resulting from the four courts) and construction so planned that state offices could be moved from the old to the new building before the former was razed. The transfer was made in 1924.

In his screed Goodhue also argued that "while the architectural style employed may, roughly, be called 'Classic,' it makes no pretense of belonging to any period of the past." Nebraska's capitol has been called "the pioneering example of American 'modernism'" because it took "a middle path between uncompromising historicism and outright functionalism."<sup>5</sup> It combines some of the oldest forms harmoniously with America's invention, the skyscraper.

Goodhue was interested in historic styles of architecture and had travelled in Europe, the Near East and the Orient. Architect Harry F. Cunningham, at one time a member of Goodhue Associates, reports that Goodhue "felt—and often stated—that Architecture, the Art, should only be practised by those who were born to it, and should be studied only after a thorough grounding in History, Literature and the Humanities in general."<sup>6</sup>

The late 19th and early 20th centuries were exciting times for those interested in the ancient roots of Western Civilization. Discoveries and excavations of ancient Knossos and Mycenae, of Troy and of early sites in Mesopotamia were accompanied by new interest in ancient Egypt.<sup>7</sup> In fact, capitol construction had hardly begun when, in 1922, Howard Carter's discovery of the treasures in the undisturbed tomb of the Pharaoh Tutankhamon caught the attention of the world.

It is not surprising, then, that Goodhue incorporated much of the new, but, actually, very old, artistic styles into the Nebraska capitol. The late Edgar N. Johnson cogently observed that:

When an American architect drew his plans for the capitol of the state of Nebraska, he could conceive them within the general framework of the ancient architecture of the Tigris-Euphrates Valley as a Roman architect, building his capitol, could not have done. To the Roman this architecture was unknown and dead. To the American it was rediscovered and alive. The latter could, therefore, correct history in his architecture and put beside the Moses of the Decalogue the Hammurabi of the Code and the father-in-law of Tutankhamon, Ikhnoton, who conceived of a kind of monotheism long before the Hebrew prophets.<sup>8</sup>

Today as we thoughtfully examine the capitol, for example the

low-lying square, we may visualize it as a walled Mesopotamian city. The massive north entrance, as Alexander suggested in 1923, intensifies "the Asiatic suggestion more or less conveyed by the whole form of the building. . . ." Its arched doorway flanked by huge square pylons reminds us of the Ishtar Gate built at Babylon by King Nebuchadnezzar (605-562 B.C.) or of the main gate of the palace complex built a hundred years earlier by the Assyrian king, Sargon II (722-705 B.C.) at Dur-Sharruken (Khorsabad) near Nineveh. (Plate 6) Dur-Sharruken's gate was guarded on either side by winged human-headed bulls. It is interesting to note that the first detailed sketch of the buffalo on the parapets of the capitol's north entrance included wings! Alexander protested in a very long letter that such creatures were not a part of authentic Indian lore.<sup>10</sup> Goodhue jovially responded that "what we meant by the wings on the buffalo was that the buffalo had to all intents and purposes taken to them." However, the wings were removed from future models.<sup>11</sup> We may see the tower rising out of the center as an obelisk, the ancient Egyptian monument representing the sun god Re (or Ra) and a common monumental form. Americans have used the obelisk for the Bunker Hill and Washington Monuments, and a generation before the building of the capitol it was a common style of grave marker and still can be seen by the thousands in cemeteries of that era. As our eyes rise to the top of the tower, the golden dome surrounded by colored mosaics may suggest the glory of Byzantine art. When the overall outline of the building is put together, we may be excused if we think of the great Hellenistic lighthouse on the island of Pharos near Alexandria, Egypt. One of the "Seven Wonders" of the Ancient World, it was topped by a statue of Poseidon, god of the sea, rather than by a Sower. The several hundred workers who serviced the light, like the workers in Nebraska's statehouse, had their quarters in the broad base. Others will find additional echoes of the past while examining the overall architectural style of Nebraska's monumental capitol.

The exterior sculpture of the capitol contributes substantially to the building's symbolic and monumental character. As we now turn to discussing that sculpture, we must remember its relationship both to our Western tradition and to the architecture of the building.

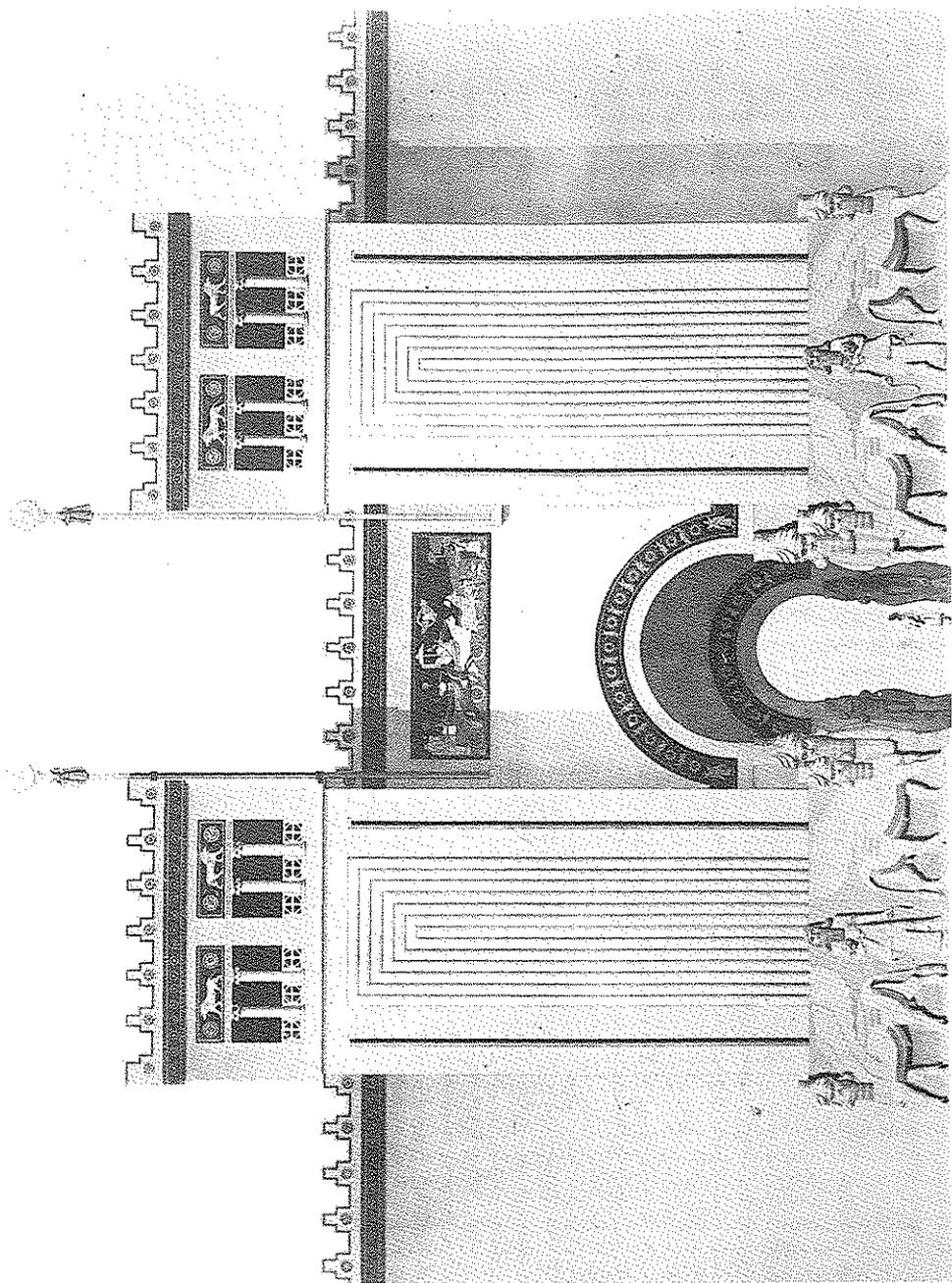


Plate 6. Dur-Sharruken gate.

### CHAPTER III EXTERIOR SCULPTURE—GUIDELINES AND THE NORTH ENTRANCE

#### *Guidelines*

Certain broad guidelines may aid us in understanding the exterior sculpture as we walk the circuit of the capitol.

First, it is fitting that the sculpture on the building where law is made, administered and interpreted should remind us of the History of Law in the Western tradition. The pioneers who settled Nebraska brought with them English law as modified in America. That law, as has been suggested above, had deep roots nourished by European medieval civilization and the cultures of ancient Rome, Greece and the even more ancient Near East.

Second, all sculpturing on the Nebraska capitol is original. That is, none is simply a copy. Looking back from 1932, Lawrie described how, after the subjects for the symbolism had been chosen, there was still much to do before the models were completed. He had to look up "portraits, costumes, accessories and the facts" and he tried "very hard to avoid anachronisms and anachorisms."<sup>1</sup> Also, as we will note, while Lee Lawrie's sculpture has certain characteristics of its own, he adjusted the sculptural style to resemble that of its historical parallel. For example, Lawrie's Moses resembles ancient Assyrian sculpture.<sup>2</sup>

Third, it is of interest that the bas-relief panels measure approximately five feet by nine feet; that clay models were prepared by Lawrie in his New York studio; and that most of the carving was done in place by stone cutters of the Edward Ardolino Company of New York.<sup>3</sup>

Fourth, there was general agreement among planners that all sculpture on the capitol would be significant—nothing would be simply "hung on." Very early in capitol planning Lawrie insisted that

my chief interest in the work for the capitol is to echo Mr. Goodhue's architecture of the building in the sculpture: to deal with blocks of stone in their relation to the architectural forms about them. If that is done, the sculpture cannot be the statuary kind.<sup>4</sup>

Alexander, shortly thereafter, approvingly observed that

Goodhue's "ideals of propriety in architectural embellishment are almost austere in their economy."<sup>5</sup>

Fifth, the massive north entrance introduces the building because it provides the title and theme for the symbolism of the entire structure. The other outside sculptures are generally, but not completely, chronological from the northwest corner around the building to the northeast corner. In addition to the monumental north entrance, eighteen bas-relief and three pierced-stone panels, ten massive relief figures in the south pavilion, eight huge relief figures on the buttresses of the tower and the bronze Sower standing on the dome compose the major exterior sculpture of Nebraska's capitol.

The bas-relief panels on the rim of the second floor "record the History of the Law, the traditions of which the pioneers brought to the prairies." Presented chronologically, they are divided into two groups of nine separated by the south pavilion. The first nine portray historical episodes, three each from Hebrew, Greek and Roman history. The second group depicts three events from English, three from American and three specifically from Nebraska history. The three pierced-stone panels, found in the south pavilion, remind us of three great documents in English and American history—the Magna Carta, the Declaration of Independence and the U.S. Constitution. Also presented in the south pavilion are ten "stately figures of the great lawgivers who have shaped Occidental destinies." These lawgivers are presented chronologically from Minos to Napoleon. The eight figures on the tower buttresses, like the bas-relief panels, appear chronologically around the building from the northwest corner to the northeast corner. These figures, above both the panels and the south pavilion symbolize "those ideals of culture which the law protects and nurtures."<sup>6</sup> (Plates 7, 8, 9, 10)

Sixth, it was no mean task to pick from the history of Western law the most important 21 events for the panels, the ten chief lawgivers, and the eight representatives of ideals protected by the law. The difficulty was suggested when the capitol commission on October 13, 1921 approved a proposed list of subjects for the sculptor but decided that further study be made and that "more American History should be worked into the building." The proposed list of twelve bas-relief panels included three which are now found on the capitol (Orestes before the Areopagites, the

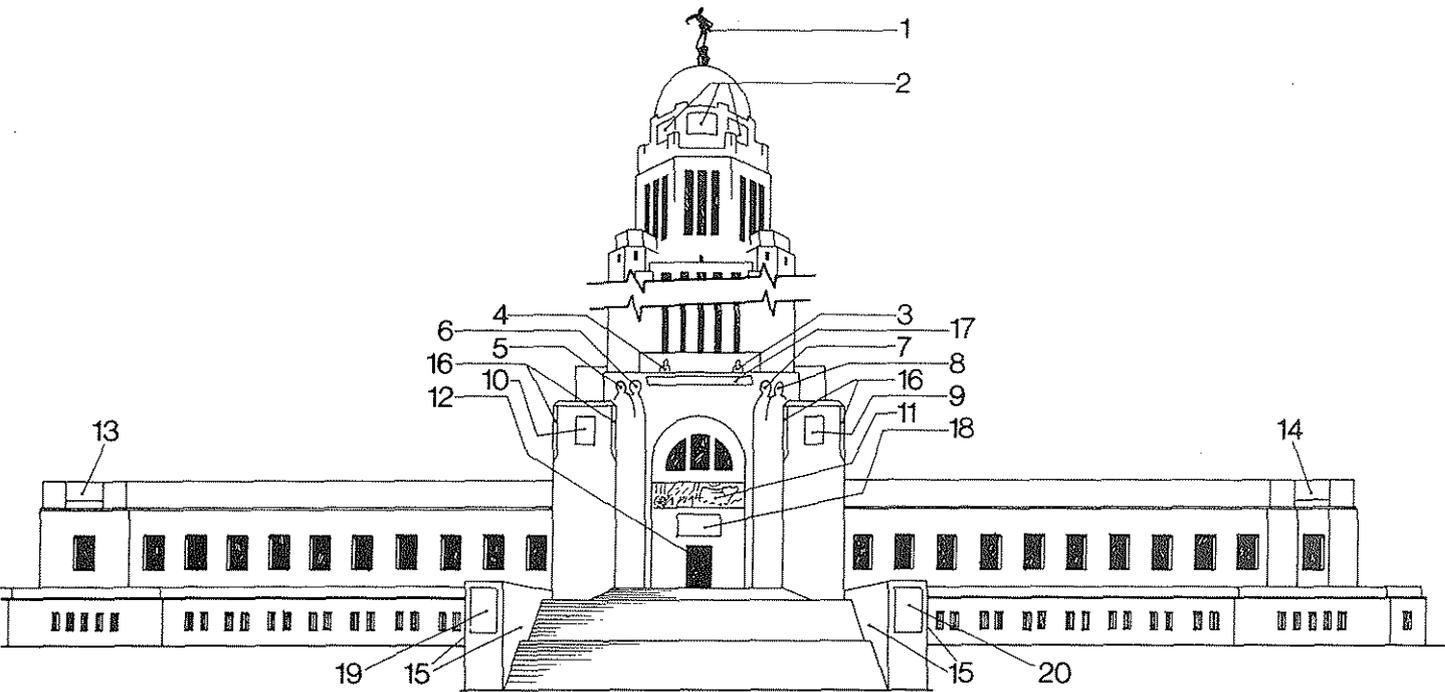
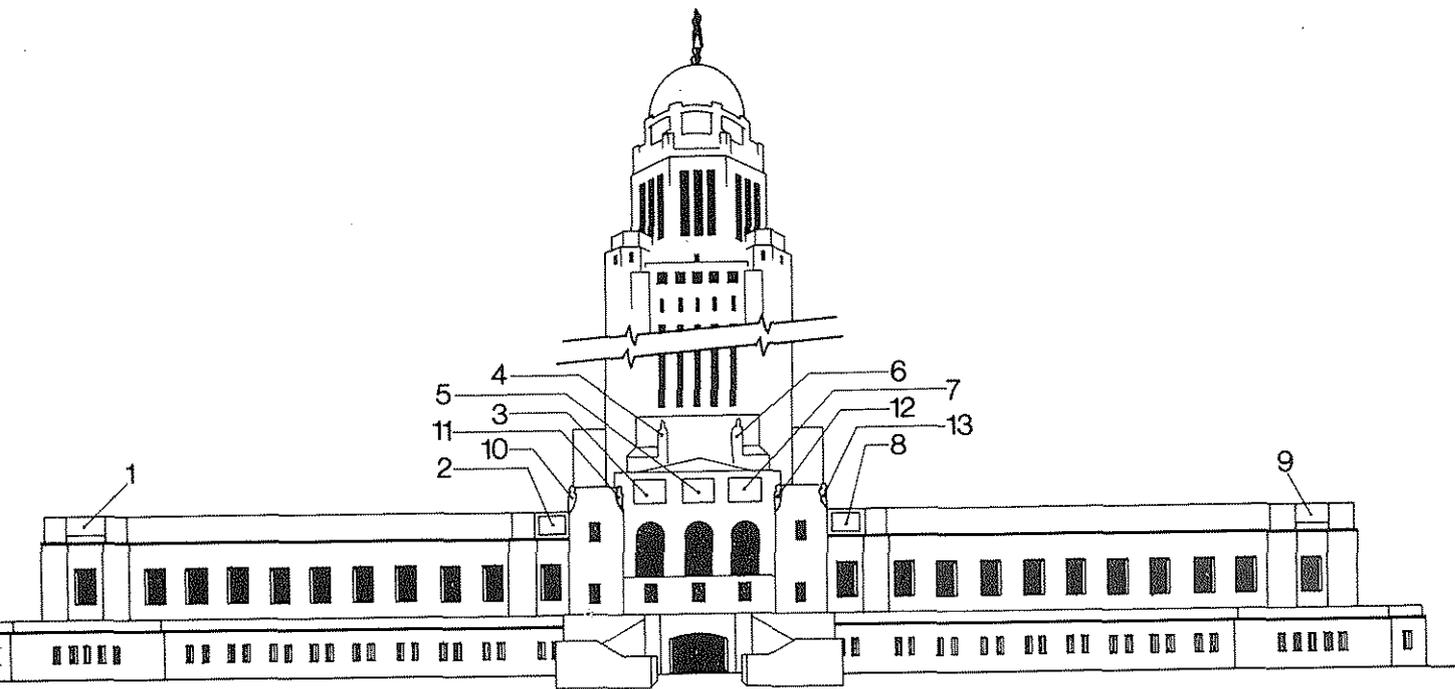


Plate 7. North side.

- |   |            |  |
|---|------------|--|
| 1. Sower  | 5. Wisdom  | 15. 4 buffalo  |
| 2. Thunderbirds   | 6. Justice | 16. 4 fasces   |
| 3. Pentaour   | 7. Power   | 17. Inscription "Wisdom, Justice, Power, Mercy, Constant Guardians of the Law"       |
| 4. Lincoln  | 8. Mercy   | 18. Inscription "The Salvation of the State is Watchfulness in the Citizen"          |
| 9. Proposed Seal for the State of Nebraska                    |            | 19. Inscription "Honour to Pioneers Who Broke the Sodds That Men to Come Might Live" |
| 10. U.S. Coat of Arms   |            | 20. Inscription "Honour to Citizens Who Build an House of State Where Men Live Well" |
| 11. Spirit of the Pioneers (Panel)                            |            |  |
| 12. North door grills   |            |  |
| 13. The admission of Nebraska as a state in the Union (Panel) |            |  |
| 14. Moses Bringing the Law from Sinai (Panel)                 |            |  |



*Plate 8. West side.*

1. "Deborah Judging Israel" (Panel)
2. "The Judgment of Solomon" (Panel)
3. "Solon Giving a New Constitution to Athens" (Panel)
4. Ezekiel
5. "The Publishing of the Law of the Twelve Tables in Rome" (Panel)
6. Socrates
7. "The Establishment of the Tribunate of the People" (Panel)

8. "Plato Writing His Dialogue on the Ideal Republic" (Panel)
9. "Orestes Before the Areopagites" (Panel)
- 10-13. Minor sculpture
10. Mural Crown
11. Lamp
12. Lamp
13. Corinthian Helmet and Sword

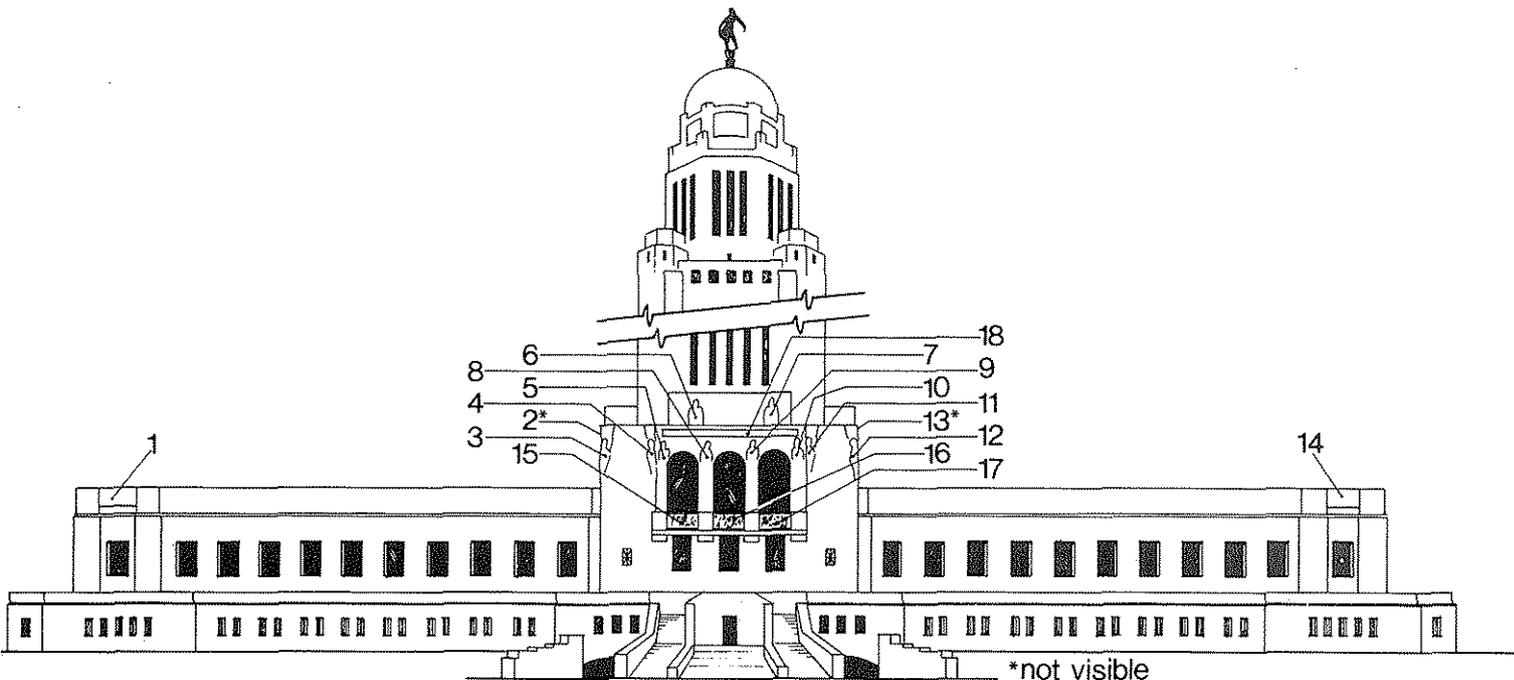
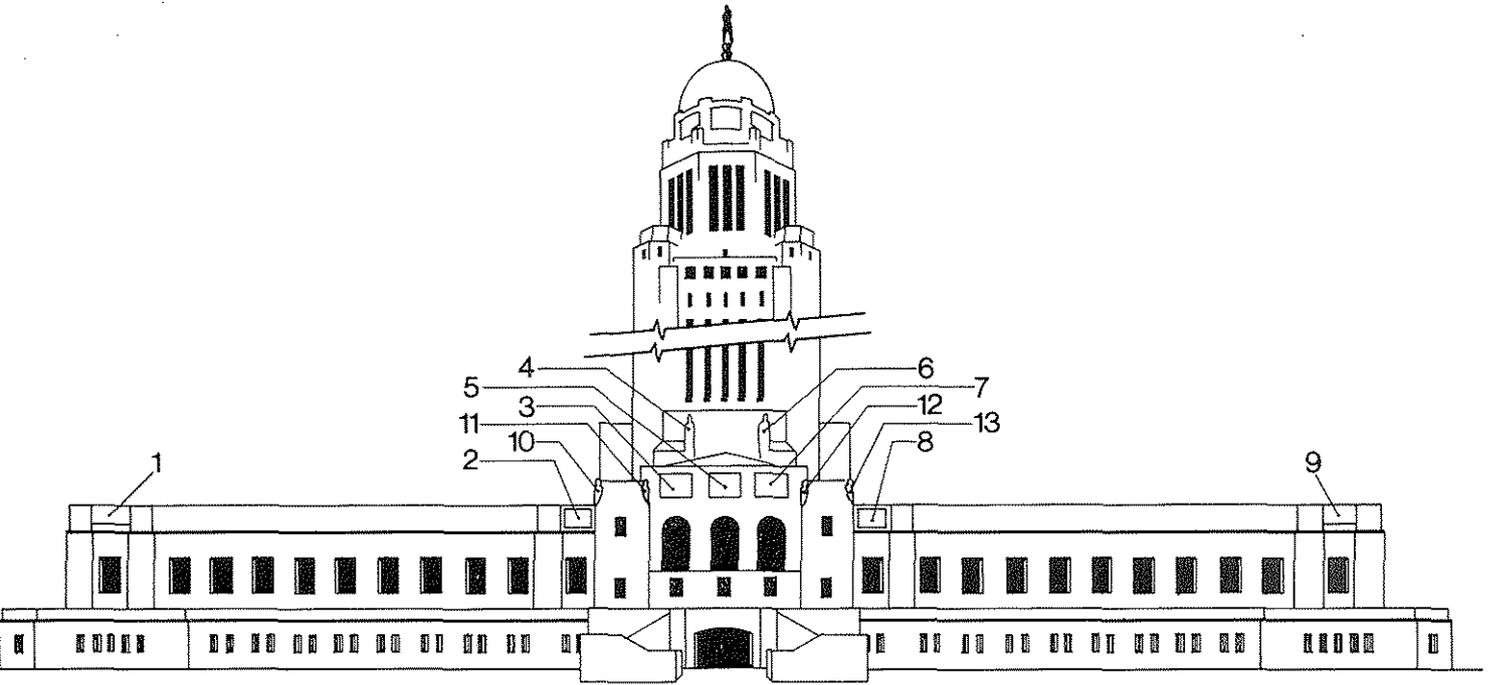


Plate 9. South side.

- |   |   |
|---|---|
| 1. "The Codification of the Roman Law Under Justinian (Panel) | 11. Justinian   |
| 2. Minos (on the back, the court, not seen from front)        | 12. Charlemagne   |
| 3. Hammurabi  | 13. Napoleon (on the back, the court, not seen from front)              |
| 4. Moses  | 14. "The Codification of Anglo-Saxon Law under Ethelbert" (Panel)       |
| 5. Akhnaton   | 15. "The Signing of the Declaration of Independence" (Panel)            |
| 6. Marcus Aurelius  | 16. "The Magna Carta" (Panel)   |
| 7. St. John   | 17. "The Writing of the Constitution of the United States" (Panel)      |
| 8. Solon  | 18. Inscription "Political Society Exists for the Sake of Noble Living" |
| 9. Solomon  |   |
| 10. Julius Caesar   |   |



*Plate 10. East side.*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. "Milton Defending Free Speech Before Cromwell" (Panel)</li> <li>2. "Burke Defending America in Parliament" (Panel)</li> <li>3. "Las Casas Pleading the Cause of the Indian" (Panel)</li> <li>4. Louis IX</li> <li>5. "The Signing of the Pilgrim Compact on the Mayflower" (Panel)</li> <li>6. Isaac Newton</li> </ul> | <ul style="list-style-type: none"> <li>7. "Lincoln's Proclamation Emancipation of the Negroes" (Panel)</li> <li>8. "The Purchase of Louisiana from Napoleon" (Panel)</li> <li>9. "The Kansas Nebraska Bill" (Panel)</li> <li>10-13. Minor sculpture</li> <li>10. Phrygian Cap</li> <li>11. Balloting urn</li> <li>12. Balloting urn</li> <li>13. Anvil</li> </ul> |
|--|---|

Mayflower Compact, Burke Defending America in Parliament). The remaining nine subjects (the Athenian Ecclesia, the Roman Senate, the Doge and Council of Venice, the French Estates General, the French Convention, the Witan, the Model Parliament (1295), the Signing of the Connecticut Constitution, William Penn) were eventually replaced by other subjects.<sup>7</sup>

We may search in vain on the Nebraska capitol, then, for certain historical events or persons in the history of law which now seem particularly important. In general, however, the choices made over two generations ago have worn well. For example, three panels, those over the east portal, deal with race and civil rights (Las Casas Pleading the Cause of the Indian, the Mayflower Compact, and Lincoln's Emancipation Proclamation). Likewise, two panels present women in positions of authority and relate to the present concern with women's rights (Deborah Judging Israel and Theodora, sitting as co-regent of Justinian, in the Codification of the Roman Law). It is well for the historian to remember that while historical *facts* do not change, *interests, interpretations and understanding* do.

### *The North Entrance*

Nebraska's capitol has ground-level entrances on each side of the square. Each entrance, in its way, is monumental.<sup>8</sup> (See front and back covers and frontispiece.) Clearly, however, the north entrance which also opens into the decorative second or main floor is the most important and it is the place to begin our tour. Its huge parapets, wide steps, arched doorway and massive flanking pylons mark it as the intended introduction to the building. In his original plan architect Goodhue proposed a simpler entrance. He had assumed that the building would face west, but it was decided that the main entrance should be to the north. The architect then proposed the more impressive entrance with its elaborate steps and its recessed arch above the door.<sup>9</sup> The symbolism of this entrance memorializes the Indians, the pioneers and Western cultural, particularly legal, traditions.

The Indians were living on the Nebraska plains when Europeans arrived. So it is proper that the capitol symbolism reminds modern Nebraskans that others were here before them. The great parapets flanking the stairs are the first unit of symbolism of the north entrance. In low relief on one cheek of

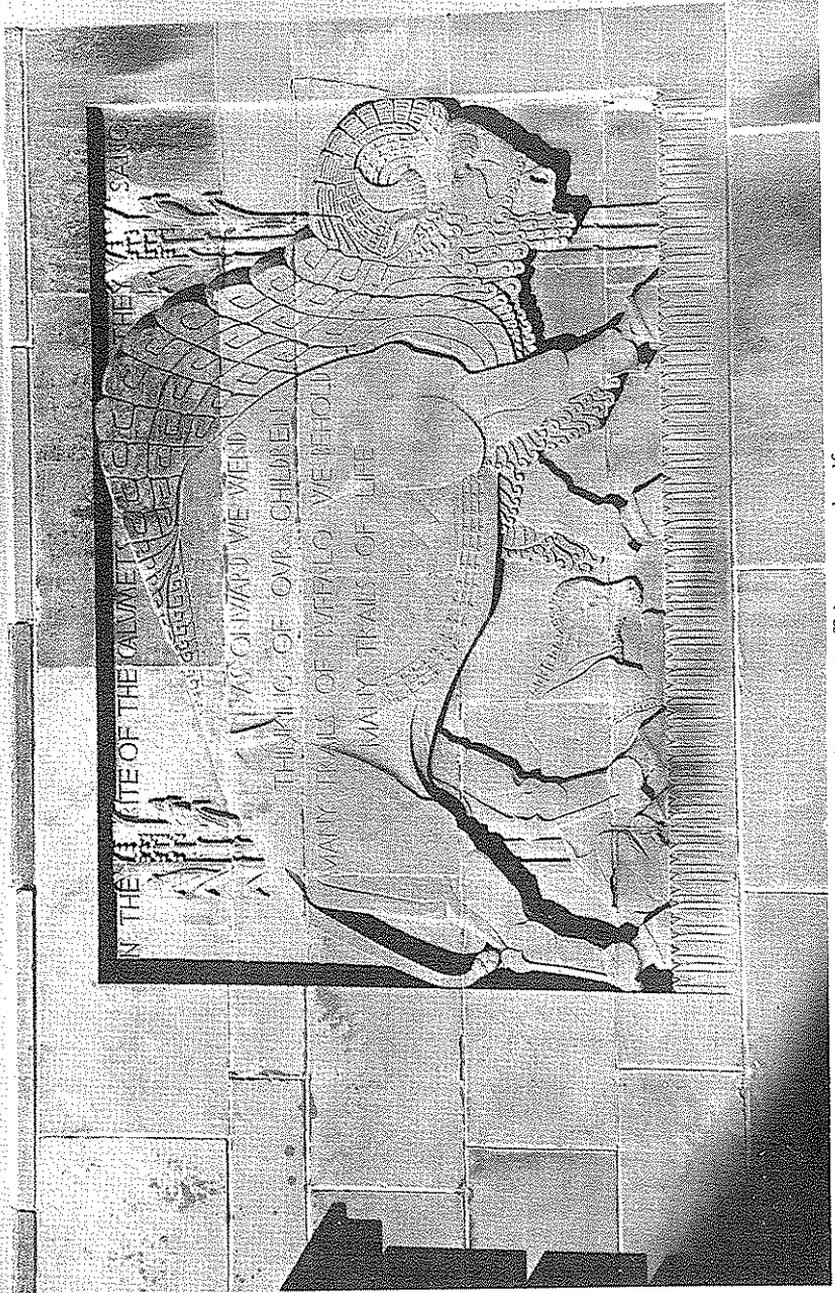


Plate 11. Buffalo cow and calf.

each balustrade a buffalo bull is depicted and on the other cheek a buffalo cow and calf are presented. (Plate 11) In each case maize (corn) is shown growing in the background. The buffalo and the maize express the life of the plains because Indians depended upon them. Maize was one of the great Indian material legacies to Whites.

The stylized buffalo seem to guard the entrance. Alexander observed that "decoratively, the idea is Indian, indicated in the conventionalization of the hair in forms suggested by Maya glyphs, in the use of feather forms for grass, and in the mainly pictographic form."<sup>10</sup> Carved upon the body of each buffalo is a quotation from Indian rituals, songs, or legends. On the outer panels passages from the Pawnee ritual of the Hako represent the gift of life through corn and children. On the panel of the bull (west side of west parapet) appears the following:

IN THESE WORDS THEY REMEMBERED THE MAIZE  
BORN OF THE EARTH  
AND TOUCHED BY THE DEEP BLUE SKY  
OUT OF THE DISTANT PAST I CAME UNTO YOU  
YOUR MOTHER CORN

On the panel of the cow and calf (east side of the east parapet) we read:

IN THE RITE OF THE CALUMETS THEY SANG  
AS ONWARD WE WEND  
THINKING OF OUR CHILDREN  
MANY TRAILS OF BUFFALO WE BEHOLD  
MANY TRAILS OF LIFE

On the inner panels the names of the principal Indian tribes which have lived or hunted in Nebraska are carved above the buffalo. The panel of the bull, below the tribal names, contains a passage from a Navaho hymn sung to celebrate a refreshing shower (west side of the east parapet):

OMAHA OTOE PAWNEE ARAPAHOE KIOWA  
IN BEAUTY I WALK  
WITH BEAUTY BEFORE ME I WALK  
WITH BEAUTY BEHIND ME I WALK  
WITH BEAUTY ABOVE AND ABOUT ME I WALK

The panel of the cow and calf, after the tribal names, displays on the body of the cow a passage drawn from Sioux lore (east side of



*Plate 12. Bronze door grill.*

west parapet):

SIOUX CHEYENNE WINNEBAGO PONCA ARIKARA  
ARISE WITH THE DAWN  
BATHE IN THE MORNING SUN  
SLEEP WHEN THE BIRDS NO LONGER FLY  
AWAKE WHEN THE FIRST FAINT DAWN APPEARS

As we climb the steps we should note that the bronze door grills memorialize the Indian with his bow and arrows, and the native Nebraska animals (represented by buffalo skulls, antelopes and wolves).<sup>11</sup> (Plate 12) Also, the decorative frieze above the Pioneer Panel uses maize and buffalo skulls. (Plate 13) Within the arch above the doorway alternating rosettes of wheat heads and corn ears symbolize the union of the gifts of the Old and New Worlds. (Plate 14)

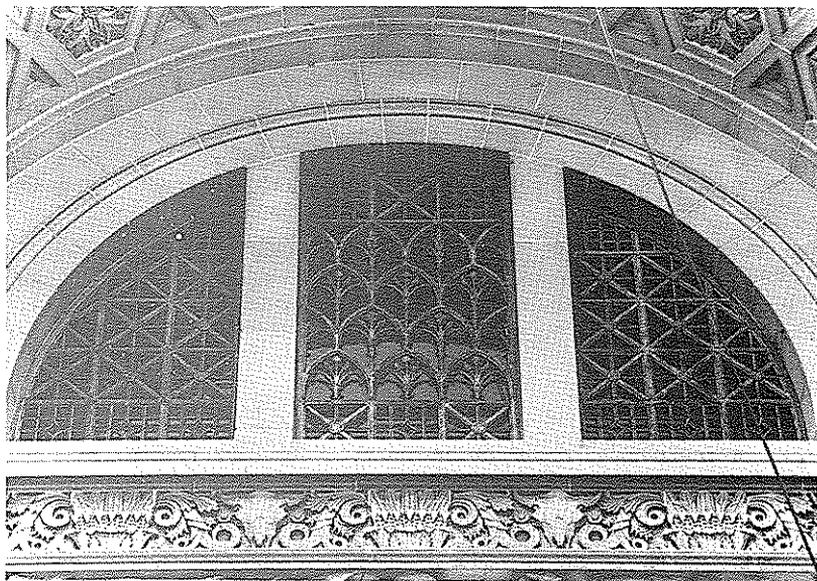
The pioneers' movement westward began the changes which resulted in the Territory, and then the State, of Nebraska. The inscription on the face of the east parapet reminds us of pioneer contributions and prepares us for the "Spirit of the Pioneers" panel above the north entrance:

HONOUR TO  
PIONEERS  
WHO BROKE  
THE SODS  
THAT MEN  
TO COME  
MIGHT LIVE (Plate 15)

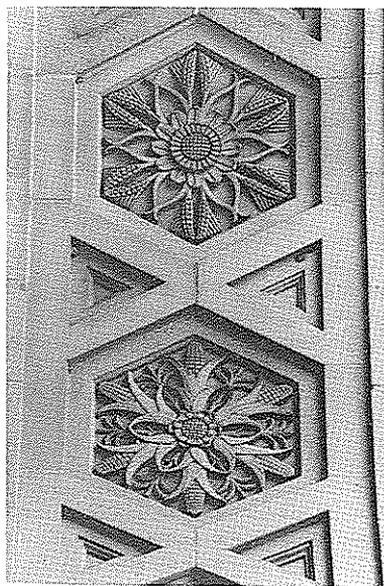
The inscription on the face of the west parapet calls attention to the citizens responsible for building the monumental capitol.

HONOUR TO  
CITIZENS  
WHO BUILD  
AN HOUSE  
OF STATE  
WHERE MEN  
LIVE WELL<sup>12</sup> (Plate 16)

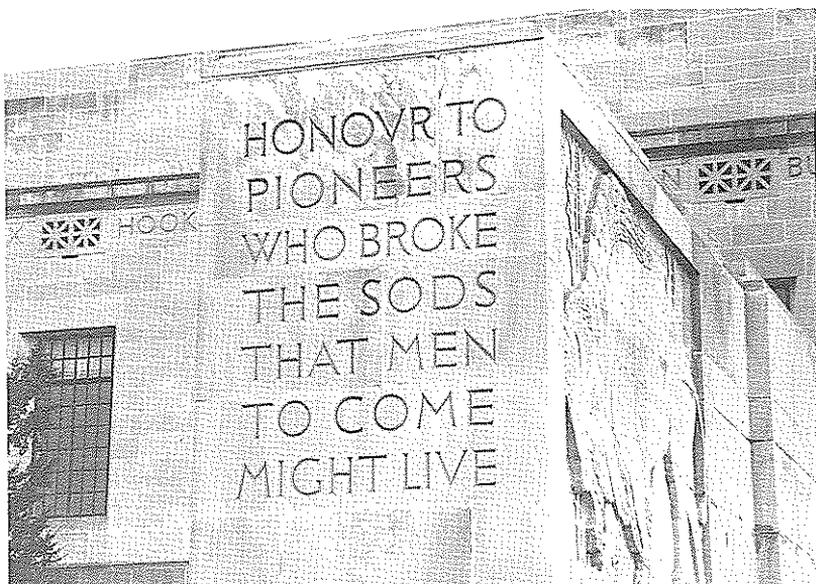
If, after reading the inscriptions, we raise our eyes to the arched entrance area, we will see, above the doorway, the large panel, "Spirit of the Pioneers," (Plate 17) with its gilded background. It symbolizes the coming of Whites. A pioneer family walks westward with its oxen and covered wagon. The family includes four generations and each member, other than the



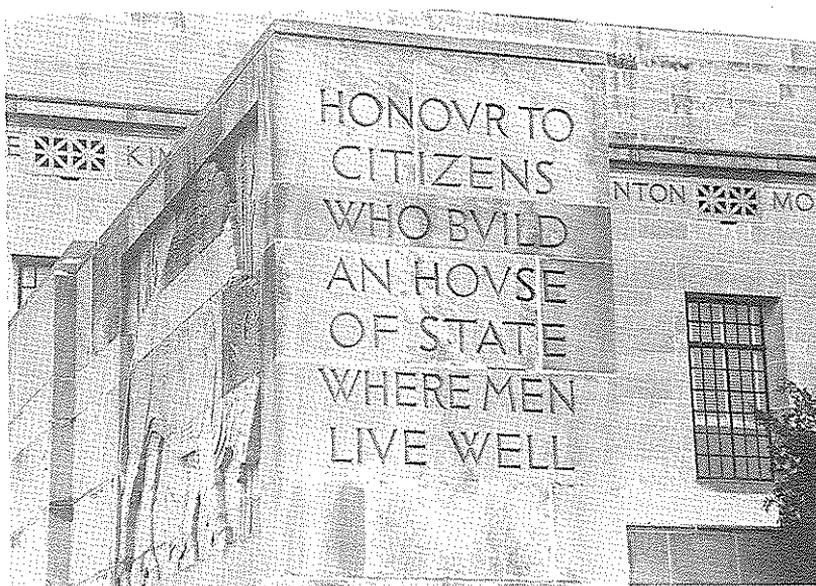
*Plate 13. Frieze above "Spirit of the Pioneers."*



*Plate 14. Rosettes of wheat heads and corn.*



*Plate 15. Inscription on east parapet.*



*Plate 16. Inscription on west parapet.*

baby, carries something needed in the new land. The old man has a water-finder's wand. "Water-witching" is still sometimes practiced in Nebraska and water has remained a constant concern of dwellers on the semi-arid plains. The boy carries seeds necessary for growing food and establishing agriculture. The husband carries a gun for protecting the family and the woman carries the babe which symbolizes the generations to come. A guide directs the group and his profile is that of William F. Cody (Buffalo Bill), a Nebraskan, whose name is closely tied to the West. The eagle flying westward, represents the destiny of the nation as it expands across the continent. The oxen and the dog symbolize the domestic animals which soon will replace the buffalo and other wild animals as the Whites will replace the Indians. In fact, that symbolism is emphasized as one ox horns a buffalo cranium from its path. A setting sun appears on the horizon in front of the oxen. Lawrie observed that "this will help emphasize the idea that the travelers are rather anxious to come to a halt, as is suggested by the old man" who is looking for water.<sup>13</sup> It is interesting to note that Alexander's "Synopsis" prepared in 1926 mentions "a rising sun." Lawrie had thought about the impression the panel should give and when others suggested he take out the "heavy drag" in early models and add bouyancy, he changed it somewhat. He commented that,

still, I'm keeping it grim enough to convey to the young the courage and determination that went into the making of the state, and remind them that their inheritance came perhaps none too easily; also the north entrance arch, being of a very sober design indeed, must have a panel that fits it.<sup>14</sup>

One of the first inscriptions Goodhue asked Hartley Burr Alexander to prepare was the one directly below the Pioneer panel and above the main doorway of the capitol. Alexander first considered a passage from Burke, but finally settled upon

THE SALVATION  
OF THE STATE IS  
WATCHFULNESS  
IN THE CITIZEN

It was, he wrote, "composed for the word pattern" and "is surely more in harmony with the vigorous suggestion of the Pioneers."<sup>15</sup> The inscription concisely states the democratic faith.

A massive pylon rises on each side of the arched doorway.

(Plate 18) On the face of the east pylon and the west side of the west pylon appears a stylized coat of arms of the United States including the eagle, shield and the inscription E PLURIBUS UNUM. On the face of the west pylon and the east side of the east pylon there is a stylized version of the proposed new seal for the State of Nebraska. It incorporates the fasces, the scale, and the inscription EQUALITY BEFORE THE LAW. This proposed seal is also carved on the cornerstone of the capitol and appears inside the building as a decorative feature. Unfortunately, it was never adopted. The official seal has remained unchanged since 1867. Each pylon also includes the fasces on its three exposed corners. A popular American symbol for the power and majesty of the law, it was borrowed from the ancient Romans for whom it signified the authority of the magistrate. The fasces is composed of a bundle of rods with an axe head protruding from the top. The rods signify the power of corporal and the axe the power of capital punishment.<sup>16</sup>

Four engaged figures in two pairs emerge from the tops of the pylons, one pair on each side. The inscription on the cornice between identifies the four figures:

WISDOM JUSTICE POWER MERCY  
CONSTANT GUARDIANS OF THE LAW<sup>17</sup>

To the left is Wisdom with a lamp-crested crown and the Book of the Law (Pentateuch) supporting her right arm. (Plate 19) Next Justice, holding the scales, is portrayed as a bearded male rather than the usual blindfolded female. To the west of the entrance is stern, muscular Power with a half-drawn sword. (Plate 20) Gentle Mercy completes the quartette, her left arm draped over a lamb, the symbol of Christ, and her right arm raised to stay Power's half-drawn sword. Wisdom represents the Hebrew gift of the wisdom of the law, Justice the Greek philosophy of the law, Power the Roman conception of the power and majesty of the law and Mercy the Christian ideal of justice tempered by mercy. All are important characteristics of the Western legal tradition. These great figures suggest the sources of some of the ideals and traditions of Western law which the pioneers brought with them to Nebraska. These figures, too, introduce the sculptural pageant provided by the great panels, the south pavilion lawgivers and the figures on the buttresses of the tower.

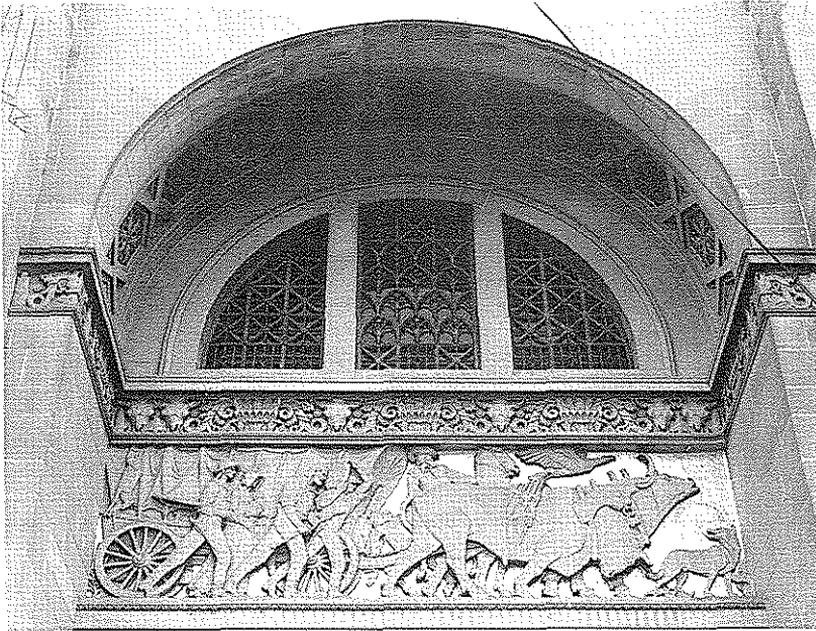


Plate 17. "Spirit of the Pioneers."

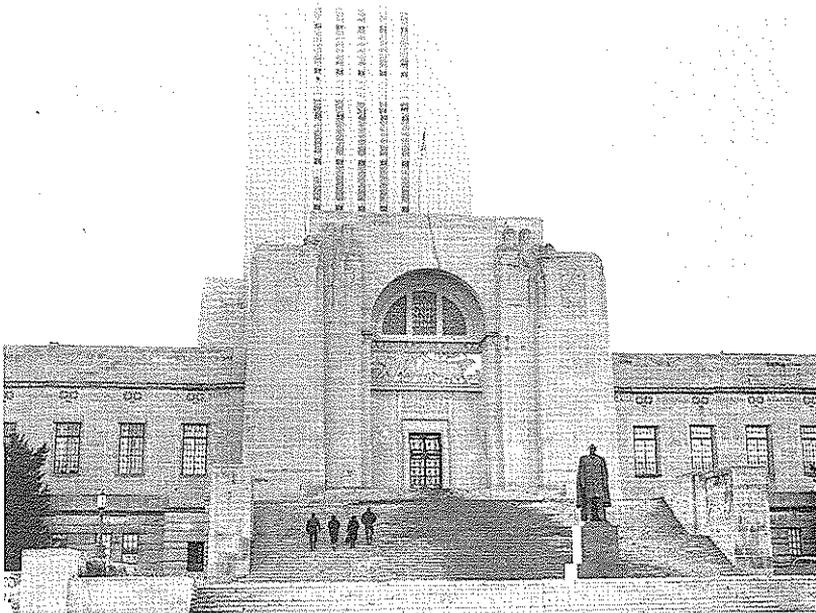


Plate 18. Front entrance. The statue of William Jennings Bryan on this Hufnagle photo was removed in 1967 to Fairview, Bryan's Lincoln home.



*Plate 19. Wisdom, Justice.*



*Plate 20. Power, Mercy.*

## CHAPTER IV THE BAS-RELIEF PANELS: THE ANCIENT WORLD

The first nine panels represent ancient legal history. They are found on the facade above the terrace and immediately above the carved names of Nebraska's 93 counties which seem to bind the building together like a great chain.

The first three panels on the west half of the building deal with Hebrew episodes in the history of Western law. They "represent the Old Testament conceptions of theocratic, inspired and kingly law."<sup>1</sup> The first panel, "Moses bringing the Law from Sinai," (Plate 21) reminds us of an event of fundamental importance in the history of both Israel and the West. Probably about the 13th century B.C. Moses led a group of Hebrews in their escape from Egyptian slavery. While they were "wandering in the wilderness" of Sinai, he was able to weld together diverse groups into a new nation. Moses was the instrument by which a covenant or pact between God and His people was made. God (Yahweh) offered to protect the Hebrews, his "chosen people," provided they obeyed his laws, especially the Ten Commandments or Decalogue, which He gave to Moses on tablets of stone. Thus, the conception is that God is the source of law. The importance of the Decalogue and of ethical monotheism in Western history can hardly be exaggerated. Also, the idea that legitimate government is based upon a covenant or contract appears repeatedly in the Western tradition. The panel depicts Moses bringing the Law from Mount Sinai and finding the Israelites worshipping not Yahweh, but a golden calf (Exodus 32:15-20), perhaps reminiscent of Egyptian worship of the bull.<sup>2</sup>

The second Hebrew panel is "Deborah Judging Israel." (Plate 22) The judges, before the monarchy was established, were early Hebrew charismatic leaders "upon whom the spirit of the Lord was believed to rest."<sup>3</sup> They considered disputes brought before them and provided decisions with the force of law. It was extraordinary for a woman to hold such a position. But Deborah was an extraordinary woman who served God's purpose in providing encouragement to His people as they sought liber-

ation from Canaanite oppression. Two similar accounts of her accomplishments are given in Judges 4 and 5, the first in prose, the second in poetry. The second, often called "The Song of Deborah," is an early war song which celebrates Israel's victory under Yahweh's leadership and provides valuable historical and religious information about the time. The panel portrays Deborah, the prophetess, sitting "under the palm of Deborah between Ramah and Bethel," judging Israel. It confirms the Mosaic covenant—the Hebrews are God's people and He will aid and protect them if only they observe His law.

The third Hebrew panel, "The Judgment of Solomon," (Plate 23) emphasizes wisdom as a guardian of law. The expansion of an Aegean people, the Philistines, led the Hebrew tribes to accept political unification under the first king, Saul. However, it was under his successors David and Solomon in the 10th century B.C. that Israel's Golden Age occurred. David, musician and psalmist, created an empire by extending Israel's control in all directions. Empire required increased political and religious centralization. Jerusalem became his capital and he created new administrative, military, and priestly systems. Plans were made for a temple and palaces, and military outposts were built.

Solomon, David's son, completed many of his father's plans including the building of the temple which became the national shrine. His reign brought prosperity to some. But high taxes, political corruption, extravagance and other problems resulted, after Solomon's death, in a revolt and secession of the northern provinces which became a separate Kingdom of Israel. This Divided Kingdom (Judah and Israel) came, the reader is told in I Kings (11:1-13), because "when Solomon was old" his foreign wives "turned away his heart after other gods. . . ." Thus, the division of his kingdom is presented as punishment for failing to keep the covenant with the Lord.

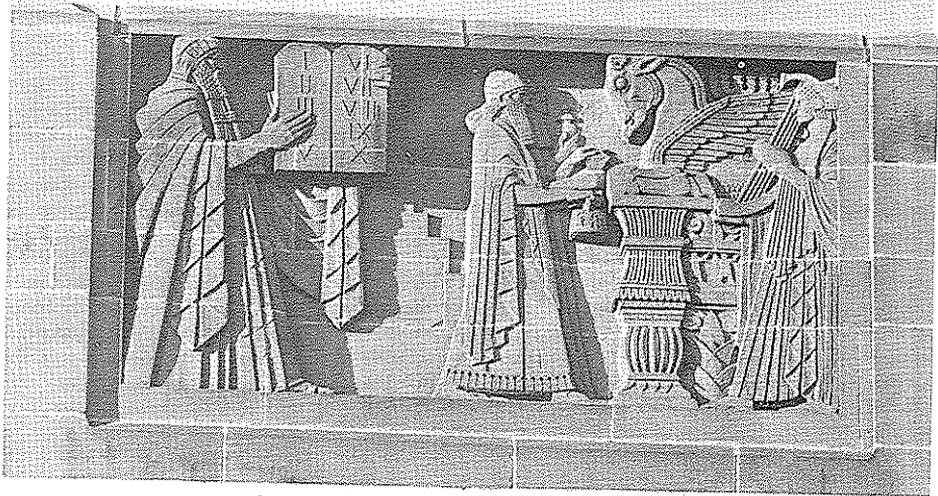
Nevertheless, Solomon is remembered as a wise king. Scripture says that at his succession the Lord granted him "a wise and discerning mind" (I Kings 3:10-12) and that when the Queen of Sheba visited him she praised both his wisdom and wealth (I Kings 10:7). Moreover, his name is connected with the authorship of both Proverbs and Ecclesiastes, part of the Old Testament's "Wisdom Literature." The best-known illustration of his application of wisdom to the law is depicted in the panel under consideration. It portrays his wise judgment as to the actual

mother of the babe in dispute and "all Israel...perceived that the wisdom of God was in him, to render justice" (I Kings 3:28).

The remaining six panels on the west half of the capitol facade portray classical, that is Greek and Roman, developments in the history of Western law. The triad on the facade above the west entrance symbolizes the legal founding of democracy and republicanism in Athens and Rome.

The first, "Solon Giving a New Constitution to Athens," (Plate 24) commemorates the reforms of the Athenian archon, Solon. His work, later supplemented by Cleisthenes and Pericles, made 5th century B.C. Athens the most democratic of Greek city states. By the early 6th century B.C. Athens faced socio-economic and political problems which threatened its destruction. In that crisis Solon was elected sole archon (magistrate) in 594 B.C. with broad powers to enact reforms. He was able to separate actual practical needs from idealistic desires and to make numerous far-reaching, but moderate, reforms. Citizens who had slipped into slavery for debt were freed and measures dealing with land ownership, coinage and trade were passed. Government, the preserve of the nobility, was modified so that all citizens were members of the popular assembly (the *ecclesia*) and eligible for the people's court (the *heliaea*). A popular Council of Four Hundred was instituted as a kind of steering committee for the *ecclesia*. Finally, Solon provided a new code of laws to replace the harsh Draconian Code. It is no wonder that the name of this wise statesman, interested in justice and mercy, is commonly used to mean "wise law-giver." The panel portrays Solon supported by Athen's patron goddess, Athena, ordering the chains struck from citizen slaves.

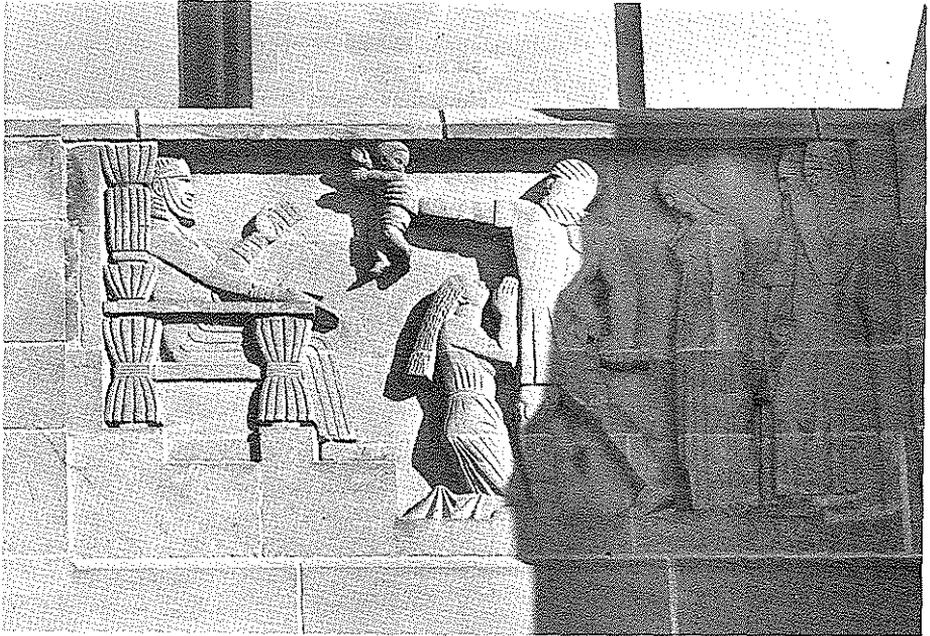
Athena was not only a Greek war-goddess and protectress of cities—she is portrayed here with a helmet—but was also a goddess of agriculture and various arts and crafts. For example, she was credited with bringing the olive to Athens and with inventing the plow. Interestingly, the panel suggests that freedom is based upon more than will. Solon's economic measures, including new systems of coinage and of measures, stimulated the economy by moving Athens into the main current of Mediterranean trade. The panel figure facing Solon and holding the chains of slaves is pointing to the symbols of the new system of measures which promised prosperity and political stability (including freedom) for Athens.<sup>4</sup>



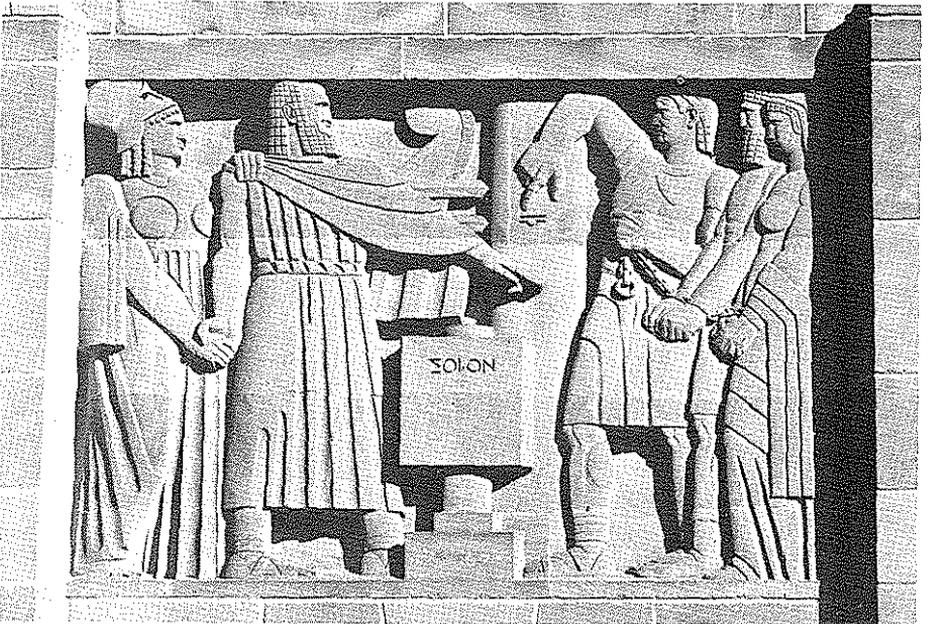
*Plate 21. "Moses Bringing the Law from Sinai."*



*Plate 22. "Deborah Judging Israel."*



*Plate 23. "The Judgment of Solomon."*



*Plate 24. "Solon Giving a New Constitution to Athens."*

The next two panels on the facade above the west entrance represent developments during the Roman Republic (509-27 B.C.). In the early 5th century B.C. Roman society was sharply divided between the patricians (nobles) and the plebeians (commoners). The latter had no political organization or representation. They were at the mercy of patrician judges since the laws, based upon custom, were not codified. They were also economically, religiously and socially discriminated against. In approximately two hundred years of compromise and concession, substantial equality was achieved by the plebeians. The events represented on the panels were a part of that long plebeian struggle.

The middle panel over the west entrance, "The Publishing of the Law of the Twelve Tables in Rome," (Plate 25) commemorates the first codification of Roman law (451-450 B.C.). No longer was legal knowledge limited to patrician judges. The Twelve Tables containing the new code were engraved and hung in the Forum for all to see. They dealt with both civil and criminal matters and were generally harsh. However, the code is not only a major historical source for life in early Rome, but the beginning of the splendid system of Roman law which has profoundly influenced the Western tradition from that day to this. Portrayed on the panel is a Roman soldier sounding his trumpet to announce the posting of the Twelve Tables in the Forum. Curious plebeians—a mason with his trowel, a farmer with his sickle, and a builder with his plumb line—eagerly examine the newly-displayed laws. In the background a plebeian woman seems to be summoning others to come and see what has happened.

The third panel above the west entrance, "The Establishment of the Tribune of the People," (Plate 26) reminds us of an event which actually occurred prior to the publishing of the Twelve Tables. Early in the 5th century B.C. (the exact date is disputed) the plebeians won from the patricians the recognition of a plebeian assembly which would elect four tribunes. The latter served as protectors of the people against the power of the patrician magistrates. A tribune had power to veto the acts of magistrates and his person was inviolable. Later the tribunate increased to ten and, in time, gained other functions including that of protecting all citizens from encroachment by the state. It is not strange that many American newspapers, considering



Plate 25. "The Publishing of the Law of the Twelve Tables in Rome."

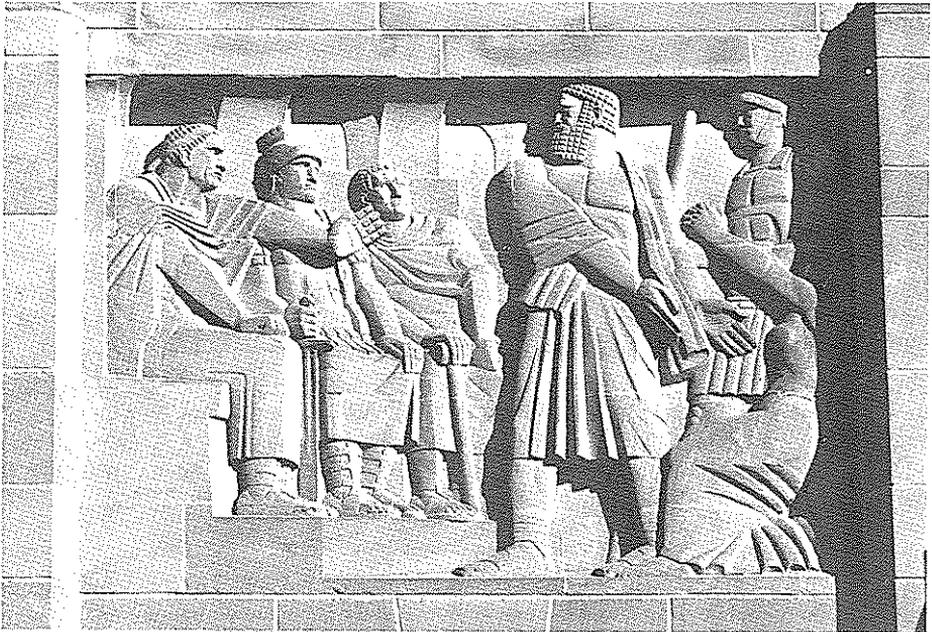
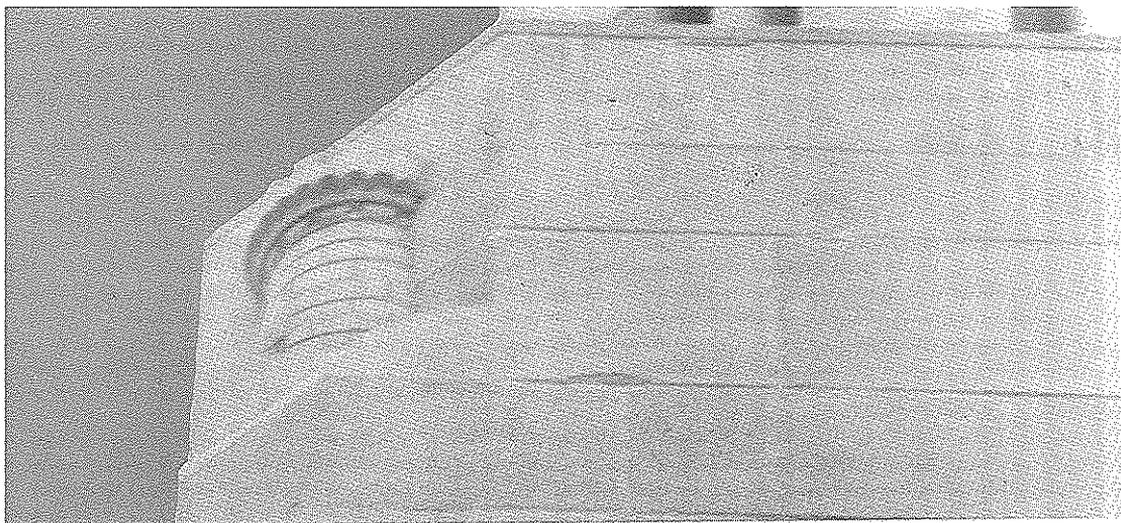


Plate 26. "The Establishment of the Tribune of the People."

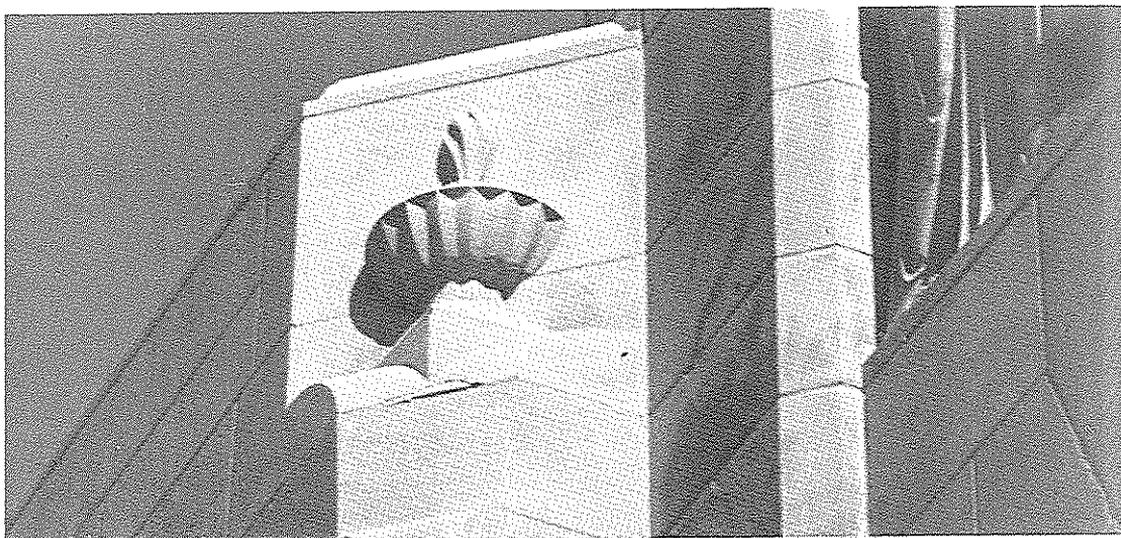
themselves "voices of the people" have adopted the name (tribune) of the ancient Roman protector of the people. Apparently the panel portrays a dramatic event in the long plebeian struggle for political equality. It is described at length by Livy.<sup>5</sup> Appius Claudius, the most hated of the decemvirs, according to Livy, acquired a passion for Virginia, a girl of plebeian birth. To have his way, Appius commissioned an agent to claim her as a slave. Her father, Verginius, was summoned from the army to plead his daughter's cause. When Appius, acting as judge, repudiated the father's plea (the episode portrayed in the panel), the father killed his daughter to preserve her honor. Livy insists that the atrocity of the deed touched off a long-threatened plebeian revolt which resulted in the establishment of the tribunes of the plebs.

Before leaving the west portal, we should note the ornaments on the corners of the buttresses to the left and right of the three panels.<sup>6</sup> To the north is the mural crown "emblematic of the Law as a Wall of Protection." On the central corners of the two buttresses are lamps with a flame symbolizing "the Illumination of the Law." To the south there is a Corinthian helmet and sword, suggesting "the active Protection of the Law." (Plate 27)

Of the remaining three panels on the west half of the capitol, two concern Greek and one Roman events in the history of law. The first panel south of the west entrance is entitled "Plato Writing his Dialogue on the Ideal Republic." (Plate 28) Plato, an Athenian who experienced the destructive Peloponnesian War, was one of the greatest philosophers in the Western tradition—a student of Socrates and a teacher of Aristotle. His thought ranged over the broad field of human concerns, but his use of the dialogue form meant his presentation was less systematic than some might wish. His masterpiece, the *Republic*, has the nature of justice as its theme. Early in the dialogue it is decided to describe an ideal state so that justice might be more easily seen. The result is the application of Plato's philosophical idealism to the creation of a utopia. Proper education was essential and he concludes that only philosopher kings, who understand the Good, will actually provide justice and govern in the interest of all. Plato represents the Greek application of human reason to the law in contrast to the Hebrew theocratic approach. The panel presents Plato, the teacher and writer, as he reasons with others about political theory, probably in the Academy which he founded in Athens—

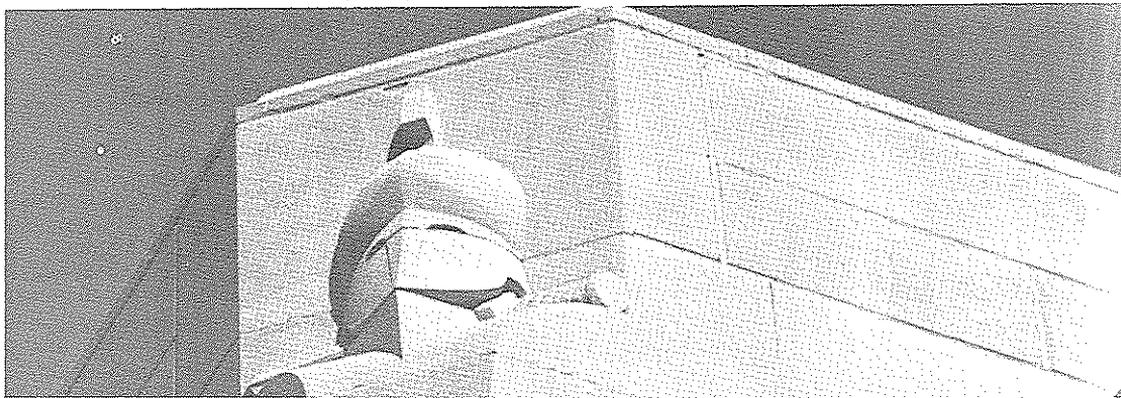


*Plate 27A: West entrance: Mural crown*



*Plate 27B: West entrance: Lamp.*

*Plate 27C (below): West entrance: Corinthian helmet and sword.*



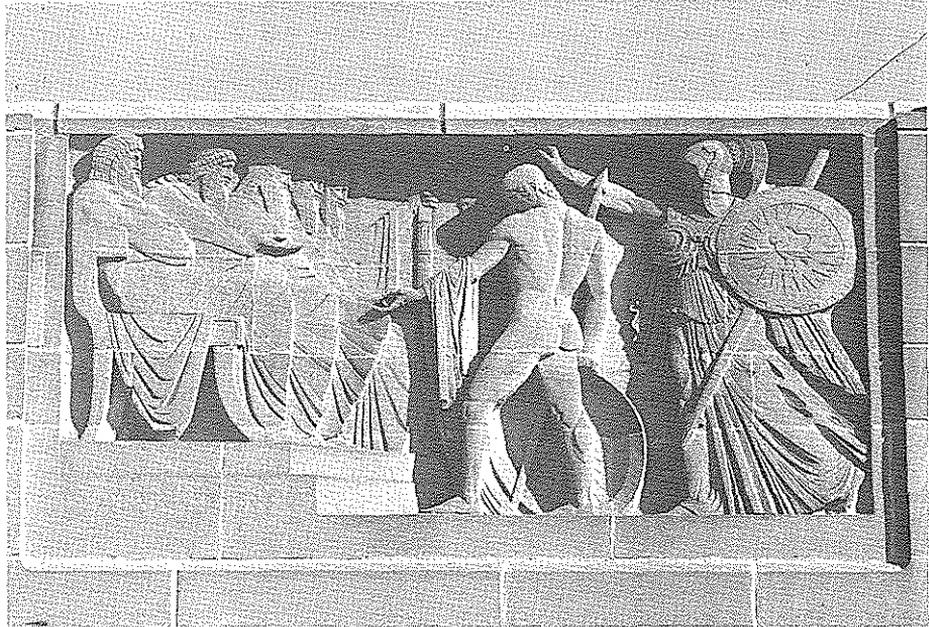
note the background of fluted Greek columns. Since Plato's beloved teacher, Socrates, is the protagonist of the *Republic*, it seems likely that Lawrie depicted him as the central figure in the panel.

The final Greek panel is "Orestes before the Areopagites." (Plates 29) Aeschylus was one of the three leading Athenian tragic dramatists of the 5th century B. C. He chose the ancient legend of Orestes, with its setting in the days of the Trojan War, to explore the working out of justice in human affairs. In the *Oresteia* trilogy violence begets violence in the house of Atreus until Orestes kills his mother, Clytemnestra, for having killed his father, Agamemnon. In those early days punishment of murder was left to the dead person's family. Orestes, the matricide, pursued by the Furies, finally asked the Goddess Athena for deliverance. Orestes' case was tried before the ancient Council of the Areopagus. The court divided evenly and by Athena's decision Orestes was freed. Athena then established the Areopagites as the chief court of Athens which would free the land of blood feuds and provide wise guidance. The trial of Orestes, thus, symbolizes the replacement of blood revenge, usual in primitive societies, with enlightenment and the rule of law. It reminds us of a major step in the development of western law. The *Oresteia* is generally recognized as the greatest of Greek plays and the American playwright, Eugene O'Neill, patterned his *Mourning Becomes Electra*, with its Civil War setting, upon it. The panel portrays Athena preparing the way for Orestes' acquittal. Note that Athena is again portrayed as a war goddess. She was frequently shown with helmet, round shield and a spear. The owl, Athena's favorite bird, represented the power of the mind (wisdom). It is shown here in the center of the shield.

"The Codification of Roman Law Under Justinian," (Plate 30) completes the panels devoted to the ancient world's influence upon the Western legal tradition. The Emperor Justinian (527-565 A. D.), Byzantine and Christian more than classical Roman, ruled his domain from Constantinople on the Bosphorus. He is remembered particularly for briefly reasserting control over Italy which, like the rest of the West, had fallen to the Germans, for building the church of Hagia Sophia (Holy Wisdom) and for making the final codification of a thousand years of Roman legal development. Hagia Sophia, "Gem of the Bosphorus" and now a great museum in Istanbul, is the noblest monument to Christian



*Plate 28. "Plato Writing his Dialogue on the Ideal Republic."*



*Plate 29. "Orestes before the Areopagites."*

Byzantine art.

Roman law evolved from early Republican institutions, including the Twelve Tables and enactments of assemblies and Senate, to the legal system of a world empire including jurists' opinions issued in the emperor's name. Justinian provided for codifying Roman law. His commission removed the contradictory, repetitious and obsolete and organized the remainder. The result was the *Code of Justinian*. Also he had his commission work on the writings of the jurists to provide the *Digest*, or *Pandects*, a commentary by the best Roman legal minds. The *Code* and the *Digest* were then summarized into a textbook on Roman law, the *Institutes*. Finally, Justinian's own laws were collected and published in Greek as the *Novels*. Together the *Code*, *Digest*, *Institutes* and *Novels* make up the Body of the Civil Law (*Corpus Juris Civiles*). This *Corpus* became the law of continental Europe (including many areas, worldwide, where Europeans settled) and influenced the canon law of the Church, the more modern development of international law and, to a degree, English law as well. No other book, except the Bible, has so influenced the development of the West. Indeed, law was Rome's greatest gift to the world. The panel on the southwest corner of the south facade shows Justinian and his wife and co-regent, Theodora, receiving the four-part *Corpus*.

CHAPTER V  
PIERCED-STONE PANELS:  
THREE IMPORTANT LEGAL DOCUMENTS

The chronological history of the law presented in 18 bas-relief panels on the facade is interrupted by the south pavilion. Not only do ten great lawgivers appear there, but below them three pierced-stone panels form the law library balustrade outside and above the supreme court chamber. Their central location amid the bas-relief panels symbolically suggests their centrality in American historical and legal development. Moreover, the placement of "The Magna Carta" panel between those depicting the Declaration of Independence and the U.S. Constitution correctly suggests the heritage of the two most important American documents.

The Magna Carta (Great Charter) (Plate 31) of 1215 was a feudal contract. In it King John of England, whom his vassals viewed as a tyrant, agreed to observe various obligations generally accepted as the basis of government in Western Europe. The important thing is that, as with the Hebrew concept of the Covenant, government was viewed as resting upon a contract or agreement. It is true that Magna Carta in 1215 aimed at assuring the rights of the nobility, not those of the commoners. However, the document is of fundamental importance in our Western legal tradition because it asserted certain principles later extended to include all English (and American) people. In it we find roots of ideas such as that there shall be "no taxation without representation;" that justice should not be sold, denied or delayed; that "no person shall be deprived of life, liberty or property without due process of law;" and that rebellion is legal against a lord who does not adhere to the feudal contract (the king is not above the law). In the seventeenth and eighteenth centuries the feudal notion that society was held together by contract became the justification of England's Glorious Revolution (1688) and of the American and French revolutions as well. The panel, one of the earliest prepared by Lawrie, was described as follows by Hartley Burr Alexander:

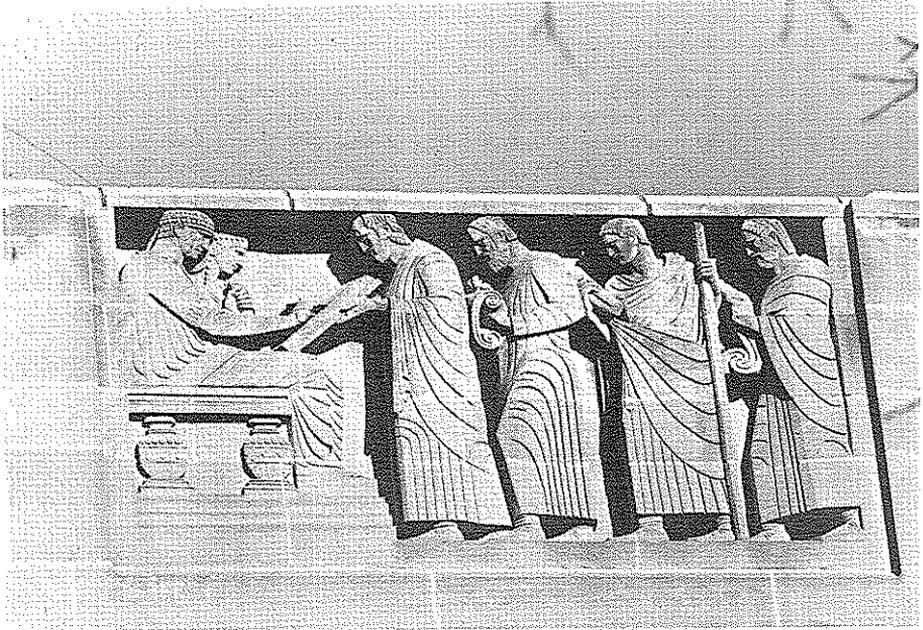


Plate 30. "The Codification of Roman Law Under Justinian."

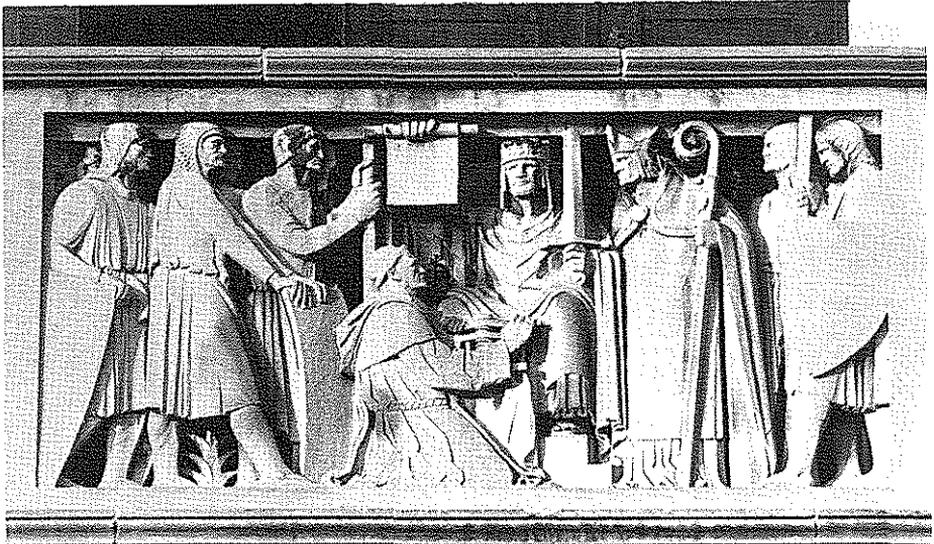


Plate 31. "The Magna Carta."

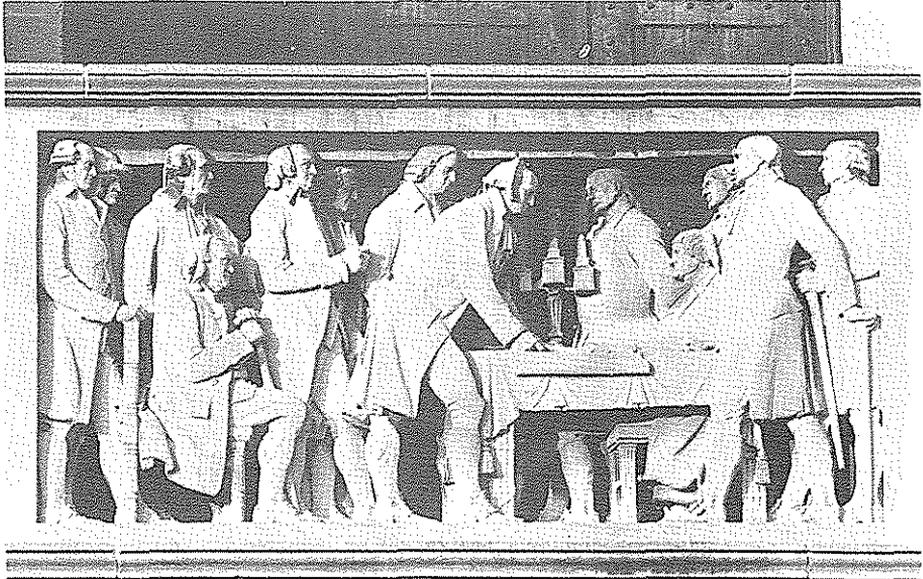
In the center is seen the king sullen and stern, while below him a clerk is pressing down the great seal. The prelate at the right in a way typifies the passing of the mediaeval regime while the grim barons at the left are exacting the foundations of free government for free people. The power and determination which underlie the event is shown in the attitudes of the figures.<sup>1</sup>

To the left (west) of Magna Carta is "The Signing of the Declaration of Independence." (Plate 32) In 1776, after more than a decade of controversy over rights of the English colonies in America, the Second Continental Congress adopted the Declaration. It was prepared by a committee composed of Jefferson, John Adams, Franklin, Sherman and R. R. Livingston, but largely written by Jefferson. The Congress passed a resolution declaring independence on July 2, and adopted the text of the Declaration on July 4 (actual signing took place mainly on August 2). The Declaration was eventually adopted by the legislatures of the 13 new states. Based firmly upon the contract theory of government, it was written in the form of a syllogism. The syllogism's major premise is that abuses by government justify revolution. The minor premise, a lengthy listing of abuses suffered by the English colonies in America at the hands of the "King of Great Britain," is followed by the conclusion: "We, therefore . . . solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States. . . ." The Declaration, of course, was aimed at coalescing opinion at home and abroad in support of military action against the British which was already underway in 1776. Confirmation of independence came only in 1783 with the peace treaty (the "birth certificate of the United States").

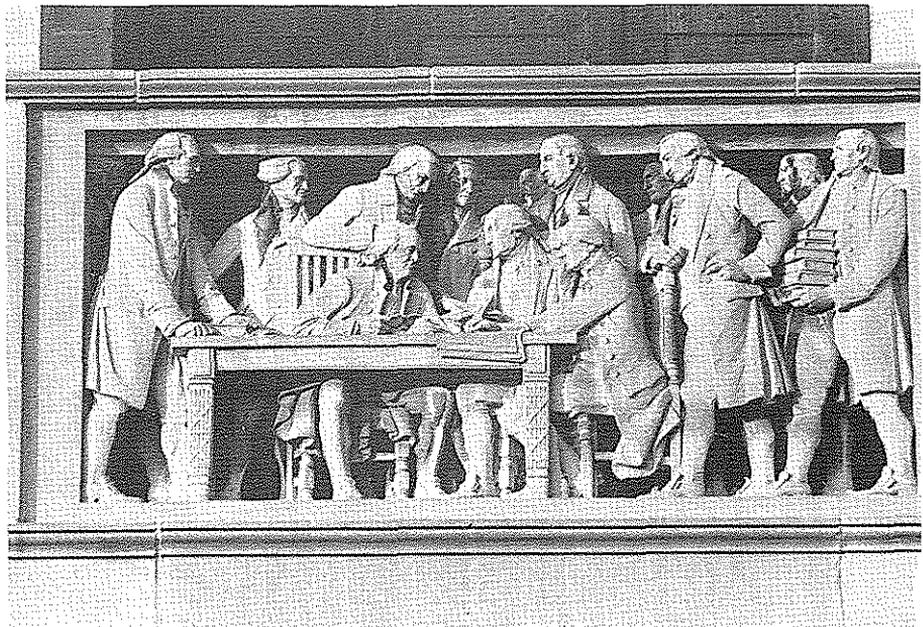
In 1924 after Lawrie had completed the model of this panel and that of the Constitution, he wrote Alexander about them. He commented that there would probably be concern "about the rather free portraiture." He said most people would not be aware of the most important point about the panels. As a group of forms they had to be, he said, casual enough for a picturesque subject, but architectural enough to form a balustrade. He admitted that there were more than the 13 signers he portrayed and that the signing was not all done on one day. Structurally, he pointed out, the figures in both panels had to support the lintel stones "and yet not look as if they do. . . ." Thus the figures had been moved around to form "a pleasant pattern."<sup>2</sup> According to Alexander's "Synopsis," the 13 persons portrayed in the De-

claration panel are "Rush, Stephen Hopkins, Richard Henry Lee, Robert Morris, Wilson, Randolph, John Adams, Roger Sherman, Samuel Adams, Hancock, Huntington, Franklin, Jefferson."<sup>3</sup>

The final panel forming the balustrade of the south pavilion is "The Writing of the Constitution of the United States." (Plate 33) The U.S. Constitution, prepared by the Constitutional Convention of 1787, began to function as the government of the new nation in 1789. It was republican in form, possessed authority delegated by the states and was characterized by a separation of powers and a substantial bill of rights, especially after the addition of the first ten amendments in 1791. It also had the potential to expand geographically so that 13 states have become 50. Officially amended only 26 times, substantial adaptation to new conditions has resulted from judicial review. In fact, the Constitution puts into written form the idea that government is based upon an agreement between the governors and the governed—the social contract theory which has roots running back not only to the assertions of the Declaration of Independence, but to Magna Carta (the feudal contract) and the Hebrew covenant itself. The Constitution is the American version of the contract or agreement. When the Supreme Court determines the constitutionality of a statute it decides, in effect, whether or not that statute is within the power of the government. In general, this arrangement has worked well as, reminiscent of the Orestes panel, disputes have been settled by courts of law rather than by violence. The one great exception was the Civil War which nearly destroyed the Union. The panel depicts 13 figures working around a central table. Those shown are "Franklin, Washington, Hamilton, Wilson, Madison, Gerry, Edmund Randolph, Pinckney, Rufus King, Gouverneur Morris, Roger Sherman."<sup>4</sup> Actually, neither Elbridge Gerry nor Edmund Randolph, although members of the Convention, approved or signed the document.



*Plate 32. "The Signing of the Declaration of Independence."*

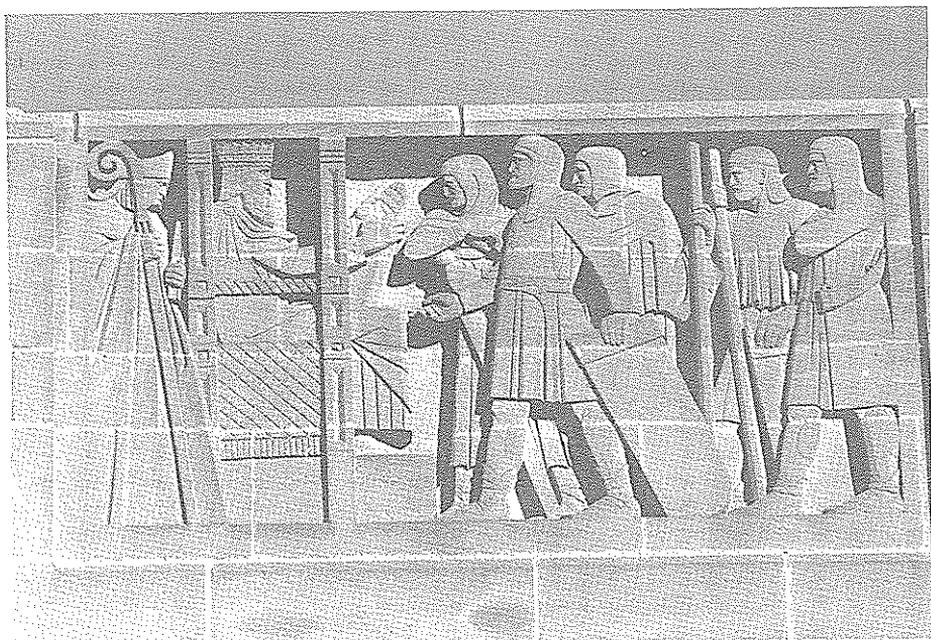


*Plate 33. "The Writing of the Constitution of the United States."*

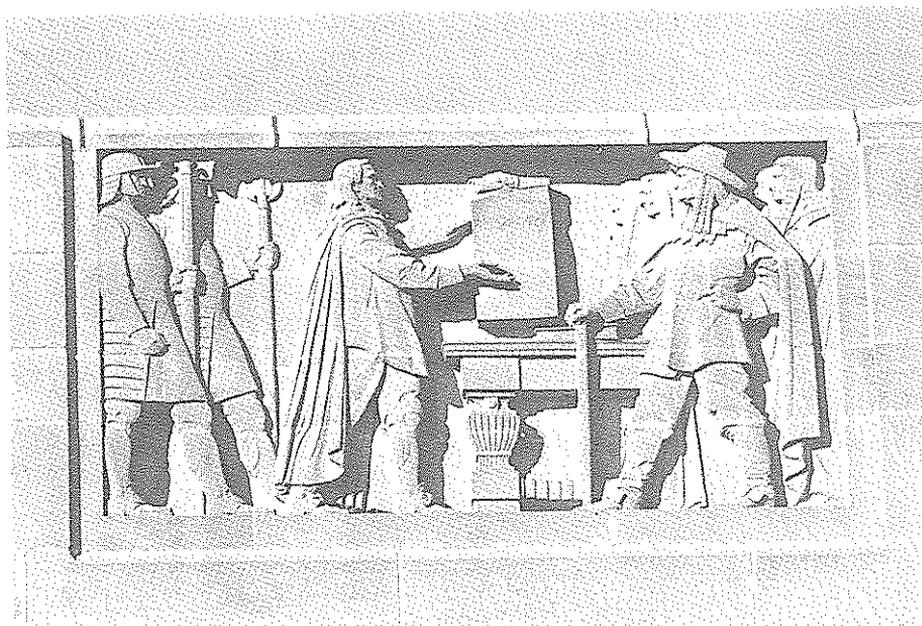
CHAPTER VI  
THE BAS-RELIEF PANELS—ENGLISH AND  
AMERICAN SUBJECTS

The first three panels east of the south pavilion concern the history of English law, the direct ancestor of American law. The initial reminder of our English heritage is "The Codification of Anglo-Saxon Law under Ethelbert." (Plate 34) As mentioned above, invasions of the Roman Empire by Germanic tribes in the 4th, 5th and 6th centuries contributed to its destruction. Roman Britain fell to the Angles (England is "Angle Land"), Saxons, Jutes and other Germans who established small kingdoms. Ethelbert, King of Kent (560-616), welcomed the Christian missionary, Augustine, to his kingdom in 597 and was himself soon converted as was most of Britain within a century. Perhaps Augustine influenced Ethelbert to issue a code of Anglo-Saxon laws, the first codification of Northern European laws in German, the language of the people. The code provided some protection for Christianity and was aimed at limiting violence in a primitive society. Ethelbert's code represents the founding of English law. This panel, on the southeast corner of the capitol's facade, is paired with Justinian's codification of the Roman law on the southwest corner. It reminds us that American legal heritage has drawn heavily upon both Roman and English sources. The panel shows Ethelbert, supported by Augustine, the first Archbishop of Canterbury, presenting the new code to his people.

The second and third panels emphasize the spirit of English law as shown in the defense of liberty by John Milton and Edmund Burke. "Milton Defending Free Speech before Cromwell" (Plate 35) concerns an ever-present issue in democracies as well as in totalitarian states. The blind Puritan, John Milton (1608-1674), is recognized as the greatest English poet after Shakespeare. However, his portrayal on Nebraska's capitol is not because of *Paradise Lost* or *Paradise Regained*, but because of his oration, the *Areopagitica*. Titled after a speech by Isocrates in 355 B.C. before the Athenian Areopagus (see p.325) urging the



*Plate 34. "The Codification of Anglo-Saxon Law under Ethelbert."*



*Plate 35. "Milton Defending Free Speech before Cromwell."*

Greeks to a purer democracy, the *Areopagitica* has become the classic defense of freedom of the press. Milton lived through the violence and civil war of 17th century England. In the 1630s the reprehensible Archbishop Laud had increased censorship of the press and, to Milton's disgust, the Long Parliament confirmed the controls in 1643. Therefore, in 1644 he addressed his *Areopagitica* to the Parliament. In it he attacked press censorship arguing the axiom of democracy that the people are capable of choosing truth over error. In the panel Milton is portrayed presenting his oration to Oliver Cromwell, the Puritan leader. Note the typical military garb of the English Civil War era and, behind Cromwell, the judges wearing wigs.

The third English panel, "Burke Defending America in Parliament," (Plate 36) recalls the heroic, if unsuccessful, efforts of Edmund Burke on the eve of the American Revolution. In 1774 the "Coercive Acts,"<sup>1</sup> as the British called them, or the "Intolerable Acts," as Americans named them, brought to a head more than a decade of controversy over relations of the English colonies in America with the mother country. These acts resulted in America in the convening of the First Continental Congress which, among other actions, adopted the "Declaration of Rights and Grievances." The response of the British Government to the American colonies seemed harsh and undesirable to Edmund Burke who gave his famous speech on conciliation in the House of Commons on March 22, 1775. Urging repeal of various acts directed at America, he argued that the colonies were taxed without representation; that they were too far away to be directly represented; and that the colonies had voluntarily contributed financially which was much more conducive to good feeling than was Parliamentary taxation. His argument was that the colonists were "not only devoted to liberty, but to liberty according to English ideas and on English principles."<sup>2</sup> Since that was so, to deny liberty by force was impractical, inexpedient and downright dangerous to English liberties. While his proposals were defeated by large majorities in the Commons, his closely reasoned speech still provides an exciting and powerful practical defense of liberty. The panel shows Burke delivering his speech on conciliation with America in the House of Commons.

Over the east portal of Nebraska's capitol are three panels which represent the proclamation of the rights of the red, white and black races in America. The first is "Las Casas Pleading the

Cause of the Indian.” (Plate 37) Bartolome de Las Casas (1474-1566), often called “The Apostle of the Indies,” sailed to the Spanish Antilles about 1502 where he served as adviser to colonial governors. In 1510 he became a secular priest and later a Dominican friar. From 1514 on his life was devoted to helping Indians who were enslaved under the *encomienda* system to assert their rights as human beings. He worked directly with the Indians, wrote several widely-distributed works in their defense, publicly debated the leading Spanish theologian, Sepulveda, in support of the Indian cause, and pleaded their case before the monarchs. The New Laws (1542) supported Las Casas’ views by prohibiting the *encomienda*, but were unenforceable. This panel, depicting Las Casas defending Indian rights before the Spanish king and Holy Roman Emperor Charles V and his queen, reminds us that the rights of people whom the Whites found in the New World needed recognition and legal protection. Note the Moorish architecture portrayed in the panel background.

The second panel above the east portal is “The Signing of the Pilgrim Compact on the Mayflower.” (Plate 38) In the early winter of 1620 a small group of English Separatists, whom we call the Pilgrims, arrived, not in Virginia as intended, but off the forbidding New England coast. Recognizing that they had no legal authority to be there and worried “by the mutinous speeches that some of the strangers amongst them had let fall from them in the ship,” the Pilgrim leaders drew up an agreement for self-government which was signed by adult males before they left the *Mayflower*. William Bradford provides the short text of the agreement in his *Of Plymouth Plantation*:

We whose names are underwritten...do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together into a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.<sup>3</sup>

Thus, the long, but theoretical, history of a social contract as the actual basis of government, became a reality in English America. The theory asserted in the Declaration of Independence and put into effect with the U.S. Constitution finds its American ancestry

in the Mayflower Compact. It was, as Bradford wrote, "the first foundation of their government in this place."<sup>4</sup> The panel portrays the tiny, crowded hold of the *Mayflower*. There the Pilgrims, refugees, of conscience, signed the Compact which served as the basis for a new life in a New World.

The northernmost panel over the east entrance is "Lincoln's Proclamation of the Emancipation of the Negroes." (Plate 39) In the midst of the Civil War, largely caused by controversy over slavery, President Abraham Lincoln issued the Emancipation Proclamation. Justified as a war measure taken by the Commander-in-Chief, it declared

that on the 1st day of January, A. D. 1863, all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free. . . .<sup>5</sup>

The Proclamation initially left Blacks in slavery for it applied only to rebel states where it could not be enforced. The three constitutional amendments which quickly followed the war abolished all slavery (Amend. XIII—1865), granted citizenship to freemen (Amend. XIV—1868), and provided citizens the right to vote regardless of color, race or previous condition of servitude (Amend. XV—1870). These legal changes, revolutionary in human relations, were momentous steps toward equality and justice for Blacks in the United States. In the past century, particularly the last two decades, progress has been made in implementing the promise of the Proclamation and the Civil War amendments. However, much remains to be done in the economic and social areas. The panel shows Lincoln reading the Proclamation as slaves with broken shackles raise their hands to accept freedom in the shadow of the national capitol. Behind Lincoln stand Secretary of State William H. Seward and presumably Attorney General Edward Bates. A carefully-placed stovepipe hat, a Lincoln trademark, adds a note of reality to this symbolic panel.

The buttress corners of the east portal, like those of the west (see p. 323), display appropriate ornaments.<sup>6</sup> (Plate 40) On the south corner the Phrygian cap is an emblem of revolution and the freeing of peoples. On the central corners of the two buttresses are representations of ancient balloting urns. To the north there is an anvil, emblem of Nebraska,<sup>7</sup> which introduces the three Nebraska panels.

The final three panels on Nebraska's capitol represent "the three steps by which Nebraska became, respectively, a part of the territory of the United States, an established Territory, and a State in the Union."<sup>8</sup> First in this triad is the "The Purchase of Louisiana from Napoleon." (Plate 41) The purchase from France in 1803 of all of Louisiana for about \$15,000,000 was an event of profound importance for the United States. It doubled the area of the U.S., providing for vast expansion and eventual world power; it removed a serious threat in the West; it contributed to national unity; and it set the precedent for acquiring territory and people by treaty. In order to protect the commercial lifeline of the American West, the Mississippi River, negotiations were begun by President Thomas Jefferson to purchase New Orleans and West Florida. Napoleon, troubled by imperial problems in both America and Europe, ordered his representatives, Talleyrand and Barbe-Marbois, to sell all of Louisiana. The surprised American diplomats, Robert Livingston and James Monroe, negotiated on that basis and agreed, among other things, that

the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States. . . .<sup>9</sup>

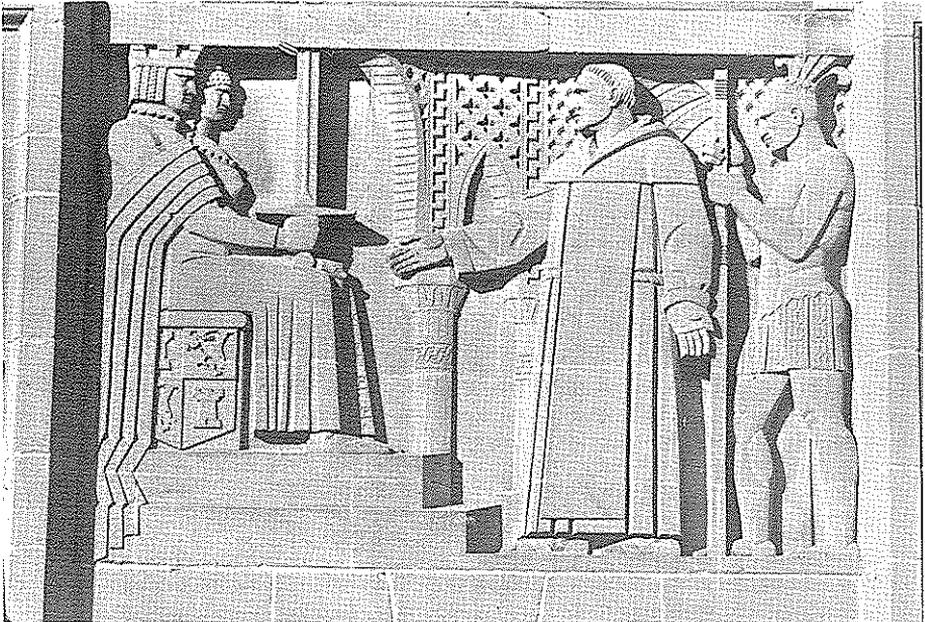
Thus, in 1803 the territory of present Nebraska, with some guarantee about its future, became a part of the United States. The panel portrays the negotiators as the treaty of cession was agreed upon. A map of Louisiana is in the background as is a bust of Napoleon which symbolically supervises the arrangement.

The second step in Nebraska's history as portrayed on the capitol was "The Kansas-Nebraska Bill." (Plate 42) The background of this bill, which became law in 1854, involves the westward expansion of the American people and the growing slavery controversy. In the 1840s, the Era of Manifest Destiny, the United States had annexed Texas (1845), the Oregon Country (1846) and the Mexican Cession (1848). The Gadsden Purchase (1853) completed the pre-Civil War territorial additions. Settlement in Oregon, Utah and California (especially after the discovery of gold) brought demands for political organization and improved transportation, including a transcontinental railroad. The status of slavery in any newly organized

Territories became an overwhelming issue in the nation. The Missouri Compromise (1820) had prohibited slavery in the Louisiana Purchase west of Missouri and north of its southern boundary. The Compromise of 1850, in an effort to calm controversy, had admitted California as a free state, organized the Territories of New Mexico and Utah without mention of slavery, prohibited the slave trade in the District of Columbia and provided a more stringent fugitive slave law. However, the Great Plains, which had been earlier declared "permanent" Indian Country, served as a barrier to building a Pacific railroad in the north. Stephen A. Douglas, Democratic senator from Illinois, became the leader of the drive to organize a Territory of Nebraska through which a railroad linking Chicago and California might be built. To deal with slavery in the new Territory he proposed "popular sovereignty" (allowing settlers to determine, at statehood, whether or not they desired slavery). The Act as eventually passed provided for two Territories, Kansas and Nebraska, and repealed the slavery restriction of the Missouri Compromise, in effect providing "popular sovereignty." Thus, in 1854 the Territory of Nebraska emerged out of the pre-Civil War expansion thrust and the slavery controversy. The Kansas-Nebraska Act organized two new Territories and made possible immediate settlement and eventual building of the first Pacific railroad through Nebraska's Platte Valley. But it contributed to violence as well. Both "Bleeding Kansas" and the new anti-slavery Republican Party inflamed national politics. In fact, in 1860, the election to the presidency of the Republican candidate, Abraham Lincoln, was enough to trigger Southern secession. On the Plains, for two generations violence accompanied displacement of Indians by settlers. The panel at the north end of the capitol's facade presents a selection of portraits mainly of senators involved in the heated debates over the Kansas-Nebraska Bill. Standing at the extreme left and presiding is Senator Charles E. Stuart. Seated beside him and taking notes is, presumably, Asbury Dickens, then Secretary of the Senate. Seated at the left with a map on his knees is Senator William H. Seward. Illinois Senator Stephen A. Douglas, "The Little Giant," is the next figure to the right. Standing to the left of Douglas is President Franklin Pierce who later signed the bill, making it law. Senator Charles Sumner, an opponent of the bill, is the speaker in the center of the panel. Other senators behind him from left to



*Plate 36. "Burke Defending America in Parliament."*



*Plate 37. "Las Casas Pleading the Cause of the Indian."*

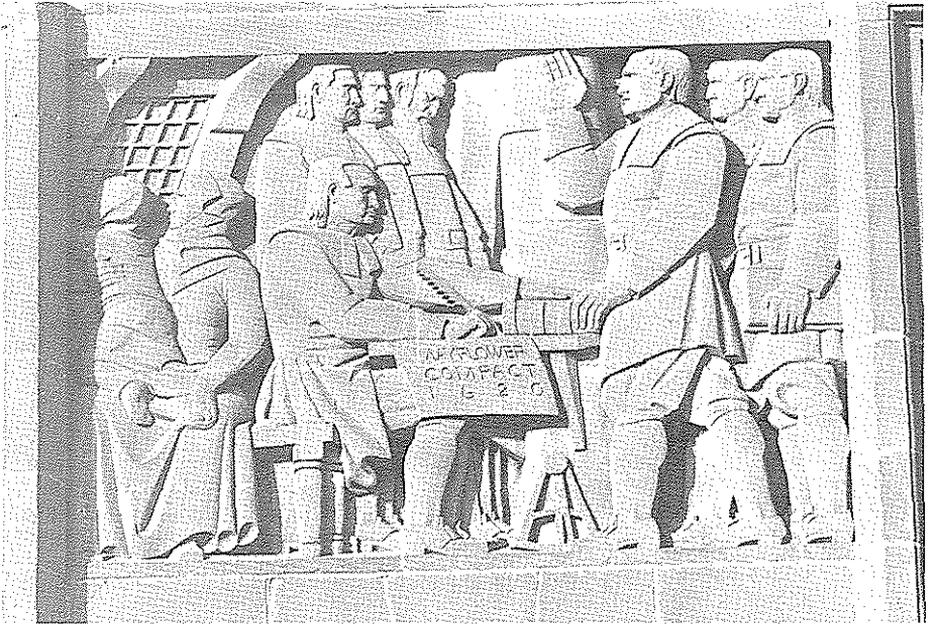


Plate 38. "The Signing of the Pilgrim Compact on the Mayflower."

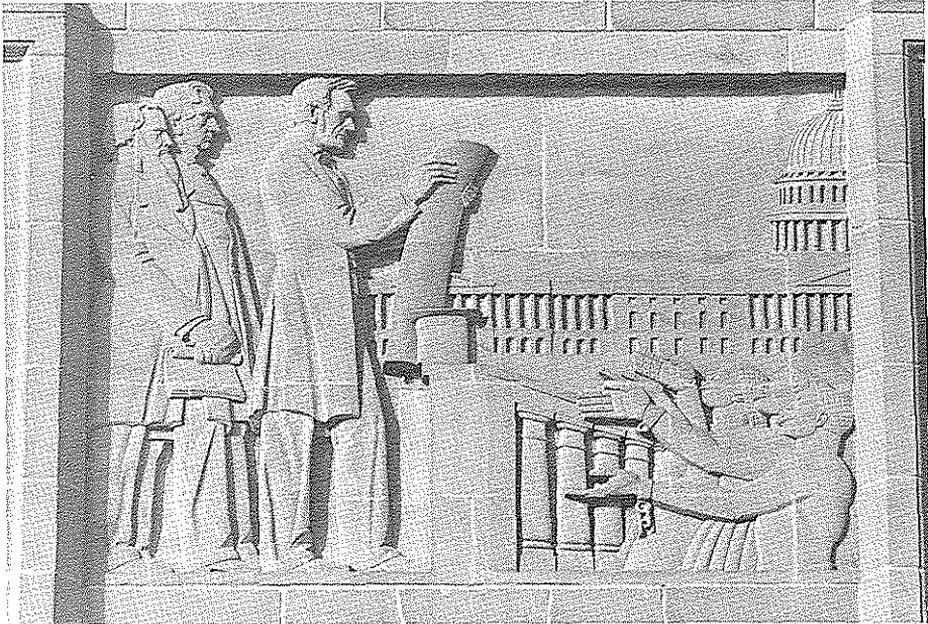
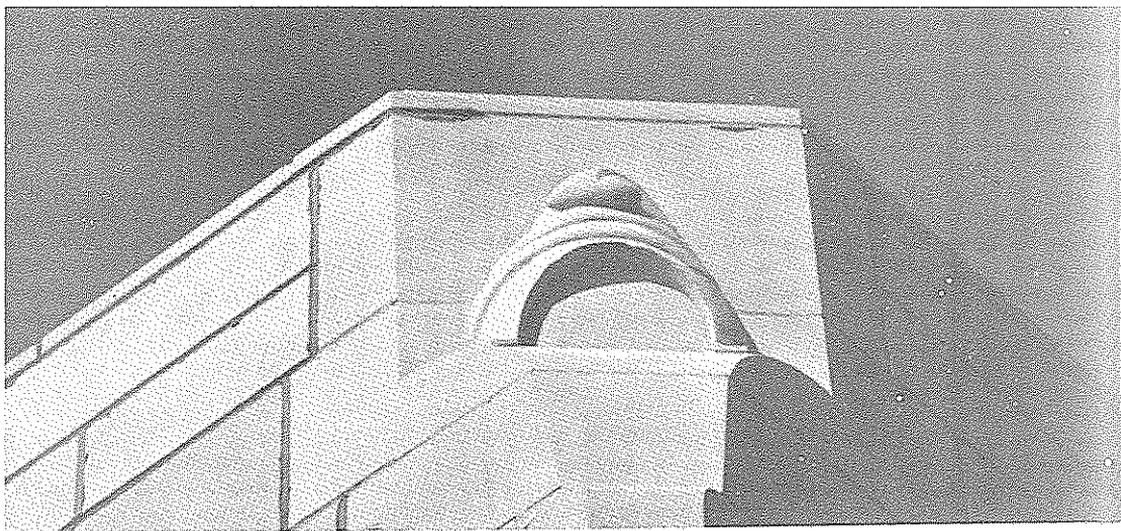
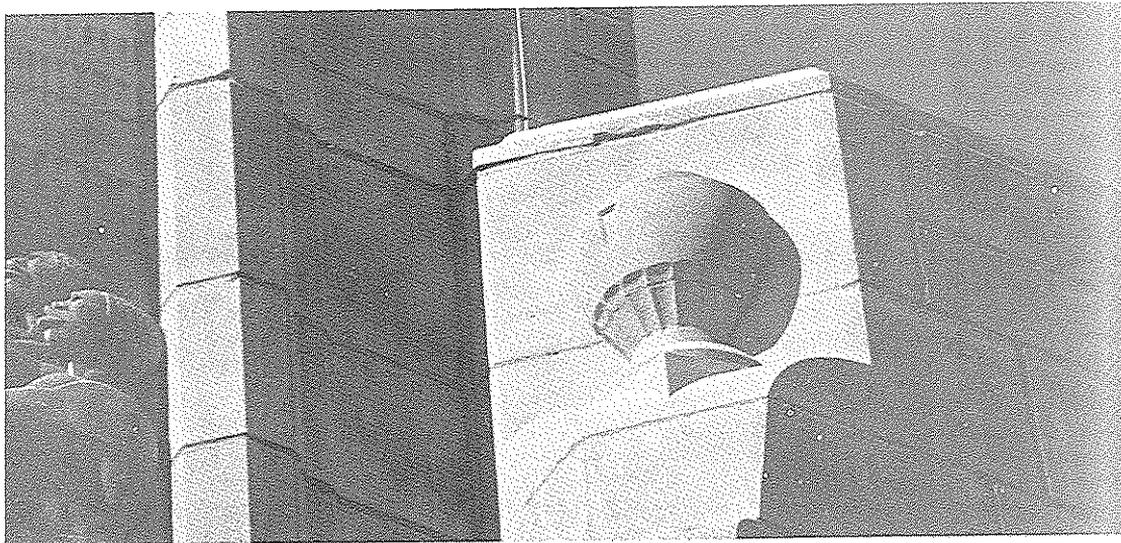


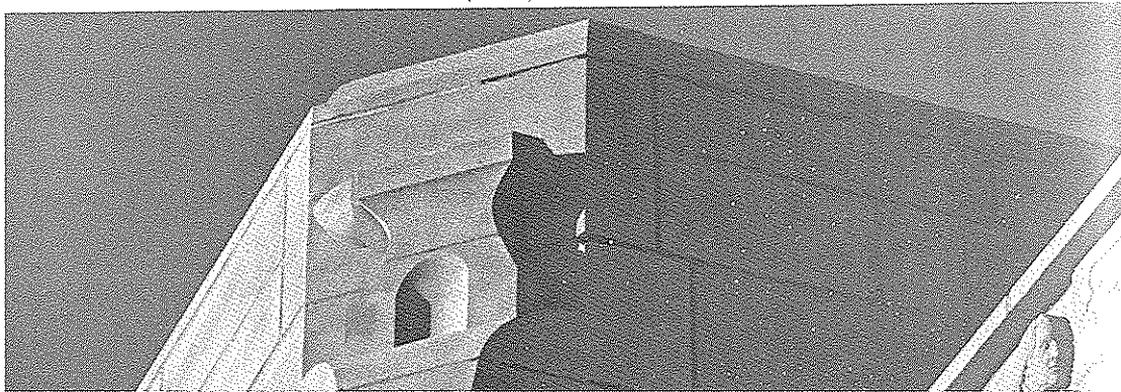
Plate 39. "Lincoln's Proclamation of the Emancipation of the Negroes."



*Plate 40A. East entrance: Phrygian cap.*



*Plate 40B. East entrance: Balloting urn.  
Plate 40C (below). East entrance: Anvil.*



right are Andrew P. Butler, James M. Mason, Salmon P. Chase (seated) and Benjamin F. Wade.<sup>10</sup>

The final panel, "The Admission of Nebraska as a State in the Union," (Plate 43) is on the north side of the northeast corner. The Northwest Ordinance (1787), passed by the government under the Articles of Confederation, provided the procedure for colonial areas to the west to join the original thirteen states as equals. That pattern, confirming federalism, was followed under the Constitution. Most of the 37 states added to the Union since that time were "Territories" prior to achieving statehood.<sup>11</sup> Such was the case of Nebraska, although its settlers, like other Americans, considered Territorial status temporary. Attempts to frame a state constitution in 1860 and 1864 failed. In 1866, however, a constitution was drafted and narrowly approved by popular vote. That constitution contained a provision, which limited voting to free white males. Congress required the elimination of the racial limitation on suffrage after which Nebraska became a state on March 1, 1867.

The panel shows Columbia, in the shadow of the national capitol, wearing a stylized Phrygian cap (or Liberty cap), sitting on a chair of state decorated with an eagle, and holding Nebraska's statehood papers. The Territory of Nebraska, presented as a pioneer woman, is offering her star to Columbia. Nebraska wears the bonnet typical of many farm women through the 1930s. Over her shoulder is a buffalo cape and in her left arm she holds a scepter of corn. Beside Nebraska and in front of the American flag stands a soldier who represents "the returned soldiers of the North and South" who "are waiting to begin life in the new state."<sup>12</sup> To the right in the panel are two men. One carries a canteen (another reminder of the thousands of Civil War veterans who settled in Nebraska) and a bag of seeds as he rests his right hand on a walking plow. He represents Nebraska agriculture. The other, in the shadows, appears older and rests his hands on the handle of a tool. He seems to represent industry as does the anvil near the moldboard of the plow. Back of these two men is the partially-hidden sun. It has been interpreted as a rising sun suggesting the dawn of a new era in the new state.<sup>13</sup> The viewer, however, may wonder, since all figures face east toward Washington from which approval of statehood must come, if the sun here, as in the "Spirit of the Pioneers" panel, may have been intended by the sculptor to be in the west (see p. 312).

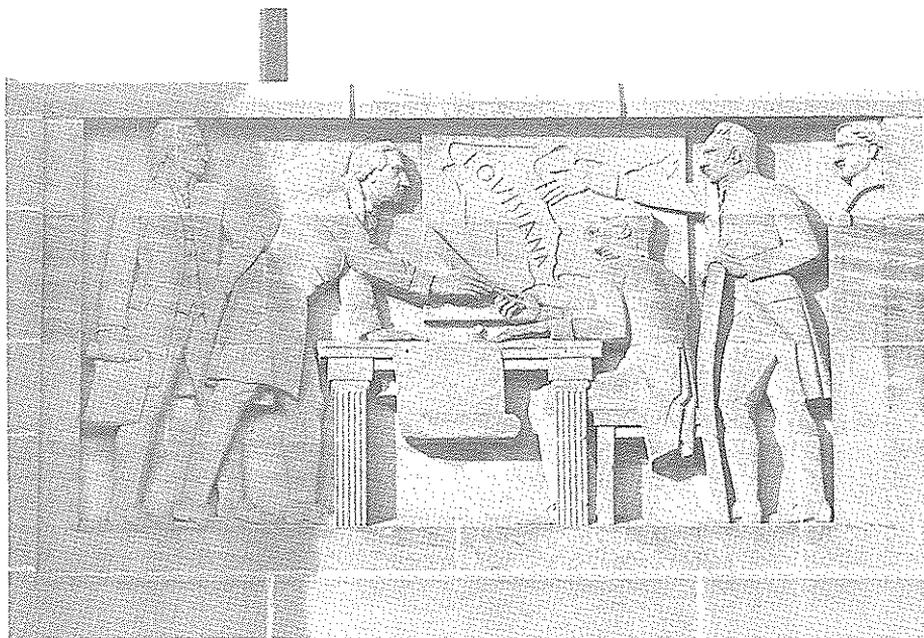


Plate 41. "The Purchase of Louisiana from Napoleon."



Plate 42. "The Kansas-Nebraska Bill."

The 21 panels seen on a circuit of Nebraska's capitol symbolically portray important events in over three thousand years of Western legal history—from Moses to Nebraska statehood. They begin with the broad roots deep in Hebrew, Greek and Roman traditions and continue with the English and early American contributions. Finally, they conclude with three panels dealing specifically with Nebraska's entrance into the Union. The circuit brings us back to the monumental north entrance where, perhaps, we will read with new appreciation:

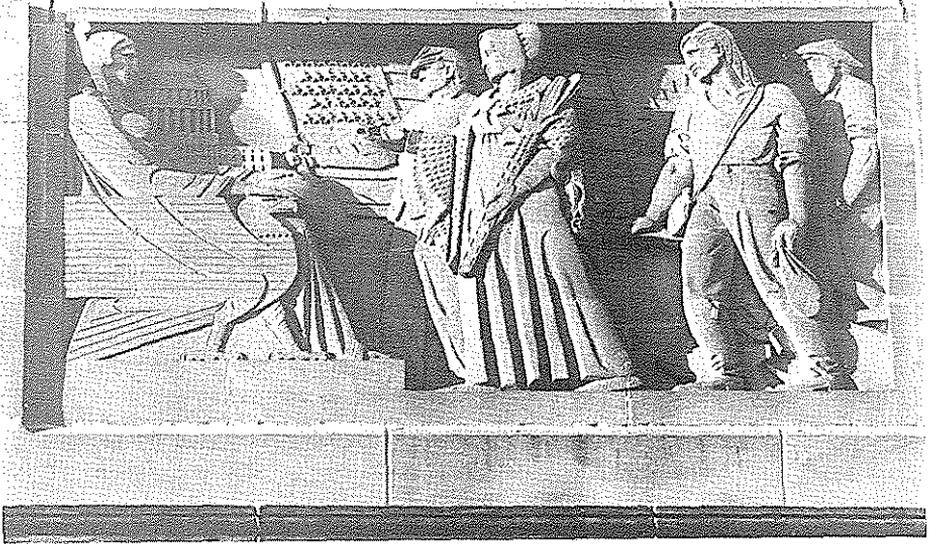
WISDOM JUSTICE POWER MERCY  
CONSTANT GUARDIANS OF THE LAW

## CHAPTER VII THE SOUTH PAVILION: THE LAWGIVERS

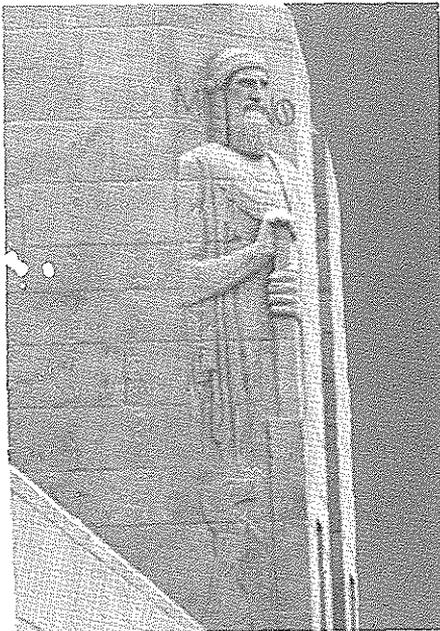
As Professor Alexander's "Synopsis" points out, the sculpture on the capitol's south side features the history of written law. The five panels on that side, already discussed above, fit that pattern. On the facade at the extremes of this side are Justinian's *Corpus Juris Civilis* (southwest corner) and Ethelbert's Anglo-Saxon code (southeast corner). On the central balustrade are the Declaration of Independence and the U.S. Constitution flanking the Magna Carta. The ten engaged figures presented here (with their names carved beside them) portray great lawgivers of the Western tradition. Eight are easily visible over the south portal and two, Minos and Napoleon, are best seen from the courts or from the inside of the building. The cornice inscription above these figures, POLITICAL SOCIETY EXISTS FOR THE SAKE OF NOBLE LIVING, was adapted from Aristotle (*Politics*, VII, 1).<sup>1</sup>

### *Minos* (Plate 44)

Ancient Greek legends described Minos as an early, powerful king of Crete who created and dominated a great maritime empire. Suggestions were that he was the Cretan lawgiver and the son, or at least a confidant, of Zeus, chief of the gods. Upon his death, legend said, Minos had become the judge of the Afterworld. Legend also portrayed him as a cruel tyrant who required annual tribute of Athens in the form of six youths and six maidens whom he fed to the monstrous Minotaur finally killed by Theseus. Perhaps this legendary king appears on the Nebraska capitol partly because of the exciting archaeological discoveries at Troy, Mycenae, Knossos and elsewhere by scholars like Heinrich Schliemann and Sir Arthur Evans. Evans had excavated the prehistoric palace at Knossos (1900-1908) confirming much which had been considered only legend about the ancient Aegean civilization (which he named "Minoan"). In fact, he was publishing his masterpiece, the four-volume *Palace of Minos*, during the same years the Nebraska capitol was being built



*Plate 43. "The Admission of Nebraska as a State in the Union."*



*Plate 44. Minos.*

(1921-1935). Minos is depicted on the capitol with a leaping lion, reminiscent of the "Lion Gate" at Mycenae.

*Hammurabi*

(Plate 45)

The ancient Amorite king of lower Mesopotamia, Hammurabi (*ca.* 1700 B.C.)<sup>2</sup> was noted as an administrator and conqueror, but especially as a lawgiver. According to Hammurabi, his code was delivered to him by none other than the sun-god himself. The full text of that code was discovered only early in this century. Its laws are harsh, providing frequent capital punishment, supporting the *lex talionis*—the principle of "an eye for an eye and a tooth for a tooth"—and using the ordeal of water. On the other hand, it provides courts to settle disputes rather than allowing blood revenge and often protects the weak from the strong. In the code Hammurabi claims to be the father of his people and the giver of justice. Scholars believe the code was based upon earlier Sumerian laws. Likewise, some of the older parts of the "Mosaic Code" in Exodus are strikingly similar which suggests that they were influenced either by Hammurabi's code or came from a common source. Inscribed in cuneiform beside Hammurabi's statue on the capitol is Law No. 196 of his code. It reads: "If a free man destroyed the eye of an aristocrat (or younger free man), they [*i.e.*, the legal authorities] shall destroy his eye."<sup>3</sup>

*Moses*

(Plate 45)

The great Hebrew lawgiver, Moses, stands next to Hammurabi on Nebraska's capitol. A Hebrew inscription is carved on the stone tablets held by Moses in front of him and of Akhnaton. The lines display the first few letters of verses from the Decalogue (Exodus 20:2-17). (See p. 316.)<sup>4</sup>

*Akhnaton (Akh-en-Aton or, commonly Ikhnaton)*

(Plate 45)

The reign of Akhnaton (*ca.* 1375-1358 B.C.) was a radical departure from traditional practices and views of Egyptian pharaohs. Professor Alexander refers to him in his "Synopsis" as the "first individual in history." The initiator of the so-called "Amarna Revolution," Amen-hotep IV changed his name to

Akhnaton ("Aton is satisfied") thus disavowing the traditional god, Amon, and embracing the new universal sun-god, Aton. He considered Aton the embodiment of truth-justice. Leaving Thebes, Akhnaton built a new capital at Tel-el-Amarna from which his revolution affected not only religion, but art and literature as well. At Akhnaton's death the old forces reasserted themselves to reinstate the traditional gods and practices and to rebuild a crumbling empire. It was once thought that Akhnaton's religious revolution influenced the development of Hebrew monotheism. Scholars now think that was not the case although there is some similarity between portions of the Old Testament and ancient Egyptian literature.<sup>5</sup> Akhnaton solemnly looks out at us holding a staff in his left hand and the crook scepter, one of the attributes of the god Osiris, in his right hand.

*Solon*

(Plate 46)

The Athenian statesman, whose name has come to mean "Wise lawgiver," has already been discussed. (See p. 318.) He appears here holding a scroll symbolizing his laws.

*Solomon*

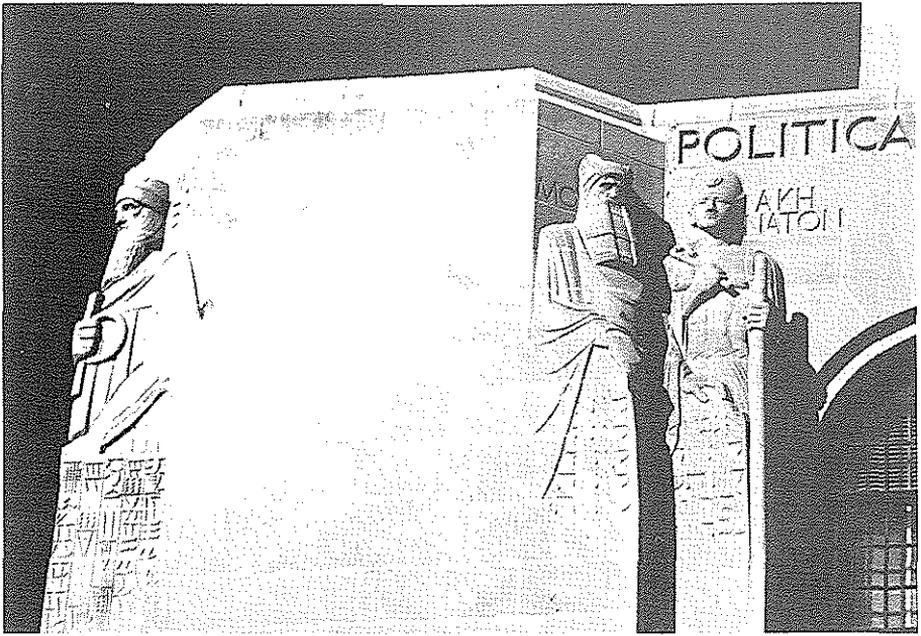
(Plate 46)

The Hebrew king, reputed for wisdom so important in administering law, has also been discussed above. (See p. 317.) Planning and erection of the temple was one of Solomon's important accomplishments and he is depicted here as its builder.

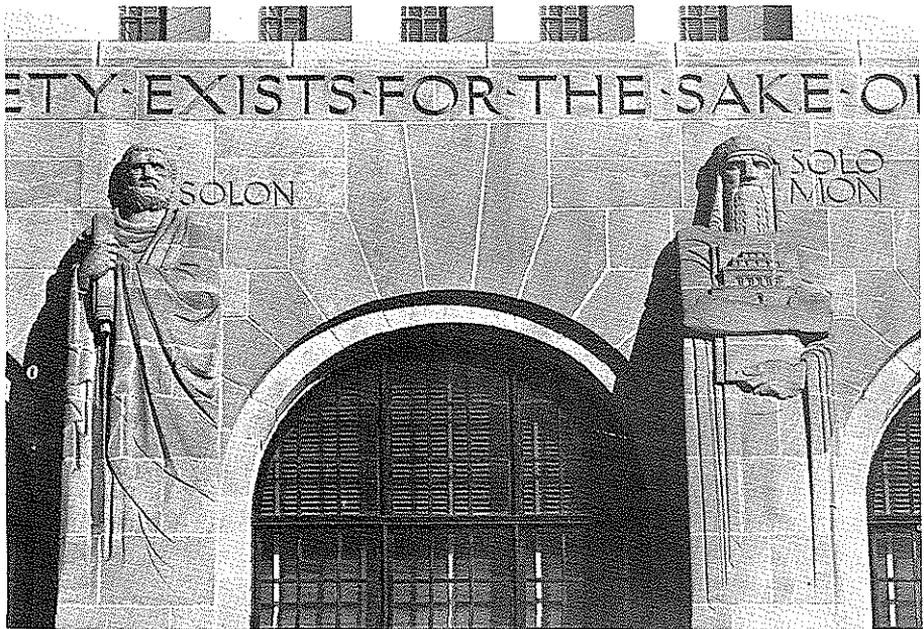
*Julius Caesar*

(Plate 47)

Professor Alexander, in his "Synopsis," says that Julius Caesar (100-44 B.C.) represents "the spread of Roman power" which included, of course, Roman civilization and law. No better representative could be found than this able general, capable administrator and major historian. After gaining the favor of the Roman populace and additional power from the First Triumvirate, which included Crassus and Pompey, Caesar conquered Gaul (58-51 B.C.). This conquest had momentous importance because centuries later Romanized Gaul (France) passed on Roman culture to northern Europe. In the same period he



*Plate 45. Hammurabi, Moses, Akhnaton.*



*Plate 46. Solon, Solomon.*

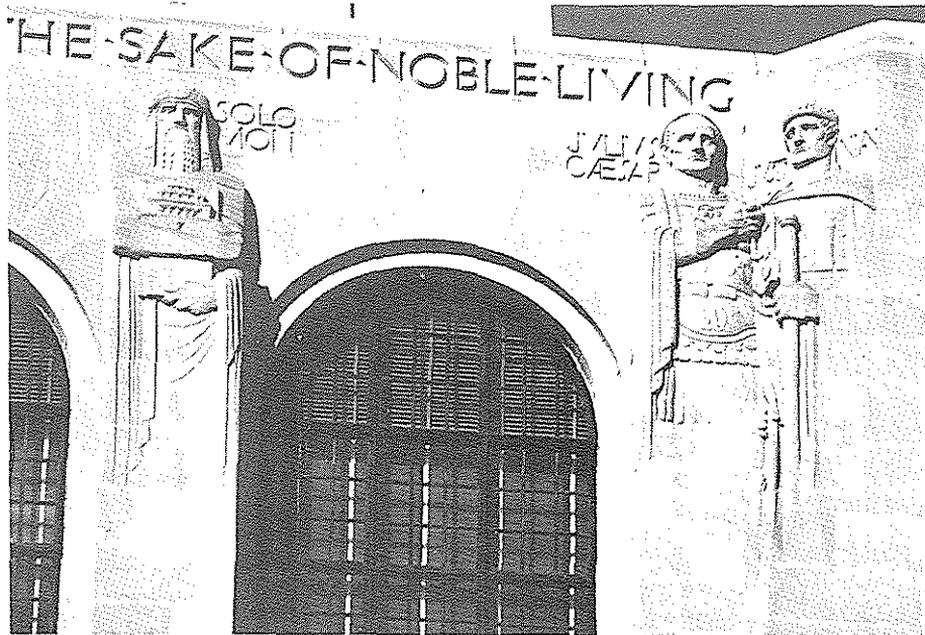
crossed the Rhine to campaign in Germany and invaded Britain. Then, in 49 B.C., he led his army across the Rubicon River and quickly brought Rome under his personal control. Caesar replaced the Roman Republic with a personal military dictatorship. This important change in the Roman political system occurred through grants of power by the Senate and people and political enemies were not slaughtered. At once he began a series of reforms to benefit both the people of Rome and those of the provinces. His rule was short although long enough for campaigns in the East. He was assassinated on the Ides of March, 44 B.C. Following more than a decade of civil war Caesar's adopted son, Octavian (later, Augustus), reestablished a dictatorship and really inaugurated the two-century-long *Pax Romana* in which Christianity was born and initially expanded. On the capitol Julius Caesar, for whom the month of July and the Caesarean operation are named, wears a decorative cuirass under his toga.

*Justinian*  
(Plate 47)

Justinian (527-565), who ruled from Constantinople, was really an early Byzantine emperor. However, for a time he was able to reassert control over the Italian peninsula which had been conquered by Germans. Therefore, he is considered emperor of both East and West. As was discussed above, he was responsible for the great 6th century codification of Roman law, the *Corpus Juris Civilis*. (See p. 325.)

*Charlemagne*  
(Plate 48)

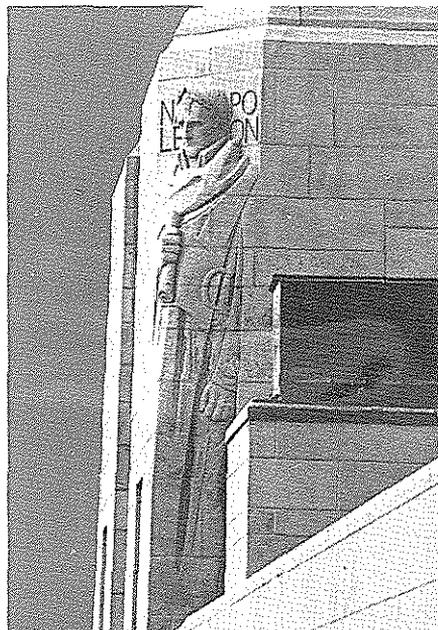
The greatest of medieval kings was the German, Charlemagne (ca. 742-814). Although Germans had moved into the Roman Empire for centuries, massive and violent migrations destroyed the western part of the Empire in the century before 476 and replaced it with Germanic kingdoms. Gradually, one of the nations, the Franks who had settled in Roman Gaul (modern France), expanded their state to include the other Germans north of Spain, south of modern Denmark and east toward the Oder and Danube Rivers. The culmination of that movement came with Charlemagne who spent much of his long reign (768-814) adding to and consolidating the Frankish state. Lombardy in northern Italy and the Saxons and Bavarians beyond the Rhine



*Plate 47. Julius Caesar, Justinian.*



*Plate 48. Charlemagne.*



*Plate 49. Napoleon.*

were incorporated. The Franks, for centuries, had been Christian and Charlemagne accepted his role as a Christian ruler. In fact, in Rome on Christmas Day, 800, Pope Leo crowned him "Emperor of the Romans." Thus, the concept of the Roman Empire in the West was revived. Now, however, it was headed by a German who had been crowned under the auspices of the Western church. While the united Western Europe which Charlemagne provided lasted only briefly, and decentralized feudalism became the norm, the imperial idea revived in 800 lasted for 1000 years, in varying forms, as the Holy Roman Empire until ended by Napoleon in 1806. The great medieval monarch is pictured on Nebraska's capitol with the crown of empire on his head and holding in his hand an orb (the earth) surmounted by a Latin cross—the symbol of triumph of the Gospel over the world.<sup>6</sup> Carved beside Charlemagne are an eagle and a fleur-de-lis. They are appropriate for the eagle reminds us that Charlemagne's empire was a revived Roman Empire and the fleur-de-lis became the symbol of the later French monarchy.<sup>7</sup>

*Napoleon*  
(Plate 49)

Napoleon Bonaparte (1769-1821) had much in common with his great predecessors, Julius Caesar and Charlemagne. All were extenders of boundaries and creators of empire. All depended upon absolutism and all influenced the future of Western Europe in major ways. Napoleon, a victorious general, emerged out of the French Revolution as the leader of France in 1799. Assuming power after a decade of war and revolution, he quickly made peace with Austria and England and began reforming and stabilizing French domestic affairs. Revolutionary administrative divisions were retained but were now headed by appointed officials. The system of justice was reorganized and the *Code Napoleon* issued. The *Code* confirmed many of the liberal and equalitarian revolutionary changes and later was spread by the French armies to much of Western Europe (and by imitation to South America and even Louisiana). Educational, financial and religious reforms were inaugurated as well. In 1804 Pope Pius VII presided in the Cathedral of Notre Dame as Napoleon crowned himself hereditary emperor of France. Although Napoleon was interested in overseas empire (See p. 338.), renewed war in 1803 caused him to turn his attention to

conquering Europe. The remainder of his reign saw defeat of Austria, Prussia and Russia, the creation of the Continental System, and the reorganization of Germany, including the dissolution of the Holy Roman Empire. Napoleon was unable to conquer England's seapower in the West and in 1812 his disastrous invasion of Russia in the East eventually brought his abdication (1814). His attempt to reassert his leadership of France in 1815 ended with Waterloo and a second abdication. Napoleon's influence, including destruction of the Holy Roman Empire, the promulgation of the *Code Napoleon*, and his emphasis upon nationalism all support Professor Alexander's "Synopsis" which calls him "the modernizer of Europe."

## CHAPTER VIII THE TOWER SCULPTURE

Planning provided substantial sculpture for the capitol tower. However, the tower as built incorporated much less sculpture than was originally intended. Professor Alexander's 1926 "Synopsis" provided eight engaged figures with inscriptions on the transepts. These figures with their names, but no inscriptions, are included on the building. The crown of the tower, according to the "Synopsis," was to have elaborate sculpture: twenty-four engaged figures, representing basic industries of the state, were to cap the window piers; twelve engaged figures representing the four winds and eight explorers of the Plains were to be placed three on each of the four turrets; and thunderbirds, after Indian patterns, were to cap each turret. None of this sculpture planned for the crown appears on the completed building. The dome decorations, as proposed, included the supporting pillars representing Indian corn, Roman fasces on the corners of the octagon, and a weathervane, a bronze image of the "Sower." The Roman fasces were not included, the columns are not fluted and do not represent corn and the "Sower" became stationary.

As he looked back from 1934, Professor Alexander commented upon the elaborate symbolism planned for the upper tower and concluded that "experience and wisdom left the purity of the upper structure to speak for itself."<sup>1</sup> The difficulty of satisfactorily viewing and understanding sculpture high on the tower and the cluttered appearance of early models both leave the modern observer convinced of the wisdom of those who simplified the early plans.

The eight great figures on the transepts, or buttresses, of the tower symbolize ideals of culture which the law protects and nourishes. In the "Synopsis" Alexander says they

represent the genius of human civilizations, as embodied in typical heroes of its great epochs, thus recapitulating the spiritual history of man's past, of which the more strictly political record is embodied in the series of reliefs which follow the terrace below.

They begin, like the terrace panels, on the northwest corner and read to the right. The Alexander "Synopsis" provides a general title for each figure and an inscription which was to be carved near the figure. On the completed building only the name of the person depicted appears. However, the general title and the proposed inscription, both taken from the "Synopsis," are included below as an aid to understanding.

*Pentaour*  
(Plate 50)  
*"The Dawn of History"*

EVEN OF OLD MAN REMEMBERED HIS PAST  
HE BETHOUGHT HIM OF LETTERS  
HE RECORDED THE DEEDS OF HIS FATHERS

Pentaour (Pentaur, Pentewere), the Egyptian scribe, is the least known of the major historic figures on the outside of Nebraska's capitol. An unknown court poet of the 13th-century-B.C. pharaoh, Ramses II, composed a poem celebrating his pharaoh's exploits at the battle of Kadesh in Syria. A copy on papyrus was made of this epic-like poem by the scribe, Pentaour. Early scholars mistakenly thought Pentaour was the author and he still often receives credit. This poem, when coupled with reliefs on various surviving Egyptian temple walls, makes the battle of Kadesh the first battle in history which can be studied for its maneuvers and strategy.<sup>2</sup> History, the record of man's experience, although viewed and interpreted anew through the eyes of each generation, provides both guidance for, and understanding of, the present. On the capitol the scribe Pentaour stands holding the tools of his craft: pen, papyrus and ink pot.

*Ezekiel*  
(Plate 51)  
*"The Cosmic Tradition"*

HE TURNED HIS EYES UNTO THE HEAVENS  
HE SAW THAT THEY WERE ONE  
AND IN THAT ONE HE BEHELD THE IMAGE OF GOD

Ezekiel, a great Hebrew prophet of the Babylonian Exile, was chosen to appear on the capitol as a seer blessed with apocalyptic vision. Tradition holds that Ezekiel was taken as a captive to Babylonia in 598 B.C. There he saw a great vision of God who was

neither tied to Palestine nor to Jerusalem's Temple, but was the ruler of all history. After prophesying the destruction of the Kingdom of Judah, Jerusalem and the Temple, all of which occurred in 586 B.C., Ezekiel also explained that these events had occurred because God's Chosen People had disobeyed God, thus breaking the Covenant. However, he insisted that just as God's Spirit could revive dry bones, so the same Spirit could restore the Hebrews to their land where a new temple could be built in a new Jerusalem. Ultimately, then, Ezekiel, as a spokesman for God, was a prophet of hope. While he did not live to see his faith in a restoration vindicated, it was made possible by the famous Edict of Liberation issued by the conquering Persian king, Cyrus, about 538 B.C. Lawrie's powerful Ezekiel, with his right index finger pointing to the partially unrolled scroll, seems to be thundering "Thus says the Lord God."

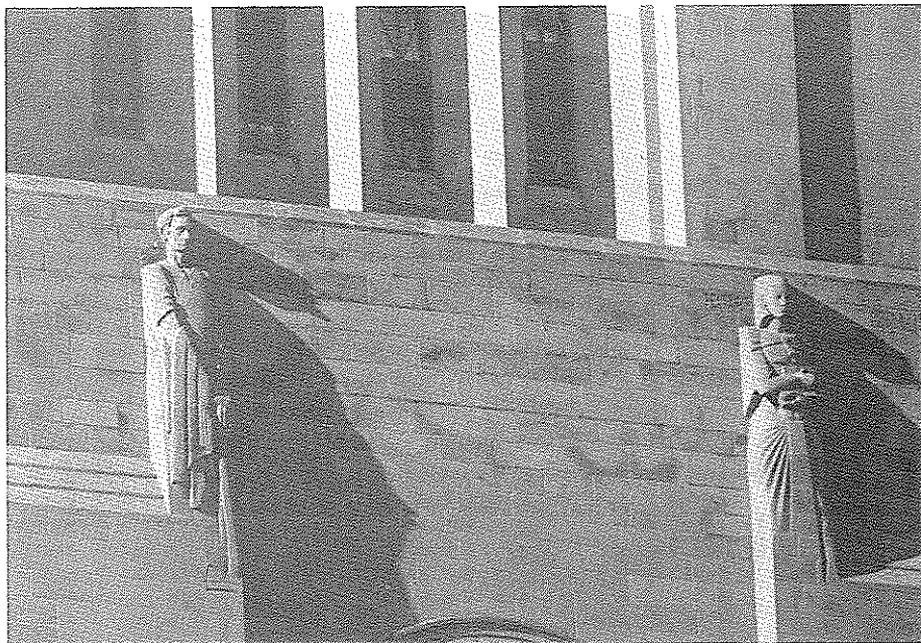
*Socrates*

(Plate 51)

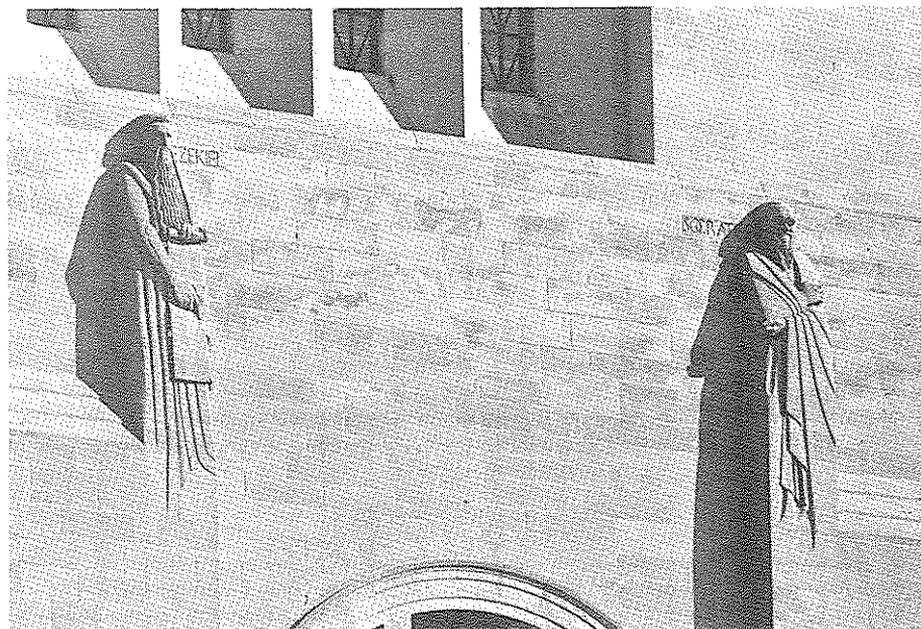
*"The Birth of Reason"*

INTO THE HOUSES AND THE AFFAIRS OF MEN  
HE BROUGHT UNDERSTANDING  
BEFORE THEIR EYES HE SET THE PATTERN OF THE GOOD

It has been said that the two greatest teachers of the Western tradition were Jesus, who taught by parable, and Socrates (*ca.* 469-399 B.C.), who taught by dialectic. Interestingly, the best-known executions in Western history are those of these teachers, each killed by judgment of his own people. Socrates' life spanned both the glory (5th century B.C.) and decline (the Peloponnesian War—431-404 B.C.) of Athens where he lived and taught. Since, like Jesus, he wrote nothing, what is known of him comes from his friends, Plato and Xenophon, or his critics such as the comic dramatist, Aristophanes (*The Clouds*). In contrast to the natural philosophers (scientists) whose concerns were materialistic and mechanistic, and the sophists, whose aim was to teach practical success in life, Socrates felt man's major concern should be ethics. The most important study—the object of life—was the rational search for truth and goodness. Virtue or goodness, he claimed, was knowledge (perhaps "wisdom" better reflects his meaning now) and men, he argued, did wrong only out of ignorance. Because Socrates refused to cease being an



*Plate 50. Abraham Lincoln, Pentaour.*



*Plate 51. Ezekiel, Socrates.*

intellectual gadfly, he was killed after his enemies charged him with corrupting youth and denying the gods. Socrates' influence has been momentous not only because of his greatest student, Plato, but because, to this day, he is remembered for his emphasis upon wisdom and brave thinking. On the west transept of the capitol tower Socrates, "with bald head, snub nose, thick lips and protruding eyes," as he is described in Plato's *Apology*, gazes westward across the Nebraska prairies.

*Marcus Aurelius*  
(Plate 52)  
"The Reign of Law"

HIS FORTRESS HE FOUNDED IN THE LAW  
HIS EMPIRE IN WISE ADMINISTRATION  
PERCEIVING THAT HE WHO WOULD RULE ALSO MUST SERVE

On the southwest corner of the south transept stands Marcus Aurelius who was as near Plato's philosopher-king as human-kind has produced. Born in 121 A.D., he was Roman emperor from 161 to 180 A.D. His death is commonly used to date the end of the two-century-long *Pax Romana* begun by Augustus (see p. 351). Marcus Aurelius, author of *The Meditations*, was the last and most noble of Stoicism's major representatives, who included Cicero, Seneca and Epictetus. Stoicism, really the philosophy (or maybe more accurately the "religion") of the empire under the *Pax Romana*, taught that a spark of the divine reason was found in every man. Divine reason (Providence or God) governed the universe in the best interests of all and although man might not understand all God's ways, it was man's obligation to live virtuously in accord with reason and universal law. The Emperor, an able administrator, acted upon his beliefs that because all men had a divine spark they were brothers, and that one must be good, kind, merciful and a friend of justice. Both the Roman law, as it adapted to a world empire (see p. 327), and Christianity in its natal period as a universal religion, borrowed much from Stoicism. Marcus Aurelius was the last of the five so-called "good emperors" (96-180 A.D.). It was that last century of the *Pax Romana* which Edward Gibbon called "the most happy and prosperous" period in the history of the human race. In fact, he wrote, it was "possibly the only period of history in which the happiness of a great people was the sole object of government."

*S. John (Apostle, Saint)*

(Plate 52)

*"The Glorification of the Faith"*

WITH THE EYE OF FAITH HE GAZED WITHIN  
HE SOUGHT OUT THE SPIRIT OF MAN  
HE PRAYED THAT IT MIGHT BE FOUND PURE

Saint John (also called the Evangelist and the Divine) symbolizes Christianity. The most accurate information concerning him is found in the Synoptic Gospels (Matthew, Mark and Luke), Acts, and Galatians. There he appears as one of the three apostles closest to Jesus. Tradition credits John with authoring the Gospel of John, the epistles I, II and III John, and Revelation although recent scholarship has raised questions about their authorship. The Gospel of John places great emphasis upon the glory of Jesus during his earthly life and strongly supports faith in the Spirit's power and grace. One of the most beloved passages in the New Testament is John 3:16: "For God so loved the world that he gave his only Son, that whoever believes in him should not perish but have eternal life." The Gospel's aim, clearly stated, is "that you may believe that Jesus is the Christ, the Son of God, and that believing you may have life in his name" (20:31). As it expanded, the new religion, Christianity, adopted certain characteristics of the Roman world and couched its message in terms the people of that world could understand. The Gospel of John aided that process. For example, it begins by identifying Jesus with the Logos (Word), a term of Greek (including Stoic) philosophical thought. In fact, sometimes John I:1-18 is called "a Stoic poem on the Logos."<sup>3</sup> The figure of Saint John holds an open book, presumably the Gospel of John.

*Louis IX ("St. Louis")*

(Plate 53)

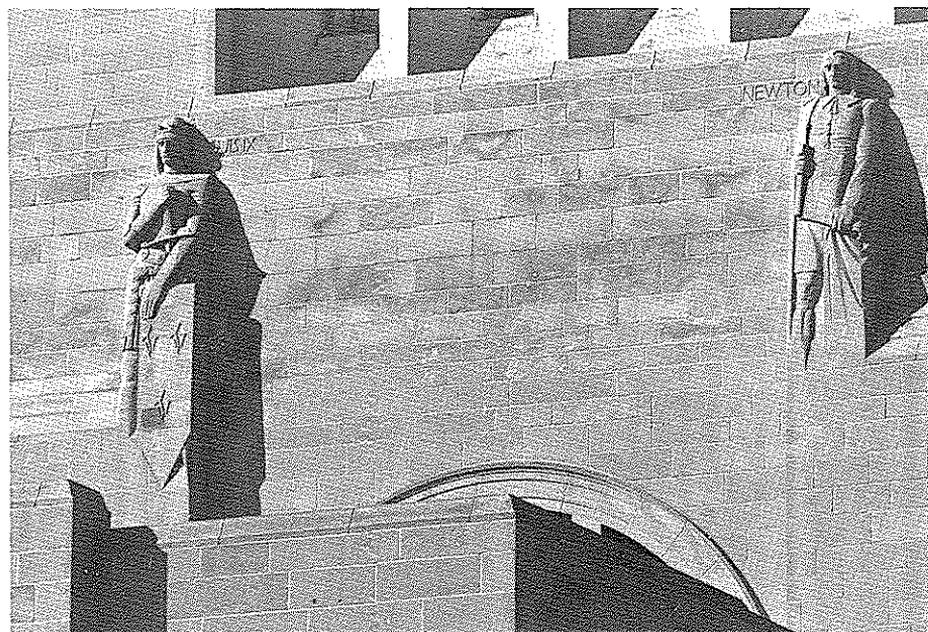
*"The Age of Chivalry"*

HE SWORE WITH THE OATH OF HIS HONOUR  
TO BE COURAGEOUS BEFORE ALL PERIL  
TO ABHOR EVIL, TO BE MERCIFUL, TO BE GENTLE

The French king Louis IX (1214-1270), or Saint Louis (for he was canonized in 1297), is remembered as the ideal medieval king. On the capitol he represents the virtues of chivalry, the system of knighthood. The knight was both soldier and feudal



*Plate 52. Marcus Aurelius, St. John.*



*Plate 53. Louis IX, Isaac Newton.*

vassal. As soldier his virtues included endurance, skill, strength and valor; and as vassal, courtesy, fairness, fidelity, integrity and loyalty. Louis was noted for his virtues and he was also a great saint, a devout supporter of the church, and the leader of two crusades. Moreover, he was a king who was personally concerned with ensuring justice in his realm. He issued numerous writs aimed at eliminating trial by battle, upholding morals, forbidding private feudal warfare and dealing with other matters of reform. In international affairs with other Christians, he was a man of peace and at times arbitrated disputes. Louis was a very popular king and he continued the work of his grandfather, Phillip Augustus, in preparing the way for a strong centralized monarchy to replace feudalism in France. The statue of this king, whose name a major American city bears, stands on the east buttress of the capitol tower. His sword handle forms a cross suggesting his relation to the church and his crusades, while his shield displays three fleur-de-lis, the symbol of the French monarchy.

*Isaac Newton*  
(Plate 53)  
*"The Discovery of Nature"*

WITH THE STARS FOR HIS TEACHERS  
WITH TRUTH FOR HIS GOAL  
HE ASKED OF NATURE WHAT IS POSSIBLE FOR MAN

The English mathematician, Isaac Newton (1642-1727), was the most creative and influential person in modern science. As a young man he made three major scientific discoveries. He invented calculus, discovered the nature of color and formulated the law of universal gravitation. In his *Principia Mathematica* (1687) he mathematically explained the movement of both earthly and heavenly bodies. In it he completed the work of Kepler, Galileo and others. In other words, Newton confirmed the belief that nature is orderly and that it functions according to natural laws which can be discovered and explained mathematically. He laid the basis for the "Age of Reason" (18th century) and set the form of modern scientific thought. Traditional ideas about the way in which God worked were challenged by his insistence upon the operation of universal natural laws. Moreover, his conclusions about natural law suggested that there might well be, waiting to

be discovered, great natural laws governing human behavior as well. Lawrie's sculpture on the capitol shows Newton holding a scroll on which is depicted a drawing from his *Principia Mathematica* representing his studies of the solar system.<sup>4</sup>

*Abraham Lincoln*  
(Plate 50)  
"The Liberation of Peoples"

STRONG IN THE LOVE OF LIBERTY  
HE DEMANDED FREEDOM FOR ALL MEN  
THAT HUMANITY MIGHT REIGN IN THEIR SOULS

Abraham Lincoln (1809-1865), the best loved of American presidents, is the last of the figures on the tower buttresses. Born in poverty on the Kentucky frontier, he was largely a self-educated and self-made man. After experimenting with farming, flatboating and storekeeping, Lincoln practiced law and became involved in politics. He served in the Illinois legislature and later in the U.S. House of Representatives. In 1854 he was disturbed by the Kansas-Nebraska Act which repealed the Missouri Compromise and imposed in the New Territories the "popular sovereignty" doctrine of Illinois Senator Stephen A. Douglas (see p. 339). Lincoln opposed it and soon joined the new Republican Party. He ran unsuccessfully for the U.S. Senate against Douglas in 1858 in a campaign famous for the Lincoln-Douglas debates. During the campaign Lincoln insisted that slavery was a moral issue and looked to its eventual extinction. In 1860 he was elected the first Republican president and immediately faced secession and civil war. Because of constitutional and military considerations, he moved slowly against slavery. Finally, as a war measure, he issued the Emancipation Proclamation to take effect January 1, 1863 (see p. 337). Lincoln believed that the struggle over slavery had important implications for democracy throughout the world. Liberty in the U.S. would some day, he thought, grow into liberty for all mankind. His view is most eloquently stated in the Gettysburg Address. On the north transept of the capitol the martyred president is presented as a young man, the "Rail Splitter," with his axe. Lee Lawrie, the sculptor, in 1930 wrote that he had found it necessary to add to this buttress figure "a little of the romantic for so human a character as Lincoln."<sup>5</sup>

It is fitting that on the capitol in the city named for him Lincoln should appear twice in the sculpture. We should also examine the Daniel Chester French "Lincoln" which was acquired before the present capitol was built and now stands in front of the west portal.

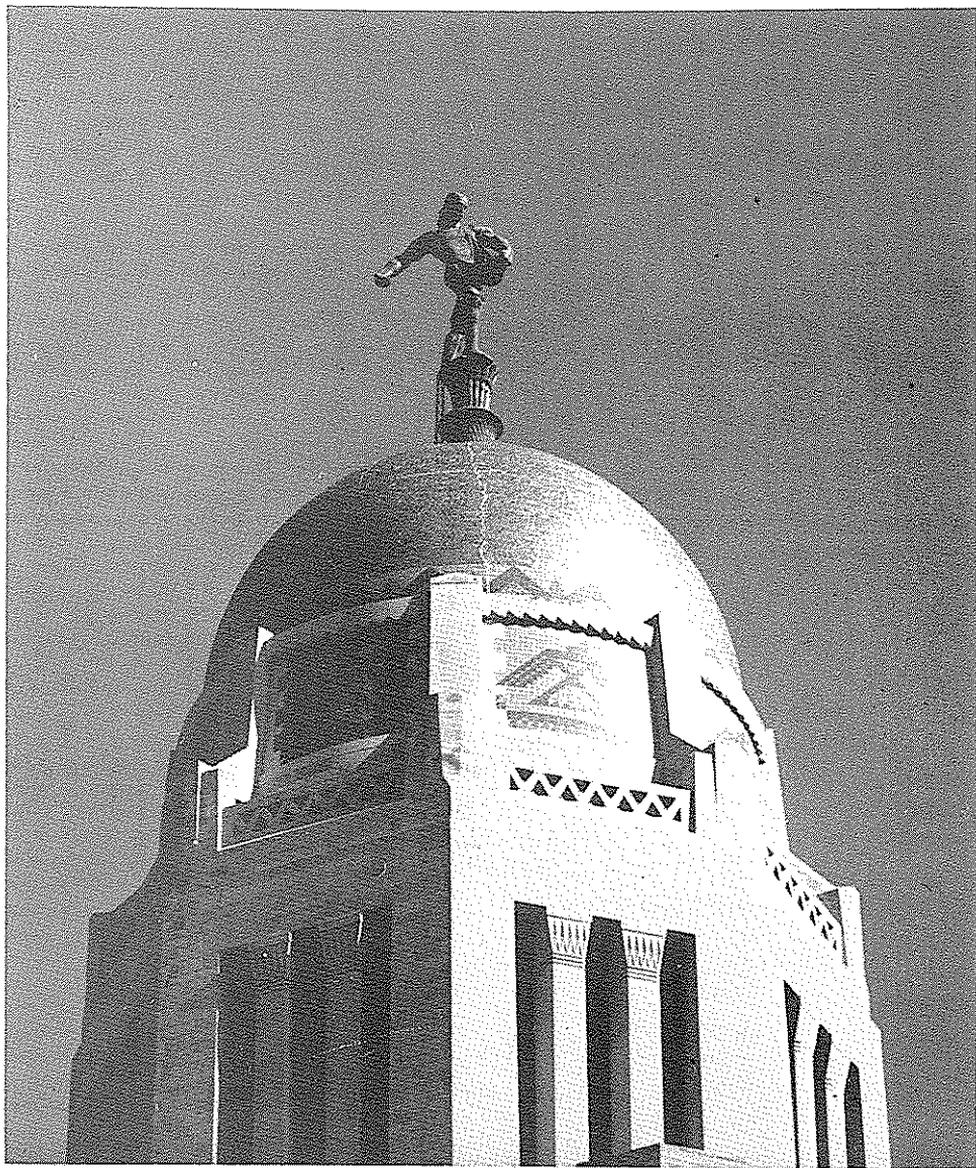
#### *The Dome and Sower*

The decoration of the capitol dome includes the supporting pillars, the thunderbird mosaics, the dome itself and the Sower above. (Plate 54). The very simple pillars now found around the octagon were originally planned to represent bundles of maize. The stocks were to form the fluting and the ears the capitals. Alexander compared the planned capitals to the lotus bud columns of Thutmose III at Karnak (Egypt).<sup>6</sup>

The eight mosaic thunderbirds on the octagon above the columns and just below the rim of the dome are a magnificent replacement of those originally planned for the turrets below. Their brilliant colors—red, blue and gold—provide an exciting platform for the golden dome. Many Indian tribes, including those of the prairie generally, believed that thunder and lightning, followed by rain, were caused by the thunderbird's flapping wings and flashing eyes. The thunderbird, they thought, inhabited some high mountain or rocky elevation.<sup>7</sup> This beautiful mosaic symbolism high on the capitol is most fitting for semi-arid Nebraska where the thunderstorms are violent but essential for survival of man and beast.

The gold dome is not formed of metal with gold leaf on top as we might assume. Rather, as Goodhue had desired, like domes in Mexico, it is covered with gold ceramic tile.<sup>8</sup>

The dome is crowned by the largest sculpture on the building, the Sower. Made of inch-thick bronze, it is 19 feet tall. The pedestal, an additional 13 feet high, is formed of a wheat sheaf topped by a corn shock. Together the statue and the pedestal weigh eight and one-half tons.<sup>9</sup> Reminiscent of Millet's "The Sower," Nebraska's Sower is most appropriate high on the great tower. It symbolizes "the foundations of the life of man in agriculture. . . ."<sup>10</sup> However, Alexander felt, it also symbolizes "the fact that the chief purpose of men in forming societies is to sow for nobler modes of living."<sup>11</sup>



*Plate 54. The Sower, Thunderbirds.*

## CHAPTER IX "AND KNOW THE PLACE FOR THE FIRST TIME"

The tour described in this essay has suggested the monumental character of Nebraska's capitol. The building was intentionally planned and carefully executed to be a great monument which would celebrate our heritage and remind generations to come of their past. The exterior sculpture, firmly grounded historically, is a major part of that monument.

It is fitting that the sculpture on the building in which Nebraska's laws are made, administered and judged should provide an outline of the history of legal development. Since law touches on most areas of human concern, the history in stone on Nebraska's capitol encourages us to remember other aspects of our past as well. We recall our religious heritage from the Hebrew and Roman traditions; our artistic, literary, philosophical and democratic heritage from the Greeks; our language heritage from both Roman and Germanic (especially Anglo-Saxon) backgrounds; and our more recent ideals and practices in the limitation of government and the insistence upon equality and freedom which have deep English roots.

But the story on the capitol can only remind modern Nebraskans of a few important events and persons in our past. There are many more and some, perhaps, are of equal or greater importance. In fact, it is rewarding to ask what we would wish to include on the capitol if it were being built today. The building was planned and executed following World War I. That was a period of American isolationism which included legislation severely restricting immigration according to the "national origins" principle. On the other hand, there is now great interest in ethnic and racial roots. That changed attitude might alter the choices of events and persons to be depicted on a new statehouse.

While representatives of the various immigrant and racial groups which have settled in Nebraska may feel that their particular heritage was not given recognition on the capitol, certain thoughts are in order. The capitol sculpture really ends with statehood in 1867 when Nebraska was only beginning to be settled. The use of the Western legal tradition as the basis for the

exterior capitol sculpture was a sound choice. That legal tradition, as the sculpture clearly suggests, had deep foundations in many cultures—Oriental and Mediterranean, as well as Western European. Likewise, the United States grew directly out of English colonies with largely English traditions of language, law, political theory, and religion. In no way is this argument meant to deny cultural diversity which has been one of our characteristics as a nation and should be one of our strengths. It is simply to point out that the Western tradition, and particularly its English branch, has been, and remains, the most influential element in our heritage.

As we viewed the capitol's exterior sculpture, we began at the north entrance, circled the building and arrived back where we started. That journey is symbolic of many of life's journeys and it was that seminal fact which T. S. Eliot described so well when he wrote:

We shall not cease from  
    exploration,  
And the end of all our exploring  
Will be to arrive where  
    we started  
And know the place for the  
    first time.<sup>1</sup>

## NOTES

## "A GREAT MONUMENT . . ." (Chapter I)

1. Extensive Nebraska Capitol Commission Minutes (1919-1934) and other records, including some correspondence of principal persons involved, are in the archives of the Nebraska State Historical Society. This material will henceforth be cited as NCC.

2. *Report of Nebraska State Capitol Commission to the Fiftieth Session of the Nebraska State Legislature*, January 1, 1935, 4.

3. The text of documents providing for preliminary and final competitions, the statement of the professional adviser, reports of the professional jury, and related materials are found in NCC. They are reprinted as appendices I-III of Eric Scott McCready, "The Nebraska State Capitol: Its Design, Background and Influence," *Nebraska History*, LV (Fall, 1974), 324-461. References below are made to that source which is readily available to most readers.

4. *Ibid.*, 433.

5. *Ibid.*

6. *Ibid.*

7. *Ibid.*, 433-434.

8. *Ibid.*, 437.

9. *Ibid.*, 448

10. Charles Harris Whitaker, "The Nebraska State Capitol," *American Architect*, CXLV (October, 1934), 6.

11. McCready, 347.

12. Goodhue Correspondence in NCC. Goodhue letter to William E. Hardy, June 14, 1921.

13. Hartley B. Alexander, "Symbolism and Inscriptions," *American Architect*, CXLV (October, 1934), 24.

14. "Lawrie's Creed," *The Art Digest*, VI (Sept. 1, 1932), 29 as quoted in McCready, 377.

15. Charles Harris Whitaker and Hartley Burr Alexander, *The Architectural Sculpture of the State Capitol in Lincoln, Nebraska* (New York: Press of the American Institute of Architects, 1926), 6.

## HISTORICAL AND ARCHITECTURAL SETTINGS (Chapter II)

1. For example, the 104th Psalm. For a discussion of this similarity, see John A. Wilson, *The Burden of Egypt* (Chicago: University of Chicago Press, 1951), 227-229.

2. "Symbolism and Inscriptions," *American Architect* CXLV (October, 1934), 26-27.

3. This quotation and the following ones describing Goodhue's explanation of his design are in "The Creed of Mr. Goodhue," NCC, 60-62.

4. The capitol commission decided unanimously at its September 22, 1925

meeting in favor of having the tower designed to provide office space. NCC, 479.

5. McCready, 405.

6. *The Capitol* (Lincoln, Nebraska: The Capitol Commission, 1931), 42.

7. Charles Breasted in the biography of his father, James H. Breasted, captures much of the excitement which accompanied the discoveries of Western cultural roots. See *Pioneer to the Past* (New York: C. Scribner's Sons, 1943).

8. *An Introduction to the History of the Western Tradition* (Boston: Ginn & Co., 1959), 1:17-19. It was in the classes of the able Professor Edgar N. Johnson that this essay's author was first introduced to the exterior sculpture of the Nebraska capitol.

9. Hartley Burr Alexander, "Nebraska's Monumental Capitol at Lincoln," *Nebraska State Journal*, November 22, 1923.

10. Hartley Burr Alexander letter to Bertram G. Goodhue, December 2, 1922 in Lee O. Lawrie Collection, Library of Congress, Washington, D.C. This source will henceforth be cited as L.O.L. Coll., L. of C.

11. Hartley Burr Alexander, "Symbolism and Inscriptions," *American Architect* CXLV (October, 1934), 26.

#### EXTERIOR SCULPTURE—GUIDELINES AND THE NORTH ENTRANCE (Chapter III)

1. "Lawrie Tells of Association with Goodhue and Alexander on Nebraska Capitol," *Sunday Journal and Star*, July 17, 1932, 5-C.

2. The reader is referred to McCready, Chapter III, where aspects of Lawrie's sculptural style are discussed.

3. Brief commentaries on stone carvers Ervin Goeller (the "Spirit of the Pioneers" panel) and Alessandro Beretta, who did much of both outside and inside carving, are included in Elinor L. Brown, *Architectural Wonder of the World: Nebraska's State Capitol Building* (Ceresco, Nebr.: Midwest Publishing Co., 1965), 125-126.

4. Lawrie letter to Alexander, April 30, 1923 as quoted in "Lawrie Tells. . . ." *Sunday Journal and Star*, July 17, 1932, 5-C.

5. "Nebraska's Monumental Capitol at Lincoln," *Nebraska State Journal*, November 18, 1923.

6. The broad interpretation of the sculpture in this paragraph is based upon Hartley Burr Alexander, "Symbolism & Inscriptions," *American Architect* CXLV (October, 1934), 27.

7. NCC, 111 and 127.

8. The ground-level entrance on the north was an extension of 15th street so that vehicles could unload under cover of the massive steps leading to the main entrance. Similarly, the ground-level south entrance, below the ten lawgivers and three pierced stone panels of the south pavilion, has unloading docks below it at the basement level. The east and west entrances each have three bas-relief panels concentrated above them and minor sculptural decorations as well.

9. *Lincoln Star*, May 12, 1921, 1.

10. Hartley Burr Alexander. "Synopsis of Decorations and Inscriptions" (1926). 4. Hereafter cited as "Synopsis." The information on the sources of Indian inscriptions quoted below is from the "Synopsis." In July, 1926 Alexander, at the request of the capitol commission, prepared a "Synopsis of Decorations and Inscriptions." What appear to be two somewhat different versions (but neither dated nor signed) exist. One is in NCC at the Nebraska State Historical Society, the other in the office of the Nebraska State Building Division. Page references in citations are to the latter, apparently the original version. This "Synopsis" is a most helpful source for the thinking of the planners of the capitol's symbolism, especially that of Alexander. By 1926 both planning and execution of the symbolism were well advanced though later changes, especially eliminations, occurred.

11. Originally there were to be bronze sliding doors for which Alexander's "Synopsis" provides detailed symbolism. However, the doors would have been visible only when the building was closed! Apparently in 1928 the simplified symbolism of the present door grills was decided upon. See NCC, 647.

12. "Nebraska—The Good Life" is currently used in state promotional literature.

13. "Lawrie letter to Alexander, August 25, 1924 as quoted in "Lawrie Tells. . ." *Sunday Journal and Star*, July 17, 1932, 5-C.

14. *Ibid.*

15. Alexander, "Symbolism and Inscriptions," *American Architect* CXLV (October, 1934), 24.

16. It is interesting to note that in 1922, as the building of Nebraska's capitol was beginning, Benito Mussolini and his Fascist government came to power in Italy.

17. Goodhue originally suggested "Mercy, Wisdom, Force and Equity" to Alexander who commented later that modifications were made "for both architectural and dramatic reasons. . . ." *American Architect* CXLV (October, 1934), 24.

#### THE BAS-RELIEF PANELS: THE ANCIENT WORLD (Chapter IV)

1. "Synopsis." Titles of the various panels are taken from the same source.

2. Will Durant, *The Story of Civilization*, Vol. I: *Our Oriental Heritage* (New York: Simon and Schuster, 1954), 309.

3. *The Interpreter's Bible*, 12 vols. (New York: Abingdon-Cokesbury Press, 1951-1957), 2:713.

4. Sometimes, as with this panel and the following two on the Republic, the author has found no description of the internal symbolism incorporated by Lawrie. In such cases the author has suggested in the text what that symbolism seems to him to be. For the Greek and Roman panels he is particularly indebted for aid to two friends and classicists, Miss May Burkholder and Dr. Kathryn A. Thomas.

5. *History of Rome*, III.

6. Information on symbolism here is from "Synopsis."

PIERCED-STONE PANELS:  
THREE IMPORTANT LEGAL DOCUMENTS (Chapter V)

1. "Sculpture for the Nebraska State Capitol," *Lincoln Sunday Star*, April 22, 1923, 4.
2. Letter of Lawrie to Alexander, August 29, 1924 as quoted in "Lawrie tells . . ." *Sunday Journal and Star*, July 17, 1932, 5-C.
3. P. 8. No Randolph signed the Declaration according to the parchment copy. See Carl Becker, *The Declaration of Independence* (New York: Peter Smith, 1940), 192-193.
4. The "Synopsis," p. 8 gives only these 11 names.

THE BAS-RELIEF PANELS—  
ENGLISH AND AMERICAN SUBJECTS (Chapter VI)

1. The Boston Port Bill (Act), the Massachusetts Government Act, the Administration of Justice Act, the Quartering Act. Americans often added the Quebec Act to the list as well.
2. Joseph Villiers Denney, ed., *Edmund Burke's Speech on Conciliation with America: 1775* (Chicago: Scott, Foresman and Co., 1899), 47.
3. Samuel Eliot Morison, ed., (New York: Alfred A. Knopf, 1953), 75-76.
4. *Ibid.*, 75.
5. Henry Steel Commager, ed., *Documents of American History*, 7th ed., (New York: Appleton-Century-Crofts, 1963), I:420.
6. Information on symbolism here is from "Synopsis."
7. A man using an anvil dominates the Great Seal of Nebraska.
8. "Synopsis," 9.
9. See Commager, *Documents*, I: 190-191 for the text of the treaty. An excellent discussion of the actual negotiations is found in Henry Adams' classic *History of the United States, 1801-1817*.
10. Details of the panel are based upon John Edwards, "New Sculptures by Lee Lawrie Portraying Early Nebraska History Adorn Capitol," *Lincoln Sunday Star*, February 1, 1931, D-3.
11. Exceptions, because of special circumstances, include Vermont, Kentucky, Maine, Texas, California and West Virginia.
12. Letter from Lawrie to Goodhue Associates dated June 20, 1929 in L. O. L. Coll., L. of C.
13. See Elinor L. Brown, *Architectural Wonder of the World: Nebraska's State Capitol Building* (Ceresco, Nebraska: Midwest Publishing Co. 1965), 32. This interpretation also appears in John Edwards, "New Sculptures by Lee Lawrie Portraying Early Nebraska History Adorn Capitol," *Lincoln Sunday Star*, February 1, 1931, D-3.

THE SOUTH PAVILION: THE LAWGIVERS (Chapter VII)

1. "Synopsis."
2. Hammurabi was formerly dated about 2000 B.C., but recent scholarship suggests the more recent date. See William H. McNeill, *The Rise of the West* (Chicago: University of Chicago Press, 1963), 45.

3. The author is indebted to Professor Jonathan Rosenbaum of the University of Nebraska at Omaha for the translation.

4. The author thanks his colleague, Professor Bruce Malina of Creighton University for his aid with this inscription.

5. See John A. Wilson, *The Burden of Egypt* (Chicago: University of Chicago Press, 1951), 224-229, where it is argued powerfully that, while there are some striking similarities between portions of the Old Testament and Akhnaton's Aton Hymn, they need not mean that one derives from the other.

6. Thomas Albert Stafford, *Christian Symbolism in the Evangelical Churches* (New York: Abingdon-Cokesbury Press, 1942), 74.

7. See Arthur Charles Fox-Davies, *A Complete Guide to Heraldry* (London: Thomas Nelson & Sons Ltd., 1949), pp. 143 and 233, where it is argued that both symbols were used by Charlemagne.

#### THE TOWER SCULPTURE (Chapter VIII)

1. "Symbolism and Inscriptions," *American Architect*, CXLV (October, 1934), 28.

2. For an excellent discussion of the battle of Kadesh and the poem referred to above, see James H. Breasted, *A History of Egypt* (New York: Charles Scribner's Sons, 1909), 427-435.

3. Various entries in such references as the readily available *Interpreter's Bible* and the *Interpreter's Dictionary of the Bible* are helpful in understanding St. John and the New Testament books attributed to him.

4. Professor T. T. Smith, Physics Department, University of Nebraska. See *Lincoln Star*, June 14, 1931.

5. Lawrie letter to Alexander, 3 June 1930 as quoted in "Lawrie Tells of Association with Goodhue and Alexander on Nebraska Capitol," *Sunday Journal and Star*, 17 July 1932, 5-C.

6. "Synopsis."

7. James Mooney, *The Ghost-Dance Religion and the Sioux Outbreak of 1890* (Part 2 of the 14th Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1892-93; reprint ed., Glorieta, New Mexico: The Rio Grande Press, Inc., 1973), 968.

8. Oscar H. Murray, "Not in the Specifications," *American Architect*, CXLV (October, 1934), 34.

9. Charles Harris Whitaker, "The Nebraska State Capitol," *American Architect*, CXLV (October, 1934), 10.

10. "Synopsis," 13.

11. *Ibid.*

#### "AND KNOW THE PLACE FOR THE FIRST TIME" (Chapter IX)

1. "Four Quartets," *The Complete Poems and Plays, 1909-1950* (New York: Harcourt, Brace and Co., Inc. 1952), 145.