

# History of the Ceremonial Red Robe



Civics Education Project  
Courts of the Fifth Circuit

## Introduction

The tradition of the red robe, worn by some of the chief judges of the Fifth Circuit at ceremonial court events, dates back to the early 1990s. In September 1990, Chief Judge Charles Clark (who served as Chief Judge of the Fifth Circuit from 1981 to 1992) attended the Fifth International Appellate Judges Conference in Washington, D.C. Nearly 130 chief judicial officers from more than 90 countries were in attendance. When Chief Judge Clark returned from the meeting, he remarked to his fellow judges about the attire of some of the other judges who attended the conference. He mentioned that it took an hour for a British chief judge to be dressed by his valet and that his attire included an ermine red robe and wig. A French judge, as well as a judge from Nigeria, each brought their valet with them to Washington to assist with dressing for the occasion, while Chief Judge Clark was in attendance in his plain black robe, the usual dress for American judges. As Chief Judge Clark explained it, early British judges wore red robes with wigs, but when Queen Anne of Great Britain died in 1714, a period of mourning was declared, and the British judges adapted the black robes.<sup>1</sup> Chief Judge Clark concluded that a sufficient period of mourning had elapsed.

<sup>1</sup>Some legal historians have indicated that the black robe was instituted during a period of mourning following the death of Queen Mary II of England in 1694 (the elder sister of Queen Anne).



September 1991 photo of Chief Judge Charles Clark (Chief Judge 1981-1992) in the red robe with the full Fifth Circuit Court.

## The Resolution

At the following Fifth Circuit Judicial Conference held in Fort Worth, a formal Resolution was passed on May 6, 1991, declaring that the chief judge of the court would wear a bright red judicial robe to all court ceremonies, functions, and activities:

WHEREAS, concluding that an adequate and respectful period of mourning having now elapsed, it becomes appropriate to revisit the issue of proper judicial adornment; and

WHEREAS, having done so and determined that various of our judicial colleagues from around the world and the Court of Appeals of Maryland have seen fit to opt for robes far more colorful than those adopted as the official uniform of the American judiciary; and

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WHEREAS, perceiving no reason why all United States judicial officers should necessarily wear only plain, black, basic robes, meekly, obediently, and without question or challenge.

NOW THEREFORE, BE IT RESOLVED by the Circuit Council of the United States Fifth Judicial Circuit, in rump session assembled, that from and after this date, hour, and minute, United States Circuit Judge CHARLES CLARK, as Chief Judge of this circuit, is duly authorized and encouraged to don and wear with pride the robe of scarlet color bestowed on him simultaneously with the publication of this Resolution, at all court sessions, functions and activities, in recognition of the special quality of his services as Chief Judge of this circuit...

The Resolution concludes with the Latin phrase "Mi gustabus non disputantum." which translates as "In matters of taste, there can be no disputes."

The Resolution was signed by the sixteen members of the Circuit Council. Chief Judge Clark was presented with the red robe and the Resolution at the 1991 Judicial Conference by Chief Judge Tom Stagg of the Western District of Louisiana. Following the presentation, it was noted that former Chief Judge John Brown (Chief Judge from 1966 to 1978), who was well known throughout the circuit for his flashy taste in attire, was overheard commenting to Chief Judge Stagg that he wished the Council had come up with the idea of the red robe while he was the chief judge, as he would have enjoyed wearing it.

Since 1991, some chief judges of the Fifth Circuit have chosen to wear the red robe at investiture ceremonies, portrait presentations, and naturalization ceremonies. Traditionally, when the new chief judge assumes the post, the previous chief boxes up the robe and sends it to the new chief.

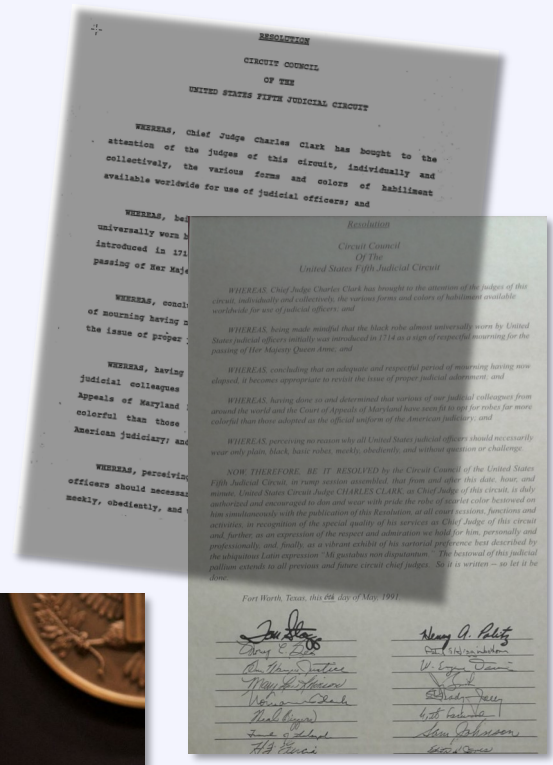


Photo of the signed Resolution presented to Chief Judge Stewart at his Red Robe Ceremony in January 2013.

January 2013 photo of Chief Judge Carl Stewart at the Red Robe Ceremony held in Shreveport, in which he was presented the red robe.