



ADVANCE SHEET– SPECIAL ISSUE

President's Letter

This is the fifth issue of the Bar Library's new magazine, which continues on its course of publishing materials that are topical, but not too topical, and which has been well received. We also are continuing to stage Zoom events as part of our Lecture Series. The third such event, a talk on Thomas Jefferson and John Marshall by Steven Klepper of the firm Kramon and Graham, is scheduled for June 25 at 6:00 p.m. The gradual reopening of public facilities after the coronavirus crisis should permit us to stage and broadcast it from our own rooms, though without a live audience.

The historical materials in this issue center on our founder, George William Brown.

The first is a Law Club speech delivered in 1937 by R. E. L. Marshall, a distant relative of Brown. It records Brown's astonishing efforts to suppress violent disturbances of all kinds, from his organization of a militia to suppress the Bank of Maryland riots in 1835; his courageous work in resisting Know-Nothing rule as a poll-watcher in 1859 and as a Mayoral candidate in 1860; his escorting Union troops through a Confederate mob in April 1861; his nearly-successful effort to forestall the Civil War by blowing up the railroad bridges connecting Baltimore with the North later in 1861 and his parley with President Lincoln which led General Winfield Scott and others to urge mediation of the War; his subsequent resistance to Union military dictatorship leading to his imprisonment without trial for 15 months; his refusing offers of release requiring renunciation of the office to which he had been elected; and, in his old age, his candidacy for Mayor in 1888, the last act of resistance to the Gorman-Rasin machine which held power in Baltimore well into the twentieth century, fraud at the election leading to adoption of the secret ballot in Maryland.

In our age of identity politics, it is also useful to be reminded of Brown's efforts on behalf of manumission of slaves; his resistance to bills which would have reduced the rights of free blacks before the Civil War; his opposition to reactionary measures which would have limited the rights of blacks at the 1867 Constitutional Convention; his welcoming of Frederick Douglass to Baltimore and his action as a judge in admitting the first black lawyer to the Maryland Bar. He was one of a much-misunderstood generation of Marylanders who were equally opposed to slavery, secession and civil war. He did not need to promise to 'bind up the nation's wounds'; he would not have inflicted them. For him, righteousness did not turn to self-righteousness.

The second article is an account of Brown's activity as a founding trustee of Johns Hopkins University. Two decades earlier, he had delivered an address expressing admiration for European research universities; he is at least as responsible as Daniel Coit Gilman for the creation of the first such institution in the United States. He also was close not only to Johns Hopkins but to George Peabody and Enoch Pratt and was a draftsman of the instruments creating not only the Bar Library but the Peabody Institute and the Pratt Library as well.

Our historians admire rhetorical politicians, particularly those whose lives are crowned with martyrdom, Lincoln, Wilson, and Kennedy being the three most notable examples. Gradualists and institution-builders like William Howard Taft and Charles Evans Hughes are less appreciated; Brown was of their sort.

In connection with our re-opening, we will be soliciting advertising in the Advance Sheet. The rate for advertisements of 1/6 page will be \$200 for four issues or \$1000 for twelve. Interested firms should call Mr. Bennett at 410 727-0280.

George W. Liebmann

GEORGE WILLIAM BROWN

Lawyers' Round Table

Nov. 6, 1937

by R. E. L. Marshall

I have chosen as the subject of my remarks tonight the career of a man whose portrait hangs on the walls of the Johns Hopkins University as one of its first Trustees; whose portrait hangs on the walls of the City Hall as Mayor of Baltimore City in one of the most critical periods of its history; whose portrait hangs on the walls of the Peabody Institute, and in the Enoch Pratt Free Library, as one of the earliest Trustees of those institutions; and who was also one of the outstanding Judges of the Supreme Bench of Baltimore City, and at one time a Trustee of St. John's College, Annapolis.

In addition, he was, in his day, one of the leading lawyers of Baltimore, and founder of a law firm which has continued to the present day and will shortly celebrate its one hundredth anniversary.

George William Brown was born in Baltimore in the year 1812 and died in the year 1890. He was Mayor of Baltimore in 1861, and was appointed to the Supreme Bench of Baltimore in 1872, serving as a member of that body until 1888.

In the year 1885, he was brought forward by the so-called Reform, or Independent, party in Baltimore as its candidate for Mayor, and was defeated, or, as many thought, counted out by a total of 2,230 votes.

I have selected Judge Brown as my subject tonight not only because of his own outstanding public and private career, but also, and principally, because the story of his public life is the story of one of the most interesting periods in the history of the City.

It would be impossible on an occasion like the present to review at length even the main incidents in Judge Brown's career; and such was the modesty which governed the man in the performance of all of his public functions that it is difficult to describe those traits of character and intellect which gave him a foremost place in his profession, and won for him, as a public servant, an universal confidence and esteem at a time when public service, whether on the Bench or in the City Hall, was in a state of almost inconceivable degradation and contempt.

Let me give you, at the outset, Judge Brown's own estimate of the fleeting reputation which even the greatest lawyers can hope to achieve. In a sketch prepared by him of the life of his friend, Thomas Donaldson, one of the eminent Baltimore lawyers of his day, Judge Brown had this to say:

"The reputation of an eminent lawyer and advocate does not long survive. There are few exceptions to this rule. While he lives he is a conspicuous figure in the community. His connection with important cases gives him prominence, and his

knowledge, skill and eloquence are called into exercise on public occasions when the services of the ablest men are required; but when he dies he leaves no lasting memorial.

"Even the speeches of renowned orators rarely become a part of enduring literature. They are intended for hearers, not readers. A few brilliant passages are preserved in the declamations of schoolboys, a few striking phrases become part of the common language, while the speeches themselves are soon forgotten.

"But the lawyer's aim is not to be an orator. He would certainly fail in his profession if it were. His arguments are intended to convince the judgment of courts and to gain the verdicts of juries. The simpler and plainer they are, the better. In a case in which it is appropriate, eloquence is sometimes very effective, but it seldom outlives the trial, or reaches beyond the courthouse.

"And the rest of the lawyer's work is equally evanescent. His carefully written opinions lose their value when the controversy is ended. His skilfully drawn documents slumber in pigeon-holes. His prudent advice is remembered only by those who profited by it. When he leaves the forum, another steps forward to take his place, and his name and fame soon become a dim tradition in the places

which knew him so well and delighted to honor him."

Let me digress for a moment to narrate an event in the life of this same Thomas Donaldson which occurred in the Constitutional Convention of 1850, and which relates to a matter of lively interest at the present time. One of the matters before the Convention had to do with the method of selecting Judges. It was proposed by a group of the members that the Judges should be elected by the people for certain terms, and should be re-eligible for election to succeed themselves. In opposing this proposal, Mr. Donaldson said:

"I have no hesitation in saying that I consider the election of Judges by the people, as proposed, with the provision for re-eligibility, the worst conceivable mode of appointment."

Mr. Donaldson then offered an amendment with reference to the selection of Judges for the Court of Appeals, proposing that three persons of integrity and sound legal knowledge, being above the age of thirty years and residents of the judicial district from which they should be chosen, should be selected by joint ballot of the Legislature for each judicial district, and that their names should be presented to the Governor, who should commission one of them to be a Judge of the Court of Appeals.

Needless to say, this amendment did not prevail, and

in the Constitution all Judges of the State, including the Court of Appeals, were made elective with the privilege of re-election.

At the age of 21, Mr. Brown was admitted to the Bar, in the year 1833. As was customary in those days, he acquired his preliminary legal education as a student in the office of an older member of the Bar. Mr. Brown studied law in the office of John Purviance.

For admission to the Bar, the student presented himself to one of the Judges, who was supposed to examine him as to his knowledge and qualifications, but who, in fact, generally granted the privilege of practicing upon the recommendation of the lawyer in whose office he had studied.

I recall my Father's account of his own admission to the Bar. He appeared before a venerable Virginia Judge for his examination, as he says, with much trepidation and a strong consciousness of his own deficiencies. The Judge, an old family friend, conversed pleasantly with him for a few moments and, reaching for his pen, said: "Young man, do you use a steel pen or a quill pen? Personally, I prefer a quill." Using a quill pen, he signed the certificate and made my Father a member of the Bar in good standing.

The real legal education of a young lawyer in those

days commenced with his admission to the Bar. The earnest and ambitious young lawyer acquired all of his practical knowledge and much, if not most, of his real legal knowledge by constant attendance at the trial of cases in the Courts. From these he drew his inspiration from the conduct of the leading lawyers of the day. And in those days, almost the entire business of the leading lawyers was in actual trial work.

In 1838, when Judge Brown was 25 years of age, he formed his first and last partnership, founding the firm of Brown & Brune, with which he continued until he became Judge of the Supreme Bench of Baltimore City in 1872.

Throughout the entire adult life of Mr. Brown public ferment over the political and social questions of the times not only invited, but practically demanded, participation in public life of all responsible citizens in every community, and, particularly, of the members of the legal profession, young and old.

In the early part of his career the Nation was entering upon the last stages of the struggle over slavery, which was soon to culminate in the war between the States. In Maryland, as in Virginia and in many of the slave States, there were many who favored and advocated the voluntary manumission of slaves. Judge Brown was one of these.

In his early manhood he was prominent in defending the rights of the free colored people. In 1842, certain measures were introduced into the Legislature of Maryland, at the instance

of the so-called "Slaveholders' Convention", the purpose of which was to discourage the manumission of slaves and to expel from the State all free blacks. Mr. Brown led the opposition to these measures and to this policy. In an article published by him in the public press, he said:

"The policy of the State has been, and its true policy still is, to encourage manumissions; it has not ceased to look forward to the day when, by the voluntary acts of its own citizens, it would be emphatically and without exception a free State, and the harsh measures now proposed against the people of color who are already free are as inconsistent with the real welfare of this Commonwealth as they are at variance with the feelings of humanity."

In 1846, Mr. Brown associated himself with a small group whose object was to initiate a movement tending to the gradual emancipation of slaves within the State. Speaking with reference to this movement, Mr. Brown later said that the growing hostility between the North and the South rendered the plan wholly impractical and it was abandoned. It is interesting to know that among the members of this group were the Rev. William F. Brand, whom I remember as a venerable clergyman in his ninety-eighth year. I met him at the home of Mrs. George William Brown when he called to pay a visit to her, then in her one hundredth year.

Another member of this group was Mr. Galway Cheston, who afterwards was President of the Board of Trustees of the Johns Hopkins University; and another member was Mr. Frederick Brune, brother-in-law and law partner of Mr. Brown.

While an advocate for the manumission of slaves, Judge Brown was not, however, in sympathy with the Abolition Party. He did not believe that slavery in the Southern States was, as claimed by the Abolitionists, "the sum of all villainy". On the contrary, he believed that it had materially assisted in the development of the Negro Race. He summed up his position in these words:

"Nowhere else, I believe, had Negro slaves been so well treated, on the whole, and had advanced so far in civilization. They had learned the necessity, as well as the habit, of labor; the importance - to some extent at least - of thrift; the essential distinctions between right and wrong, and the inevitable difference to the individual between right-doing and wrong-doing; the duty of obedience to law; and - not least- some conception, dim though it might be, of the inspiring teachings of the Christian religion. They had learned also to cherish a feeling of respect and good will towards the best portion of the white race, to whom they looked up, and whom they imitated."

He expressed his own views of the problem of slavery in the following language:

"The problem of slavery was to me a Gordian knot which I knew not how to untie, and which I dared not attempt to cut with the sword. Such a severance involved the horrors of civil war with the wickedness and demoralization which were sure to follow."

At the very outset of his career, and throughout practically all of his adult life, Mr. Brown was confronted with conditions of almost incredible corruption and misrule which permeated both the State and City Governments.

The dominant political party was, for many years of his life, the American, or Know-Nothing, party, which maintained control of the State and City Government by wholesale violence and open and flagrant fraud at elections which defied all effective opposition on the part of the decent element.

Describing the conditions which prevailed in the City during the supremacy of the Know-Nothing party, and of its successor, the Union or Republican party, and during the period of the so-called boss control of the Democratic party, Mr. John K. Cowen said that 'murder, pure and simple, was recognized as a political service to be rewarded with National, State and Municipal appointments'; and that 'attempted murder, although unsuccessful, constituted a meritorious claim to the favor of the party chiefs'. He stated that at one time seven persons who had planned and carried out a campaign of murder to prevent bolting the ticket in important wards were on the City's

payroll; that nineteen men of criminal record, including a number charged with attempted murder, were rewarded for their activities with City appointments; that the City's payroll assimilated to the Police records.

In those days, elections were carnivals of riot, violence, debauchery and fraud, at which the polling places were filled with judges of election picked from the very scum of the earth, - "men whose bleached faces tell you, as you look in the polling places, that they are of the class who sleep by day and not by night, - the spawn of the brothels and small gambling dens of the City".

Against the evils of these days, a small group of courageous but unorganized citizens struggled, for many years, in vain. Always conspicuous in the ranks of this group was George William Brown, and always at the head and front was Severn Teackle Wallis.

Mr. Wallis waged his battle through the columns of the "Exchange", a newspaper conducted by himself and his friends, and time and again this paper was mobbed by riotous and infuriated gangs of the Know-Nothing party.

In March, 1853, Mr. Brown, in a lecture before the Maryland Institute on the subject of "Lawlessness, the Evil of the Day", started the movement to form a "Reform Association", the object

of which was to organize the friends of law and order into a body sufficiently influential and powerful to secure quiet and fair elections.

In a public address, Mr. Brown recommended reforms which seem rather mild, but which, in fact, aimed to destroy the essential agencies through which the dominant party was able to control elections. He proposed that the constables and watchmen, which then constituted the police system of the City, should be replaced by a uniformed metropolitan police; that the turbulent volunteer fire companies, which were widely used by the political leaders to "rough" elections, should give way to a paid fire department; that juvenile offenders should be sent to the House of Refuge; that ruffians and thieves, when caught, should not be released on straw bail, but should be tried and sentenced in proportion to the magnitude of their offenses; and that when finally sentenced, they should not have their sentences annulled by pardon.

In 1858, a Reform Association was organized, - Mr. Brown uniting with a number of prominent citizens to bring it about. He tells us that, among the main objects of this Association, it aimed particularly to curb certain reprehensible acts and practices, commonly employed to intimidate voters. He mentions:

(a) The practice of seizing and "cooping" unfortunate voters in vile dens, stupefying them with whisky, and carrying them around in omnibuses to vote them in ward after ward, - a practice to which the police offered no opposition, and which

corrupt judges of election connived at by receiving and registering these votes;

(b) The indiscriminate display and use of firearms to terrify voters, frequently accompanied by actual murder;

(c) The widespread use of small awls by organized gangs of ruffians, who thrust them into the persons of their adversaries at the polls.

In the fall elections of 1858, the Reform Association posted watchers at the various polls in the City. In the tenth ward, where Mr. Brown resided, gangs of ruffians using awls, pistols and clubs drove the Reform watcher from the polls. Mr. Brown took his place as challenger, and held it all day in the face of insult, threats, and attempts at actual personal violence. Through his courage and determination, the Reform candidate in this ward was elected.

In the following year, the election in Baltimore City was marked by such violence and fraud that the entire Baltimore delegation to the State Legislature, consisting of ten members, was unseated.

The testimony of witnesses given before the Legislative Committee in the contested election case from Baltimore City gives a vivid description of the almost incredible conditions of intimidation and terror in which elections were conducted in the last days of the

Know-Nothing rule. One of the witnesses gave the following interesting description of one of the favorite tactics employed by the Know-Nothing party, known as "cooping":

He testified that two days before the election he was crossing a lot on his way from work when he was accosted by three men who caught him by the collar, one on each side, while the third man jerked out a blunder-buss and threatened "to blow your damned brains out". One of the men then struck him over the nose, and, having thus thoroughly subdued and intimidated him, carried him through a house and shoved him down into a cellar where they kept him along with 150 or 175 other victims until election day.

On election day, the "captain" of the "coop" furnished him with a ballot and sent him under guard to a polling place. His guard accompanied him to the window, and when the judge of election asked the voter's name the guard replied: "I know his name. It is all right. Give up your ticket." He handed his ticket to the judge and was permitted to leave.

He was asked if he made any resistance to this treatment, and he replied, "No; if I had I should have been knocked down, so I had to go up with a good will and vote."

On cross-examination, he stated that at one time there were about sixty other persons in the "coop" with him. The cross-examiner then asked him whether it was a pretty merry party. The witness replied

that it was a pretty merry party; that the fellows had blunder-busses and guns, and now and then they would come in and trip someone up and kick him in the mouth.

Another witness testified that he saw about one hundred men being taken out of Rough Skin Hall; all kinds and sorts of men; old and young, Germans, Irish, et cetera; about three, four or five at a time; and made to vote the Know-Nothing ticket. Some were then let off, and some were taken back and made to vote again and again.

Another witness testified that when he went to vote he found a crowd of young ruffians at the entrance to the polling place holding bundles of tickets and holloaing: "Tickets, Gentlemen, Tickets." This witness was struck on the head by one young man, and stuck with an awl by another; kicked a dozen times, and wounded badly in his legs.

In the "Baltimore Clipper" under date of November 1st preceding the election, appeared certain advertisements or notices, one of which read:

"ATTENTION, ORIGINAL PLUG UGLIES: The time for action has arrived. You are particularly requested to attend a special meeting this evening at 9 o'clock. Let every Plug be at his post. All things are ready to battle with the enemy. By order."

Another one read as follows:

"Little Fellows to the rescue. Arise and gird on your armor. Your best energies will be required to protect your cherished rights against the misrule of Loco Foco foreigners on the morrow."

Another one:

"Awake, Tigers -- awake and face your enemy -- Attention, Tigers. Meet at the regular place of meeting at midnight. Every Tiger is expected to be at his post. By order of the Big Tiger."

Another one:

"Regulators -- you know your duty. Be on deck tonight at our restaurant."

Another one:

"Rattlers! American Club No. 1, twelfth ward. The original members of the American Rattlers are hereby notified to meet at 7 o'clock, as there are traitors in the camp. P.S. - The awls will be ready for distribution."

In the Legislature which met in 1860, two Acts were passed which put an end to the power of the Know-Nothing party in the City, and rescued the election machinery from its control. By Chapter 7 of the Acts of 1860, the Legislature took from the Municipal Corporation its control over the police of the City, and created a State Board of Police Commissioners vested with full authority and control over the City police force.

In the same Legislature, an Act was passed regulating elections in the City of Baltimore. By this Act, the new Board of Police was required to divide the wards into election precincts, and to appoint the judges of elections and their clerks.

These Acts made possible the success of the Reform movement at the election held in October 1860 for Mayor and the members of the City Council. The Reform party presented Mr. Brown as its candidate for Mayor, and with him a Councilmanic ticket of the highest order. At this election, members of the best element in the American or Know-Nothing party joined with the Reformers, and the Reform ticket was triumphantly elected, carrying every ward in the City for Mr. Brown and the City Council.

In Scharf's History of Maryland, it is said:

"Taken as a whole, a better ticket has seldom, if ever been brought out. In the selection of candidates, all party tests were discarded and all thought of rewarding partisan services repudiated."

Mayor Brown entered into office on November 12, 1860, in a period of the most intense popular excitement over the events immediately preceding the outbreak of the Civil War. Six months after he assumed office, President Lincoln issued his proclamation calling upon the States for 75,000 militia, including four regiments from Maryland.

Mr. Brown has given us in his own words the effect of this call upon the people of Baltimore:

"Immediately after the call of the President for troops, a marked division among the people manifested itself. Two large and excited crowds, eager for news, nearly touching each other, stood from morning until late at night before two newspaper offices on Baltimore Street which advocated contrary views and opinions. Strife was in the air. It was difficult for the police to keep the peace. Business was almost suspended. * * * There was a deep and pervading impression of impending evil."

On the 18th of April, two companies of United States artillery from Harrisburg, Pennsylvania, and four companies of militia, the latter without arms or uniforms, passed through the City. The vigilance and determination of the police restrained the mob from actual violence. In Scharf's History of Maryland a description is given of the hostile reception on the part of the citizens to the passage through the City of these troops, and Mr. Scharf adds: "These proceedings were an earnest of what might be expected on the arrival of other troops, the excitement growing in intensity with every hour."

Popular excitement was further fanned by numerous outbreaks in the neighborhood of the newspaper offices upon the publication of the stirring events which followed each other in rapid succession.

The States' Rights Convention met in a building on

Fayette Street near Calvert and adopted a series of bold and threatening resolutions against the passage of any more troops through Baltimore, and threatened armed resistance if such were attempted.

Governor Hicks issued a proclamation urging the people to preserve peace and assuring them that no troops would be sent from Maryland except for the defense of the National capital.

Mayor Brown also, at the request of Governor Hicks, issued a like proclamation, and added that 'he could not withhold expression of his satisfaction at the resolution of the Governor that no troops should be sent from Maryland to invade the soil of any other State'. The Mayor candidly admitted: "I can not flatter myself that this appeal produced much effect. The excitement was too great for any words to allay it."

The story of the attack upon the Sixth Massachusetts Regiment in the streets of Baltimore on the 19th of April is familiar to all. It is unnecessary to dwell upon this event except in its relation to the actions and conduct of Mayor Brown. It is certain that he, personally, behaved with the utmost propriety and gallantry, and exhausted every means at his disposal to procure safe passage for the troops. He complains that insufficient notice was given of the intended movement of the soldiers through the City, and he says that if due notice had been given he could have, at least, greatly diminished the danger of serious disturbance.

On the morning of the 19th of April, the Mayor was

at his law office at 222 St. Paul Street in entire ignorance of the plans of the military authorities. His first intelligence was received from the Marshal of Police, who informed him of the impending arrival of the troops, and that he apprehended a disturbance, and requested the Mayor to go to the Camden Street Station of the B. & O. He was there when the first detachments of the Massachusetts Regiment arrived, and was about to leave the Station, supposing all danger to be over, when word was brought of the disturbance on Pratt Street. The Mayor hurried to the scene and arrived at the Pratt Street bridge. There he met a battalion of four companies coming down the street in double quick time and firing wildly over their shoulders. He describes the uproar as 'furious'. The Mayor ran to the head of the column and introduced himself to the officer in command, and, at once, objected to the double quick movement of the troops, which was thereupon stopped and the troops proceeded at marching pace. The Mayor placed himself at the head of the battalion with the commanding officer. He says that he expected him to face his men to the rear and fire, if necessary. He adds that:

"Once before in my life I had taken part in opposing a formidable riot and had learned by experience that the safest and most humane manner of quelling a mob is to meet it at the beginning with armed resistance."

In this, Mayor Brown, consciously or unconsciously, adopted the views of Napoleon Bonaparte.

We have a picture of the Mayor as he appeared and as he conducted himself in this scene of turmoil and violence. In the history of "The Sunpapers of Baltimore" it is stated:

"He placed himself beside Captain Follansbee, at the head of the column, and, his hat in one hand and his umbrella in the other, marched with the troops through flying bricks, cobblestones and bullets until, between Light and Charles Streets, they met Marshal Kane, with fifty policemen, coming at a run."

In his own description of this event, Mayor Brown says that his presence for a short time had some effect, but that very soon the attack was renewed with greater violence. Stones flew thick and fast. Rioters rushed at the soldiers. Men fell on both sides. The soldiers fired at will, and when they began to fire into groups standing on the sidewalk who were taking no active part in the riot, the Mayor cried out - "waving my umbrella to emphasize my words, 'for God's sake, don't shoot'".

When Marshal Kane and his policemen came up and assumed command of the situation, the Mayor says that he left the column. "I had accompanied the troops for more than a third of a mile", he says, "and regarded the danger as now over."

Many years after, on the 19th of April, 1880, the Association of Survivors of the Sixth Massachusetts Regiment met in Baltimore to celebrate the nineteenth anniversary of their march through

the City. Mr. Brown, then Judge Brown, presided at the banquet, and in his welcoming speech, referring to the events of the 19th of April, 1861, he said:

"In justice to the living and the dead,
I have to say that the authorities of Baltimore
faithfully endeavored to do their duty."

In the picture which we have of Mayor Brown and of his conduct, on that day, forever memorable in the annals of this City, and in the annals of the country, we can see one of those traits of character which distinguished Judge Brown throughout his life, and explain, in part, the confidence and esteem which he inspired in all classes of his fellow-citizens throughout his life.

We see a man who, as chief executive, had a duty to perform and who performed it gallantly, with no regard for the danger and risk of personal harm to himself, and with the unconscious courage which belongs only to those who place their duties above and beyond all personal considerations.

On the 17th of the following September, Mayor Brown, together with a number of the most prominent members of the Legislature, editors of certain newspapers, and other citizens, were arrested by the military and carried to Fort McHenry.

They were next taken to Fortress Monroe, where they remained in prison for about two weeks, when they removed to Fort LaFayette for about six weeks, and finally imprisoned in Fort Warren.

Prior to this an event occurred which it is of interest to mention. You are all familiar with the famous and important Merryman case, in which General Cadwalader, in military command in Maryland, refused to obey a writ of habeas corpus directed to him by Roger B. Taney, Chief Justice of the United States. The Marshal returned the writ to the Chief Justice, sitting in the United States Court in Baltimore, and reported his inability to effect service. The Chief Justice, with perfect self-control and dignity, excused the Marshal from proceeding further in the matter because, he said, "Such a proceeding can result in no good, and is useless." He added: "If, however, General Cadwalader were before me, I should impose upon him the punishment which it is my province to inflict -- that of fine and imprisonment." Mr. Brown was present on this occasion, and, after the Court had adjourned, he went to the bench and thanked the Chief Justice for upholding in its integrity the writ of habeas corpus. The Chief Justice replied: "Mr. Brown, I am an old man -- a very old man. But perhaps I was preserved for this occasion." Mr. Brown replied: "Sir, I thank God that you were."

I shall not dwell upon any of the questions involved in the wholesale arrest and imprisonment of the City and State officials; nor of their treatment in the several places of their incarceration, nor of the fortitude with which, without exception, they endured conditions of discomfort, inconvenience and oppression, peculiarly offensive and repugnant to gentlemen of their temper and position.

Time and again they were offered their release on parole,

provided they would take the oath of allegiance; and by common agreement they one and all refused to accept liberation on these terms.

One of the group of prisoners from Baltimore City was Mr. Henry M. Warfield, father of our distinguished and beloved General Warfield of today. He was a party to the solemn compact of his fellow prisoners not to accept freedom on any conditions. One morning at Fort Warren he announced, without further explanation, that he was returning home on parole. He expressed merely the hope that his friends would not lose their confidence in him, and he left them in an atmosphere of embarrassment and restraint. Two weeks later, he was back greeting his fellow prisoners with enthusiasm, and announced that he had just returned from his honeymoon.

Mr. Frank Key Howard, one of the Maryland group of prisoners, relates that General Dix said to Mayor Brown that all parties in Baltimore bore testimony to his personal integrity, and that the Government recognized his fidelity in his intercourse with it, and he then offered to release him provided he would resign his office. Mr. Brown replied that he was in the power of the Government and submitted only because he could not help himself, but he peremptorily refused General Dix's proposition to resign his office, remarking that to do so would be to forfeit his own self respect.

On November 26, 1862, all of the political prisoners were released unconditionally by order of the Secretary of War, after

imprisonment for over a year.

Mr. Howard states in his work entitled "Fourteen Months in American Bastiles" -

"Each of them had determined at the outset to resist to the utmost the dictatorship of the President, and having done so, each had the satisfaction of feeling, as he left Fort Warren, that he had faithfully and not unsuccessfully, discharged a grave public duty. We came out of prison, as we had gone in, holding in the same just scorn and detestation the despotism under which the country was prostrate, and with a stronger resolution than ever to oppose it by every means to which, as American freemen, we had the right to resort."

Of Mayor Brown's personal life at Fort Warren, there is little to narrate. I find, however, in the narrative of one of the prisoners the interesting statement that one of the functions of Mayor Brown at Fort Warren was to receive and take custody of all the liquor that came to the prisoners, and attend to its distribution; and that he allowed each room one bottle a day.

In concluding the history of the Wartime period of his life, I will close with Judge Brown's own statement of his views and beliefs, which he recorded at a much later date -- in 1887, and

which have a striking application to conditions of the present day.

He said:

"I was deeply attached to the Union from a feeling imbibed in early childhood and constantly strengthened by knowledge and personal experience. I did not believe in secession as a constitutional right, and in Maryland there was no sufficient ground for revolution. It was clearly for her interest to remain in the Union and to free her slaves. An attempt to secede or to revolt would have been an act of folly which I deprecated, although I did believe that she, in common with the rest of the South, had constitutional rights in regard to slavery which the North was not willing to respect.

"It was my opinion that the Confederacy would prove to be a rope of sand. I thought that the seceding States should have been allowed to depart in peace, as General Scott advised, and I believed that afterwards the necessities of the situation and their own interest would induce them to return, severally, perhaps, to the old Union, but with slavery peacefully abolished; for, in the nature of things, I knew that slavery could not last forever."

He further said:

"I believe that the results achieved - namely, the preservation of the Union and the abolition of slavery - are worth all they have cost.

"And yet I feel that I am living in a different

land from that in which I was born, and under a different constitution, and that new perils have arisen sufficient to cause great anxiety.

"Let me state them as they appear to me to exist.

"Vast fortunes, which astonish the world, have suddenly been acquired, very many by methods of more than doubtful honesty, while the fortunes themselves are so used as to benefit neither the possessors nor the country.

"Republican simplicity has ceased to be a reality, except where it exists as a survival in rural districts, and is hardly now mentioned even as a phrase. It has been superseded by republican luxury and ostentation. The mass of the people, who cannot afford to indulge in either, are sorely tempted to covet both.

"The individual man does not rely, as he formerly did, on his own strength and manhood. Organization for a common purpose is resorted to wherever organization is possible. Combinations of capital or of labor, ruled by a few individuals, bestride the land with immense power both for good and evil. In these combinations the individual counts for little, and is but little concerned about his own moral responsibility.

"Now politicians care little about the opinions of the people, because the people care little about opinions. Bosses have come into existence to ply their vile trade of office-brokerage. Rings are formed in which the bosses are

masters and the voters their henchmen. Formerly decent people could not be bought either with money or offices. Political parties have always some honest foundation, but rings are factions like those of Rome in her decline, having no foundation but public plunder.

"Communism, socialism, and labor strikes have taken the place of slavery agitation. Many people have come to believe that this is a paternal Government from which they have a right to ask for favors, and not a Republic in which all are equal. Hence States, cities, corporations, individuals, and especially certain favored classes, have no scruple in getting money somehow or other, directly or indirectly, out of the purse of the Nation, as if the Nation had either purse or property which does not belong to the people, for the benefit of the whole people, without favor or partiality towards any.

"In many ways there is a dangerous tendency towards the centralization of power in the National Government, with little opposition on the part of the people.

"The administration of cities has grown more and more extravagant and corrupt, thus leading to the creation of immense debts which oppress the people and threaten to become unmanageable.

"The National Congress, instead of faithfully

administering its trust, has become reckless and wasteful of the public money.

"But, notwithstanding all this, I rejoice to believe that there is a reserve of power in the American people which has never yet failed to redress great wrongs when they have come to be fully recognized and understood."

In the ten years following his release from Fort Warren, from 1862 until 1872, the only public service rendered by Mr. Brown appears to have been as a member of the Constitutional Convention in 1867.

In that same year, he was offered a re-nomination to the Mayoralty of Baltimore City, but declined it.

In 1864, the State of Maryland was under the absolute control of the Union Party, which was composed of the loyal and unswerving supporters of the National Administration, and which had absorbed men of various political affiliations in previous times. With the aid of the National Government, they had formed a new Constitution, the primary purposes of which were not only to free slaves, but to secure the permanent hold of the Union Party in power.

This latter was accomplished by the disfranchisement of all Southern sympathizers, and other disloyal persons, under a Con-

stitutional provision disqualifying such persons from voting at any election or holding any office under the laws of this State.

Moreover, under the Registration law passed pursuant to the Constitution of 1864, the judges of election were given sole and final power to determine the right of any person to vote.

The experiences of the State and City under the Constitution of 1864 are not a part of my subject tonight. The rule of the Union Party ended with the election of 1866, at which the conservative element completely routed the radicals and won a two-thirds majority in each House of the Maryland Legislature. This resulted in the Constitutional Convention of 1867, in which Mr. Brown served as a delegate.

In 1872, Mr. Brown was appointed to the Supreme Bench of Baltimore City. Upon his elevation, Judge Brown resigned as President of the Library Company of the Baltimore Bar, and was succeeded by Mr. Arthur W. Machen. The Library was founded in 1842, Mr. Brown being one of the original incorporators.

From 1842 until 1915, when Mr. Machen died, the Library had but three Presidents - Mr. John V. L. MacMahon, George William Brown, and Mr. Machen.

Judge Brown's career on the Bench was distinguished by that same unswerving loyalty to high principle in the administration

of the judicial office which he had shown in the difficult and stormy periods of his earlier life.

For many years prior to his elevation, and for ten years thereafter, the Judiciary of Baltimore City was degraded by a succession of Judges chosen for office solely as a reward for political services, and, in many cases, wholly unfit, professionally and morally, for the high office which they filled.

In 1860, a joint committee of the Senate and House of Delegates investigated a memorial for the removal of the Judge of the Criminal Court of Baltimore City. Among the witnesses were Mr. Lawrence Sangston, who was later a fellow-prisoner with Judge Brown at Fort Warren, and Mr. John P. Poe.

In this case, one of the witnesses testified that in the trial of a colored man on a capital offense, the Judge was, during the progress of the trial, in a state of intoxication; and while the evidence was being given he was, a portion of the time, asleep on the Bench; at one time he slept 35 minutes on a stretch, and when he awoke he required the witnesses to repeat their testimony because, he said, he ought to know the facts as the case might go to the Court of Appeals.

Mr. Albert Ritchie, later Judge Ritchie, also testified in this proceeding. He said:

"His general bearing has been such as to bring discredit upon the honorable position he occupies,

and his manifest want of appreciation of the solemn responsibilities which rest upon him has been mortifying to those who were obliged to contemplate it. His sad delinquencies of temper, manner and dignity had been such as to make the just citizen alarmed when he reflected that the issues of liberty and life were to be determined by a tribunal whose presiding officer seemed completely destitute of every proper sense of becoming deportment, and who, by his unfortunate habits, was clearly incapable of discharging his sacred trusts. I have frequently seen him come to the discharge of his duties when he seemed to be under the influence of liquor, and occasionally have seen him, when overcome by what appeared to be the drowsiness of drunkenness, lose all consciousness on the Bench, till he was suddenly startled and awakened by the gibbering merriment of a miscellaneous crowd. When off the Bench, I have seen him in most public places in such a fallen state of intoxication as to become an object of ridicule to the passer-by, and bring reproach upon his official position."

Another witness testified that the language of the Judge was exceedingly vulgar. He cited the case of a prominent merchant, summoned as a juror, who asked to be excused because of sickness in his family. The Judge asked: "Who is sick?" The juror replied: "My wife, sir." The Judge then remarked, "She is going to be confined, I suppose." The juror replied: "Yes, sir, I expect her to be

confined today." And the Judge then responded: "Well, the Court thinks that is your fault; but as it is the case, I reckon I will have to discharge you."

This Judge was removed from office, and was succeeded by Judge Hugh L. Bond, who was shortly afterwards appointed United States Circuit Judge.

On the Bench Judge Bond exercised his functions with a severity that earned for him the title of "the Jeffries of the South". Off the Bench, he appears to have had a jovial disposition. On one occasion, it was said, at a meeting of the Circuit Court sitting as a Court of Appeals, Judge Bond was the only member of the Court present; and as he appeared to be somewhat exhilarated, the attorneys on each side of the case before him agreed to invoke the rule, and move a continuance of the case until a full Bench was present. Judge Bond granted the motion, and instructed the Clerk to continue the case until a full Bench should be present, and added, in a tone audible throughout the Court: "If these young men ever expect to try their case before a fuller Bench than this one, they were never more mistaken in their lives."

On another occasion, in the evening after adjournment of his Court, the Judge joined the two counsel who had argued a case before him that day, in a social meeting. After a few drinks, the Judge remarked to one of the lawyers: "You made a very fine argument

today, sir. I was much impressed with the force and logic of your presentation." Then, feeling, perhaps, that he ought not to make invidious distinctions, he turned to the other lawyer and said: "You, too, sir, made a very good argument. But you talked so loud; and you sweat so; and you are so damn ugly."

Mounting public indignation over the abuse by political leaders of the Judicial office in the City led to the so-called New Judge Campaign in 1882. In that year, the terms of office of four City Judges were about to expire, and, ignoring all protest, the Democratic Ring in Baltimore City nominated three of these Judges to succeed themselves.

A mass-meeting of so-called Reformers named William A. Stewart, Charles E. Phelps and Edward Duffy in opposition to the old Judges. Judge Brown's term had not yet expired, and Judge William A. Fisher was on both tickets. The new Judges were elected by a sweeping majority, and from that day the political leaders have kept their hands off of the Judiciary.

The last appearance of Judge Brown in public life was in 1885, when he was brought forward by the Reform, or Independent, Party in Baltimore as its candidate for Mayor, and was defeated by the regular Democratic candidate by a few votes, which were generally thought to have been cast by Mr. I. Freeman Rasin sometime after the closing of the polls.

I recall a chance meeting between my Father and Mr. Rasin on a street car going down town the morning after this election. I was on the car with my Father when Mr. Rasin entered and took the seat next to my Father. In high good humor over the

results of the election, he greeted my Father cordially, saying,

"Good morning, Colonel, how do you feel this morning?"

"Is that you, Free?", said my Father. "You are a damned scoundrel, and ought to be in the Penitentiary."

"Now, now, Colonel", said Free, "you are prejudiced."

In the fall of 1890, in his seventy-eighth year, Judge Brown was visiting his son, Mr. Arthur George Brown, and his family at Lake Mohunk. Apparently in the best of health, he started on a drive through the mountains. Judge Brown spoke with enthusiasm of the beauties of the mountain scenery. The next moment, he was dead.

I quote his own words spoken of his friend, Thomas Donaldson:

"Such was the fitting end of one who had preserved his integrity and manhood under every trial and temptation, who had been liberal, charitable, unselfish, unmoved by the greed of gain; not without ambition, but who had found his happiness in the symmetrical development of his own faculties, in the performance of the practical duties of life, in the glories of literature and art, in the beauty of nature, and, above all, in the exercise of the social and kindly affections. He died, as he lived, in the Christian faith, with a firm trust in the mercy of God, and with a reverent submission to the dispensations of Providence."



Acquisition Highlights: Something for Everyone

Although the Bar Library is very much a practice centric library, i.e., it is primarily interested in providing a practitioner with what they need to prepare for their appearance in state and federal court (we have had people come to the Library for everything from an administrative hearing to an argument before the United States Supreme Court), we are also aware that many users of the Library have a keen interest in history, legal and otherwise. So, even before the current pandemic when people have perhaps a little more free time on their hands, the Library had numerous collections including Horwitz, Joseph and Mitchell, dedicated to the purchase of histories, biographies and volumes on civil rights.

The following are examples of books that have been purchased just over the last few weeks. Members of the Library, as well as the judiciary may borrow any book(s). The loan period for the aforementioned special collections is thirty days.

1) *Shortlisted: Women In The Shadows* by Renee Knake Jefferson and Hannah Brenner Johnson

In 1981, Sandra Day O'Connor became the first female justice on the United States Supreme Court after centuries of male appointments, a watershed moment in the long struggle for gender equality. Yet few know about the remarkable women considered in the decades before her triumph.

Shortlisted tells the overlooked stories of nine extraordinary women--a cohort large enough to seat the entire Supreme Court--who appeared on presidential lists dating back to the 1930s. Florence Allen, the first female judge on the highest court in Ohio, was named repeatedly

in those early years. Eight more followed, including Amalya Kearse, a federal appellate judge who was the first African American woman viewed as a potential Supreme Court nominee. Award-winning scholars Renee Knake Jefferson and Hannah Brenner Johnson cleverly weave together long-forgotten materials from presidential libraries and private archives to reveal the professional and personal lives of these accomplished women.

In addition to filling a notable historical gap, the book exposes the harms of shortlisting—it reveals how adding qualified female candidates to a list but passing over them ultimately creates the appearance of diversity while preserving the status quo. This phenomenon often occurs with any pursuit of professional advancement, whether the judge in the courtroom, the CEO in the corner office, or the coach on the playing field. Women, and especially female minorities, while as qualified as others on the shortlist (if not more so), find themselves far less likely to be chosen. With the stories of these nine exemplary women as a framework, *Shortlisted* offers all women a valuable set of strategies for upending the injustices that still endure. It is a must-read for those seeking positions of power as well as for the powerful who select them in the legal profession and beyond.

Reviews:

“With fresh research, the authors effectively humanize the women who never received the nominations they deserved.” - Kirkus Reviews

“This fascinating book reconstructs a chapter of women’s history that has been hiding in plain sight: The numerous qualified women whose names were floated for the Supreme Court but who never got there. Just as they were overlooked, so have their individual stories been – until now.”
- Linda Greenhouse (*New York Times* contributing columnist)

2) *The Splendid and the Vile: A Saga of Churchill, Family, and Defiance During the Blitz*
Hardcover by Erik Larson

On Winston Churchill’s first day as prime minister, Adolf Hitler invaded Holland and Belgium. Poland and Czechoslovakia had already fallen, and the Dunkirk evacuation was just two weeks away. For the next twelve months, Hitler would wage a relentless bombing campaign, killing 45,000 Britons. It was up to Churchill to hold his country together and persuade President Franklin Roosevelt that Britain was a worthy ally—and willing to fight to the end.

In *The Splendid and the Vile*, Erik Larson shows, in cinematic detail, how Churchill taught the British people “the art of being fearless.” It is a story of political brinkmanship, but it’s also an intimate domestic drama, set against the backdrop of Churchill’s prime-ministerial country home, Chequers; his wartime retreat, Ditchley, where he and his entourage go when the moon is brightest and the bombing threat is highest; and of course 10 Downing Street in London. Drawing on diaries, original archival documents, and once-secret intelligence reports—some released only recently—Larson provides a new lens on London’s darkest year through the day-to-day experience of Churchill and his family: his wife, Clementine; their youngest daughter, Mary, who chafes against her parents’ wartime protectiveness; their son, Randolph, and his

beautiful, unhappy wife, Pamela; Pamela's illicit lover, a dashing American emissary; and the advisers in Churchill's "Secret Circle," to whom he turns in the hardest moments.

Reviews:

"Through the remarkably skillful use of intimate diaries as well as public documents, some newly released, Larson has transformed the well-known record of 12 turbulent months, stretching from May of 1940 through May of 1941, into a book that is fresh, fast and deeply moving." - Candice Millard, *The New York Times Book Review*

"Spectacular . . . Larson, as America's most compelling popular historian, is at his best in this fast-moving, immensely readable, and even warmhearted account of the battle to save Britain." - The Christian Science Monitor

3) *The Club: Johnson, Boswell, and the Friends Who Shaped an Age* by Leo Damrosch

In 1763, the painter Joshua Reynolds proposed to his friend Samuel Johnson that they invite a few friends to join them every Friday at the Turk's Head Tavern in London to dine, drink, and talk until midnight. Eventually the group came to include among its members Edmund Burke, Adam Smith, Edward Gibbon, and James Boswell. It was known simply as "the Club."

In this captivating book, Leo Damrosch brings alive a brilliant, competitive, and eccentric cast of characters. With the friendship of the "odd couple" Samuel Johnson and James Boswell at the heart of his narrative, Damrosch conjures up the precarious, exciting, and often brutal world of late eighteenth-century Britain. This is the story of an extraordinary group of people whose ideas helped to shape their age, and our own.

Reviews:

"A magnificently entertaining book." - Michael Dirda, *Washington Post*

"Impeccable scholarship at the service of absolute lucidity. . . . Learned, penetrating, a pleasure to read. . . . [A] splendid book." - Joseph Epstein, *Wall Street Journal*

"Damrosch brilliantly brings together the members' voices. . . . As this stellar book moves from one Club member to another, it comes together as an ambitious venture homing in on the nature of creative stimulus. . . . The best historians . . . invite readers to accompany them 'behind the scenes.' Damrosch does precisely that here, . . . [in] a book that sustains a shared conversation, a terrific feat in keeping with that of the Club itself." - Lyndall Gordon, *New York Times Book Review*

"Beginning in 1764, some of Britain's future leading lights (including Samuel Johnson, Edmund Burke and Edward Gibbon) met every Friday night to talk and drink. Damrosch's magnificent history revives the Club's creative ferment." - *New York Times Book Review*, Editors' Choice

"Engaging and illuminating . . . Damrosch is a crisp guide . . . He wears his learning lightly, and his sympathetic enjoyment is infectious. . . . In *The Club*, as the actors appear one by one,

surrounding Johnson and Boswell on Damrosch's stage, we are transported back to a world of conversations, arguments, ideas, and writings. And in this vibrantly realized milieu, words rarely fail." - Jenny Uglow, *New York Review of Books*

4) *The Price of Peace: Money, Democracy, and the Life of John Maynard Keynes* by Zachary D. Carter

At the dawn of World War I, a young academic named John Maynard Keynes hastily folded his long legs into the sidecar of his brother-in-law's motorcycle for an odd, frantic journey that would change the course of history. Swept away from his placid home at Cambridge University by the currents of the conflict, Keynes found himself thrust into the halls of European treasuries to arrange emergency loans and packed off to America to negotiate the terms of economic combat. The terror and anxiety unleashed by the war would transform him from a comfortable obscurity into the most influential and controversial intellectual of his day—a man whose ideas still retain the power to shock in our own time.

Keynes was not only an economist but the preeminent anti-authoritarian thinker of the twentieth century, one who devoted his life to the belief that art and ideas could conquer war and deprivation. As a moral philosopher, political theorist, and statesman, Keynes led an extraordinary life that took him from intimate turn-of-the-century parties in London's riotous Bloomsbury art scene to the fevered negotiations in Paris that shaped the Treaty of Versailles, from stock market crashes on two continents to diplomatic breakthroughs in the mountains of New Hampshire to wartime ballet openings at London's extravagant Covent Garden.

Along the way, Keynes reinvented Enlightenment liberalism to meet the harrowing crises of the twentieth century. In the United States, his ideas became the foundation of a burgeoning economics profession, but they also became a flash point in the broader political struggle of the Cold War, as Keynesian acolytes faced off against conservatives in an intellectual battle for the future of the country—and the world. Though many Keynesian ideas survived the struggle, much of the project to which he devoted his life was lost.

In this riveting biography, veteran journalist Zachary D. Carter unearths the lost legacy of one of history's most fascinating minds. *The Price of Peace* revives a forgotten set of ideas about democracy, money, and the good life with transformative implications for today's debates over inequality and the power politics that shape the global order.

Reviews:

"A timely, lucid and compelling portrait of a man whose enduring relevance is always heightened when crisis strikes." - *The Wall Street Journal*

Editors' Choice - *New York Times Book Review* - 11 New Books We Recommend This Week - May 28, 2020

This outstanding intellectual biography situates the development of Keynes's economic thought in relation to his social milieu, including his coming-of-age amid the bohemian experimentation of the Bloomsbury Group. "It's rare for a 600-page economic history to move swiftly along currents of lucidity and wit, and this happens to be one of them," our critic Jennifer Szalai writes. "Carter begins with a love story, and ends with an elegant explanation of a credit default swap; even readers without a background in high finance will learn how to appreciate the drama of both."

5) *One Mighty and Irresistible Tide: The Epic Struggle Over American Immigration, 1924-1965* by Jia Lynn Yang

The idea of the United States as a nation of immigrants is at the core of the American narrative. But in 1924, Congress instituted a system of ethnic quotas so stringent that it choked off large-scale immigration for decades, sharply curtailing arrivals from southern and eastern Europe and outright banning those from nearly all of Asia.

In a riveting narrative filled with a fascinating cast of characters, from the indefatigable congressman Emanuel Celler and senator Herbert Lehman to the bull-headed Nevada senator Pat McCarran, Jia Lynn Yang recounts how lawmakers, activists, and presidents from Truman through LBJ worked relentlessly to abolish the 1924 law. Through a world war, a refugee crisis after the Holocaust, and a McCarthyist fever, a coalition of lawmakers and activists descended from Jewish, Irish, and Japanese immigrants fought to establish a new principle of equality in the American immigration system. Their crowning achievement, the 1965 Immigration and Nationality Act, proved to be one of the most transformative laws in the country's history, opening the door to nonwhite migration at levels never seen before—and changing America in ways that those who debated it could hardly have imagined.

Framed movingly by her own family's story of immigration to America, Yang's *One Mighty and Irresistible Tide* is a deeply researched and illuminating work of history, one that shows how Americans have strived and struggled to live up to the ideal of a home for the "huddled masses," as promised in Emma Lazarus's famous poem.

Reviews:

"Anyone who doesn't understand that we are a nation of immigrants should be given a copy of Yang's powerful and cogent look at immigrant strictures put in place in 1924 that were revoked by the 1965 Immigration and Nationality Act." - Bethanne Patrick, *Washington Post*

"A masterly study of political struggle.... Yang has written a captivating account, full of personality and drama—and significance.... worth reading to the last page." - David M. Shribman, *Boston Globe*

"While 'we tend to describe immigrants' stories as feats of will and strokes of destiny,' Yang reminds us, 'it is not destiny that brings a family here but politics.' This is a message worth noting as we approach November." - David Nasaw, *New York Times Book Review*

“An effort to understand precisely what kind of nation of immigrants we are and how we arrived at this moment in our history.... Admirably thorough.” - Philip Terzian, *Wall Street Journal*

6) *Nobody's Child: A Tragedy, a Trial, and a History of the Insanity Defense* by Susan Vinocour

When a three-year-old child was found with a head wound and other injuries, it looked like an open-and-shut case of second-degree murder. Psychologist and attorney Susan Vinocour agreed to evaluate the defendant, the child's mentally ill and impoverished grandmother, to determine whether she was competent to stand trial. Even if she had caused the child's death, had she realized at the time that her actions were wrong or was she legally "insane"?

What followed was anything but an open-and-shut case. *Nobody's Child* traces the legal definition of "insanity" back to its inception in Victorian Britain nearly two hundred years ago, from when our understanding of the human mind was in its infancy, to today, when questions of race, class, and ability so often determine who is legally "insane" and who is criminally guilty. Vinocour explains how "competency" and "insanity" are creatures of a legal system, not of psychiatric reality, and how, in criminal law, the insanity defense has to often been a luxury of the rich and white.

Nobody's Child is a profoundly dignified portrait of injustice in America and a complex examination of the troubling intersection of mental health and the law. When prisons are now the largest institutions for the mentally ill, Vinocour demands that we reckon with our conceptions of "insanity" with clarity, empathy, and responsibility.

Reviews:

“As passionate as she is knowledgeable, Susan Vinocour brings humanity and dignity to telling the story of a woman whose voice we would otherwise never hear. *Nobody's Child* wraps a powerful narrative, a thought-provoking reflection on truth and evidence, and a wake-up call about the law's misunderstandings of mental illness into one unforgettable book.” – Susan Cheever, author of *Drinking in America*

“In this moving, well-researched account of the insanity defense ... Vinocour does a fine job explaining the defense in layman's terms. Sterling prose helps make this a page-turner.” – *Publishers Weekly* (starred review)

Also, just purchased and on the way: *No Property In Man: Slavery and Antislavery at the Nation's Founding* by Sean Wilentz; *After Appomattox: Military Occupation and the Ends of War* by Gregory P. Downs; *Keeping At It: The Quest for Sound Money and Good Government* by Paul Volcker; *Antonin Scalia and American Constitutionalism: The Historical Significance of a Judicial Icon* by Edward A. Purcell, Jr.; *Taxes in America: What Everyone Needs to Know* by Leonard E. Bauman; and *The Embattled Vote in America: From the Founding to the Present* by Allan J. Lichtman.

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GEORGE WILLIAM BROWN AND HIS INFLUENCE ON THE JOHNS HOPKINS UNIVERSITY

By HUGH D. HAWKINS

TRUSTEES are often the least noted of the creative forces in higher education. Many have agreed with Harvard's Swiss-born naturalist, Louis Agassiz, who said, "I believe there is no scientific man who will concede that there can be a University managed to the best advantage by anyone but those interested in its pursuits, and no body of trustees can be so interested."¹ But the original trustees of the Johns Hopkins University proved Agassiz wrong, and none more clearly than George William Brown, famous as mayor of Baltimore during the fatal riots of

¹ Quoted in Walter P. Rogers, *Andrew D. White and the Modern University* (Ithaca, N. Y., 1942), p. 145.

1861. Brown was one of twelve men left in charge of a bequest of three and one half million dollars—a sum larger than any previous grant to a university.² He and his colleagues had very nearly a free hand as to the type of institution they should build; in fact, the will of Johns Hopkins showed greater concern over the control and voting of the Baltimore and Ohio Railroad Company stock bequeathed than over the nature of the university.³ Brown is an outstanding example of the background in experience and thought that made these men capable of fulfilling their opportunity by launching an institution at the forefront of American higher education.

The Board of Trustees was made up of such unsung men of good will as breathe the best of themselves into some institution and lose individuality in the memory of future generations. They contributed in different and complementary ways to the building of the new university, and at different periods of time, different men took on the heaviest burdens. But if one were to name the leading trustee of the first two decades of the Johns Hopkins University, using as a criterion the instilling of lasting qualities of excellence into the institution, the award would probably go to George William Brown.

Brown was born on October 13, 1812, in Baltimore, the son of a merchant.⁴ His father's father was an Irish physician who immigrated to Baltimore in 1783 and became an influential member of the community.⁵ His mother's father, Patrick Allison, was minister of the First Presbyterian Church in Baltimore and a leader in the founding of St. John's College in Annapolis.⁶ Although

² "The sum of \$3,500,000 is appropriated to a university. . . . So far as I can learn, the Hopkins foundation, coming from a single giver, is without a parallel in terms or in amount in this or any other land." Daniel Coit Gilman, "The Johns Hopkins University in Its Beginning: An Inaugural Address: Baltimore, 1876," *University Problems in the United States* (New York, 1898), pp. 3-4. For a detailed breakdown of the Hopkins bequests, see *First Annual Report of the Johns Hopkins University* (Baltimore, 1876), pp. 10-11.

³ John C. French, *A History of the University Founded by Johns Hopkins* (Baltimore, 1946), pp. 96-97; *Johns Hopkins University. Charter, Extracts of Will, Officers and By-Laws*. (Baltimore, 1874), pp. 5-6.

⁴ Information by Brown's son on a membership application sheet, MdHS.

⁵ *The Biographical Cyclopedia of Representative Men of Maryland and District of Columbia*. (Baltimore, 1879), p. 398. Henceforth cited as *Representative Men of Maryland*.

⁶ *Baltimore: Past and Present. With Biographical Sketches of Its Representative Men*. (Baltimore, 1871), p. 199; Bernard C. Steiner et al., *History of Education in Maryland*. (United States Bureau of Education. Circular of Information No. 2, Washington, 1894), p. 99.

not a Quaker, Brown attended Joseph Lancaster's Quaker school in Baltimore, beginning when he was about eight. He later attended Baltimore City College, and in 1828, before he had quite reached the age of sixteen, he entered Dartmouth as a sophomore. Because of the death of his father and the financial stringency of his family, he had to withdraw from Dartmouth before the end of his first year; but an uncle sent him on to Rutgers, where he graduated at the head of his class in 1831.⁷ After two years' study, he won admittance to the bar and in 1839 set up a law firm with Frederick William Brune. At the time of the death of Johns Hopkins this was the oldest law firm in the city. Also in 1839, he married his partner's sister. Five of their seven children were still living in 1879.⁸

Brown's long career of public service began when he joined a small band of volunteers to suppress the Bank of Maryland Riot of 1835. In 1842, he was one of those who spoke out against the resolutions which a "Slaveholder's Convention" had sent to the legislature urging the outlawing of manumission and the establishing of laws to drive free Negroes from Maryland. Brown and his collaborators argued that the whole bent of past legislation in Maryland had been to encourage manumissions and that to burden the free Negroes was impolitic and oppressive. The legislature refused to pass the slaveholders' measures.⁹ In 1846, Brown participated in an abortive attempt to introduce gradual emancipation throughout Maryland.¹⁰

In a speech on lawlessness in March, 1853, Brown advocated these municipal reforms: a uniformed city police to replace watchmen and constables, a paid fire department to replace the violent volunteers, terms in the House of Refuge for juvenile delinquents, and elimination of straw bail. This powerful and far-sighted pronouncement made him a leader in the movement for municipal reform. In 1858, he joined in organizing a "Reform Association." He was probably this association's most successful poll-watcher in the election of that year, an election in which violence and corruption put the chauvinistic Know-Noth-

⁷ Membership application, MdHS; *Baltimore American*, 7 Sept., 1890.

⁸ *Baltimore: Past and Present*, p. 200; *Representative Men of Maryland*, p. 393.

⁹ *Representative Men of Maryland*, p. 393.

¹⁰ George William Brown, *Baltimore and the Nineteenth of April, 1861: A Study of the War* (Johns Hopkins University Studies in Historical and Political Science, extra vol. 3, Baltimore, 1887), p. 113.

ings in control of Baltimore. The fraud was so blatant that the state legislature passed a law sponsored by the Reform Association, providing safeguards for elections and entrusting control of the Baltimore police to a board of commissioners rather than the mayor. Largely because of this reform, the election in October, 1860, was a peaceable affair, and Brown was elected mayor on the independent reform ticket by a vote of two to one.¹¹ But the climax of sectional antagonisms at this time and the strategic location of Baltimore prevented Brown's tenure of office from being a peaceable progressive phase of strictly local history. He became a leading figure in the Baltimore riots which shed the first blood of the Civil War and spent more than half his term of office in prison.

After Lincoln's call for seventy-five thousand volunteers on April 15, 1861, Baltimore grew tense and restive. Crowds stood day after day in front of two rival newspaper offices that took opposing views of Lincoln's call. Business was at a standstill. Aware of the potential threat to local peace, Mayor Brown issued a proclamation on April 17 asking citizens to abstain from any acts or words which might stimulate violence. But the excitement was too intense to be quelled by mere proclamations. The passage from one Baltimore railroad station to another of four companies of Northern militia on April 18 aroused the wrath of the mob in the streets. Impromptu meetings protested the war-like course of the federal government. Both the governor and Mayor Brown issued proclamations on April 18, counseling preservation of peace within Maryland and indicating that they were opposed to the use of Maryland troops for any invasion of sister states.

On the next day, April 19, one regiment from Massachusetts and one from Pennsylvania passed through the city. Again the troops had to transfer from one station to another. This was done by drawing single railroad cars by horses along a track down Pratt Street. As the isolated cars passed along this waterfront street, they were met first with jeers and hisses and then with paving stones. The crowd of outraged Baltimoreans grew in number and daring and finally placed obstructions on the track. Brown, who had been at the departure station, was informed of the

¹¹ *Baltimore: Past and Present*, p. 203; *Representative Men of Maryland*, pp. 393-394; Brown, *Baltimore and the Nineteenth of April, 1861*, pp. 34, 34 n.

obstructive action of the mob and hurried out alone without waiting for a police escort. His commanding presence daunted the rioters so that the obstruction could be removed, but by that time, a battalion of the Massachusetts militia was marching down the mob-ridden street exchanging gunfire with the citizens. Brown hurried on till he met the troops, introduced himself to their commander, asked that they stop their double-quick step, and placed himself by the commander to march at his side.¹² As Brown related twenty-six years later, the commander said to him:

"We have been attacked without provocation," or words to that effect. I replied, "You must defend yourselves." I expected that he would face his men to the rear, and, after giving warning, would fire if necessary. But I said no more, for I immediately felt that, as mayor of the city, it was not my province to volunteer such advice. Once before in my life I had taken part in opposing a formidable riot, and had learned by experience that the safest and most humane manner of quelling a mob is to meet it at the beginning with armed resistance.

The column continued its march. There was neither concert of action nor organization among the rioters. They were armed only with such stones or missiles as they could pick up, and a few pistols. My presence for a short time had some effect, but very soon the attack was renewed with greater violence. The mob grew bolder. Stones flew thick and fast. Rioters rushed at the soldiers and attempted to snatch their muskets, and at least on two occasions succeeded. With one of these muskets a soldier was killed. Men fell on both sides.¹³

After accompanying the soldiers for about a third of a mile, Brown decided that his presence was helping neither citizens nor soldiers and stepped out of the column. A few moments later, Marshal Kane, head of the Baltimore police, arrived with a squad of his men. By forming a line behind the troops and drawing their revolvers, the police succeeded in turning the rioters back.¹⁴

Brown later addressed a huge public meeting in which he insisted that peace must be maintained in the city, that no state had the right to secede, but that it would be wrong to fight the seceding states and that they could not be conquered. He told the people that he and the governor had taken steps to prevent the passage of more troops through the city. This had been done by burning the railroad bridges by which entry to Baltimore could be gained from the north. The events of that day, the deaths of

¹² Brown, *Baltimore and the Nineteenth of April, 1861*, pp. 35-49.

¹³ *Ibid.*, pp. 49-50.

¹⁴ *Ibid.*, pp. 51-52.

four of the Massachusetts militia and twelve of the Baltimore citizens, had strong national ramifications. Brown himself felt that this shedding of blood was "a step . . . which made compromise or retreat almost impossible; then passions on both sides were aroused which could not be controlled." But also in Brown's personal development these were extremely trying and painful days. Although a different course of action can always be proposed as preferable after a crisis has passed, it is clear that his efforts to protect the troops, his part in burning the bridges, and his later contact with Lincoln in an effort to prevent a repetition of the tragedy¹⁵ displayed courage, strong executive capacities, and presence of mind under fire. These characteristics were again called into use when he played a major role in the quieter drama of university building.

Although Lincoln maintained that Brown and the other officials involved had acted with perfect loyalty in these events,¹⁶ on September 12 Brown, in addition to leading members of the Maryland legislature, editors, and other citizens, was arrested. He was not released until November 27, 1862, shortly after his term of office had expired. During this period of over a year, he was frequently offered his freedom, but he would not accept it under the special conditions set up. The principle which he and many of his fellow prisoners held to until released was

that, if charged with crime, they were entitled to be charged, held and tried in due form of law and not otherwise; and that, in the absence of lawful accusation and process, it was their right to be discharged without terms or conditions of any sort, and they would submit to none.¹⁷

The government had offered freedom to those who would take a special oath of allegiance. Brown refused to do this, although he never impugned those who did.¹⁸ Here too was a characteristic which his tenure as a Hopkins trustee again evoked: loyalty to his own principles without forcing them on others.

After his release from prison, Brown lived unmolested as one of Baltimore's outstanding lawyers. On October 22, 1872, he was elected chief judge of the Supreme Bench of Baltimore. The Democratic Conservative Party nominated him, but he was basi-

¹⁵ *Ibid.*, pp. 10, 56-59, 61-63, 71-75.

¹⁶ Severn Teackle Wallis to James A. Pearce, 18 July 1861, Pearce Papers, MdHS.

¹⁷ Brown, *Baltimore and the Nineteenth of April*, 1861, p. 109, quoting Severn Teackle Wallis in the *New York World*.

¹⁸ *Ibid.*, p. 109.

cally an independent in politics and was unopposed for the office.¹⁹ He held this office for a full term—until 1889. A special act of the legislature allowed him to remain in office after he passed the legal retirement age of seventy.²⁰ Twice after securing his judgeship, he sacrificed his leisure and comfort to answer what he felt to be calls of civic duty, and both times he met frustration. In 1878, he served as president of a special commission on reforming the city schools. The commission concluded that the ward system of choosing the School Board should be abolished and a non-partisan board set up, but the City Council did not put this plan into effect. In 1885 he ran for mayor on a fusion ticket of independent Democrats and Republicans, but was defeated by the regular Democratic candidate, James Hodges. One Baltimore newspaper claimed that he lost the election through fraud.²¹

Baltimore and Maryland held a high place in Brown's affection,²² and aside from his professional and political career he served them by advancing the work of many cultural organizations. Before the Civil War, he was a member of the Baltimore chapter of the American Association for the Advancement of Science.²³ He was one of the founders of the Library Company of the Baltimore Bar and served as its president from 1861 to 1872. He was a founder of the Maryland Historical Society in 1844; a regent and faculty member (all faculty members were regents) of the University of Maryland, where he lectured on constitutional law from 1871 to 1872; a visitor of St. John's College;²⁴ and a trustee of the Peabody Institute from its beginning in 1857.²⁵ After his work as a trustee of the Johns Hopkins University began, he became also a trustee of the Enoch Pratt Free Library and the Johns Hopkins Hospital.²⁶

¹⁹ *Representative Men of Maryland*, p. 394.

²⁰ Unidentified clipping, Biographical File, MdHS.

²¹ *Baltimore American*, 7 Sept. 1890.

²² Arthur George Brown to Daniel Coit Gilman, 15 Oct. 1890, Gilman Papers, J. H. U. Library.

²³ Minutes of that organization, 1857-1858, MdHS.

²⁴ Steiner, p. 137; *Representative Men of Maryland*, p. 394; *Baltimore Sun*, 14 April 1874; Eugene Fauntleroy Cordell, *University of Maryland: 1807-1907: Its History, Influence, Equipment and Characteristics with Biographical Sketches and Portraits of its Founders, Benefactors, Regents, Faculty and Alumni*, 2 vols. (New York and Chicago, 1907), I, 349.

²⁵ *The Peabody Institute of the City of Baltimore. The Founder's Letters and the Papers Relating to Its Dedication and Its History, Up to 1st January, 1868.* (Baltimore, 1868), p. before p. 1.

²⁶ Daniel Coit Gilman, *The Launching of a University and Other Papers: A Sheaf of Remembrances* (New York, 1906), p. 31.

But a list of memberships and offices is a cold thing. The living George William Brown emerges more clearly in his ideas. A good example of how he developed his beliefs—beginning with a basis in custom and authority, but testing by his own experience—and of how he carried them out—peaceably, gradually, with thoughtful tentativeness—is given in his account of his attitude toward slavery:

Both from feeling and on principle I had always been opposed to slavery—the result in part of the teaching and example of my parents, and confirmed by my own reading and observation. . . . My opinions, however, did not lead me into sympathy with the abolition party. . . . The problem of slavery was to me a Gordian knot which I knew not how to untie, and which I dared not attempt to cut with the sword. Such a severance involved the horrors of civil war, with the wickedness and demoralization which were sure to follow. . . . I did not believe in secession as a constitutional right . . . , although I did believe that . . . the South had constitutional rights in regard to slavery which the North was not willing to respect. . . . I thought that the seceding States should have been allowed to depart in peace . . . , and I believed that afterwards the necessities of the situation and their own interest would induce them to return, severally, perhaps, to the old Union, but with slavery peacefully abolished; for, in the nature of things, I knew that slavery could not last forever.²⁷

This same conscious and thoughtful linking of conservatism and willingness to change is shown in Brown's attitude to his profession. When he retired from the bench in 1889, he said in his farewell speech:

Although the conservatism of the law has passed into a proverb, it must be remembered that proverbs are never wholly true. In fact, the law is grandly progressive, and could not fail to be so, for it keeps pace with the increase of knowledge and the growth of the humanity and the sense of justice of the age. . . . Injustice according to rule has, thank heaven, ceased to be tolerated by the profession under antiquated forms of law.²⁸

It was characteristic of Brown not to accept assertions without putting them to test. This was displayed for example in his attitude toward the liquor problem. "In my opinion," he said, "prohibition [local option] is worth trying. It is supposed to be impracticable in a large city, but that remains to be proved."²⁹

²⁷ Brown, *Baltimore and the Nineteenth of April, 1861*, pp. 113-115.

²⁸ Quoted in *Baltimore American*, 21 Oct. 1889.

²⁹ Brown to Lawrence Turnbull, 11 May 1881, copy in Gilman Papers.

In a speech in 1851 at his alma mater, Rutgers, Brown announced sorrowfully that he was "not an habitual wanderer in the pleasant and shady walks of literature," and explained that "a painstaking member of any one of the learned professions, so called, has scarcely more time for the pursuits of literature than the follower of the most humble and laborious calling. . . ." ³⁰ But after winning his judgeship in 1872, Brown seems to have had leisure for intellectual pursuits. Certainly his letters to Daniel Coit Gilman show him alive to nearly all the currents of thought flowing into and out of the university. The natural sciences were furthest from his ken, but he did his best to keep informed even there. In the winter of 1850-1851, he had seen Foucault's pendulum in Paris, and had noted with pride the similar experiments which were quickly taken up at Harvard and Rutgers. ³¹ In the spring of 1883, he wrote modestly to Gilman, "I have to thank you or some one else for a copy of 'Science' which interested me as far as I could understand it—and that was not much." ³² But his difficulties did not prevent him from exploring another copy of the same journal which Professor Henry Newell Martin lent him that December. ³³ He took a deeper interest in political economy, and his open-mindedness in that field is shown in this comment about Richard T. Ely, at that time an associate at Johns Hopkins:

Ely will not be pleased with the "Nation's" notice of his paper. It hardly does him justice. The critique represents the school of laissez-faire, to which I incline myself very strongly, but political Economy is not a completed science and the Historical School has something to say for itself. ³⁴

His interest in history was demonstrated as early as 1844, when he joined in forming the Maryland Historical Society, and his own venture into the subject, *Baltimore and the Nineteenth of April, 1861*, goes far beyond the range of personal reminiscence, displaying considerable research and critical evaluation. He wrote

³⁰ *The Old World and the New: An Address Delivered by George William Brown, Before the Philoclean and Peithessophian Societies of Rutgers College, New Brunswick, N. J., at Their Anniversary, on the 22d of July, 1851.* (New York, 1851), 7-8.

³¹ *Ibid.*, pp. 9-10.

³² Brown to Gilman, 3 May 1883, Gilman Papers.

³³ Brown to Gilman, 10 Dec. 1883, *ibid.*

³⁴ Brown to Gilman, 12 Aug. [1884], *ibid.*

this book in the faith that "every truthful contribution" was "not without some value."³⁵

Out of this same faith in the value of "every truthful contribution" sprang his belief in education. In his speech at Rutgers when he was thirty-eight years old, he demonstrated that an alert interest in educational matters had served him well during a recent trip through Europe. He saw there an interest in art which he hoped America would in time acquire.³⁶ He found that in educational institutions abroad the instruction was "more thorough, and the range of studies is wider for those who desire to pursue a more extensive course." Modern languages were taught in addition to the classical. "All the appliances of study" were more numerous, especially great libraries. He found that in Paris the teachers were world-famous scholars and the course offered "embraced nearly the whole circle of human knowledge, from subjects the most abstruse and recondite, such as pure mathematics and the Hebrew, Sanscrit, Arabic, and Chinese languages, to those most practical in their character, such as agriculture and the application of chemistry to the art of dyeing."³⁷

But he saw evils, too, in Europe's educational system. It tended to limit education and refinement to the few, leaving the many ignorant. "Art and learning," he pointed out, "instead of elevating, as they ought, the masses towards the higher classes, thus serve but to make a wider line of demarcation, and to cut off sympathy between them." Furthermore, "doubt and skepticism" descended "from the learned few to the unlearned many," and "rationalism in some countries and superstition in others" bred irreligion. American education at least reflected "the popular will," and this, Brown felt, was a true source of strength:

Until . . . public sentiment takes a direction in favor of the highest intellectual culture and of the liberal arts, neither will be effectually provided for. But public sentiment will sooner or later take such a direction, and when it does, it will move onward with a power proportioned to the grandeur of our country, the vastness of our population, and the characteristic enthusiasm of our people. . . .

There is nothing in republican institutions unfriendly to the successful cultivation of any branch of art, literature, or science. On the contrary, the history of the world seems to establish that the stimulus of freedom is

³⁵ Brown, *Baltimore and the Nineteenth of April*, 1861, p. 10.

³⁶ Brown, *The Old World and the New*, pp. 15-19.

³⁷ *Ibid.*, pp. 22-23.

essential to the highest achievements of the human mind in every sphere of its exercise.⁸⁸

Eighteen year later, in 1869, Brown could speak at St. John's College as if his prophecy were on the verge of fulfillment. He decried Maryland's utter lack of any reputable college and blamed the bad faith of the Maryland legislature for the inability of St. John's to meet the need, but he shared with his audience the secret that was glowing inside him:

... a great university hereafter to be established in Baltimore, has been planned by the wealthiest of her citizens, a native of this county [Anne Arundel], and at some future day we may confidently expect that it will be so liberally endowed out of his large fortune as to enable it to take rank among the first and most useful universities in the land.

Brown was aware of the opportunities in the Hopkins bequest and intended to see them fulfilled in the most up-to-date manner possible. At least, such is the implication of his pointing out the good fortune of any institution of higher learning which was "not bound as closely as the institutions which have been longer organized, to the traditions of the past. In education as in everything else, methods change with the growth of knowledge and the changing wants of mankind." He described some of the new problems of education, which, seven years before the actual opening the Johns Hopkins University, he was studying and analyzing. What were the proper branches of learning to be taught and what the proper methods? Should Greek and Latin be partially or totally replaced by modern languages and Anglo-Saxon? Did the physical sciences and mathematics deserve more stress than they had been getting? Should the curriculum be broadened to allow greater entry of "mental and moral philosophy, logic, history, political economy and belles-lettres?" Since all these could not be covered adequately in four years, should the elective principle be admitted? If so, who should be allowed to do the electing? (He cited Goldwin Smith on the subject.) How could the problem of religious training be met? ("If a college is sectarian," he said, "it becomes almost necessarily narrow and one-sided; and if it is not sectarian, there is danger of its having no religion at all.") As to discipline, Brown saw the problem of choosing among a German university system of no control, a rigid military

⁸⁸ *Ibid.*, pp. 24, 35, 25, 27.

system involving individual responsibility and honor, and an "academical system" lying between these two. He wondered if the physical training should include military drill and if mechanical employment should be offered as it was at Cornell.

The new education should have two principal aims, Brown asserted. One of these, and to him the more important, was to send into the community "upright, refined, and highly cultivated young men." The other was what became the great differentiating quality of Johns Hopkins University and opened a new era in American education:

. . . to bring together a competent corps of professors, some of whom, if possible, should be teachers in the largest sense, that is, should have the ability and the leisure too, to add something by their writings and discoveries to the world's stock of literature and science. . . .

In the light of these ideas of Brown's, expressed more than five years before Daniel Coit Gilman came to Baltimore, the first president must share the credit for wanting to make the Johns Hopkins America's first research-oriented university with at least this one trustee. As Brown analyzed the situation, America had the best informed general public in the world, but there was no high intellectual superstructure. The nation had "erected a temple without a dome, a column without a capital, a spire without a pinnacle." Scholars and learned men were badly needed in all fields, Brown asserted, but he chose to confine his detailed descriptions to literature and politics. In discussing the former he gave his university ideal most concisely:

In order that we may have a nobler literature, and that our writers and thinkers, whether they be great geniuses or only gifted men, may occupy the same vantage-ground as those of the old world, with all the knowledge of the world within their reach, they should not only be highly educated scholars themselves, but have the quickening association of kindred minds, which is the very life of progress; and for such we must look to the colleges and universities of the land.⁸⁹

As this university which Brown foretold, vaguely to his listeners at Rutgers and more concretely to the students at St. John's, grew and developed, having opened its doors in the fall of 1876, he applied to it the same steadfastness and tolerance which had

⁸⁹ George William Brown, *The Need of a Higher Standard of Education in the United States. An Address Delivered Before the Philokalian and Philomathean Societies of St. John's College* (Baltimore, 1869), pp. 8-15, 18.

marked his political and professional careers. When the Hopkins early met with success and achieved wide acclaim, he felt this fact "should strengthen the authorities to persevere steadily in our present course; with a willingness however always to listen to suggestions and to adopt improvements."⁴⁰ The university's dedication to truth without any ecclesiastical restraints was a source of pride to him,⁴¹ and his deep and persistent interest made him a frequent visitor in its classrooms.⁴²

In the now forgotten dispute in which Trustee John Work Garrett publicly insisted that the university should be moved from the city of Baltimore to Johns Hopkins' country estate of Clifton, it was Brown who wrote the open letter expressing the view of the majority that the modest physical plant in the city was directly related to the intellectual accomplishments of the institution. Garrett had questioned whether there had been any real achievements in the university's first seven years. In answer, Brown affirmed that it was "perhaps the noblest institution of learning ever created by an individual." He praised the restraint of Hopkins' will. Because the founder had left the trustees untrammelled, he maintained, the new university had escaped the fate of older and even of wealthier institutions. Of these, Brown said:

. . . they are so hampered by tradition, or by the erection of expensive buildings, or by narrow-minded restrictions imposed by donors and founders, and sometimes by all of these together, that not one at this time is capable of doing the higher university work which the Johns Hopkins is steadily and regularly performing.

The public controversy, which Brown regretted, gave him an excellent opportunity to summarize the work of the university. He clarified for the public its basic function, aware that the dream of his Rutgers and St. John's speeches had become reality. He wrote:

The stimulating effect, both on professors and students, of the system adopted by the Johns Hopkins is not generally understood in this country. In Germany it is otherwise, for there the accepted maxim is that a professor is dead when he ceases to write. Routine work is the besetting danger of colleges and universities, and can hardly be avoided where nothing is practiced except teaching what others have discovered and

⁴⁰ Brown to Gilman, 12 Aug. 1882, Gilman Papers.

⁴¹ Brown to Gilman, 1 Apr. 1890, *ibid.*

⁴² Baltimore *American*, 7 Sept. 1890.

written. As a natural consequence of what has been accomplished, the Johns Hopkins has a very far larger number of advanced students than any college or university in the United States. More, I believe, than all together.

Besides citing the unique Hopkins contribution in graduate education, Brown was at pains to correct the misconception (prevalent to this day) that Hopkins either had no undergraduate program or neglected what it had:

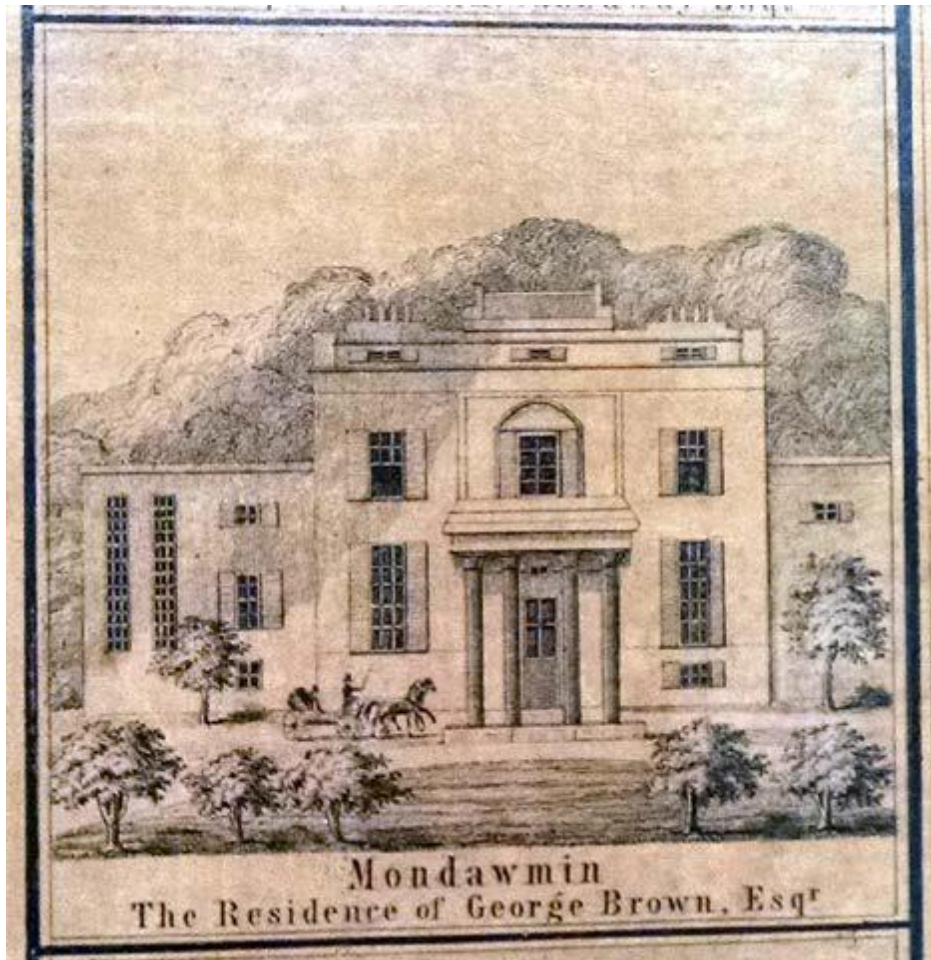
The undergraduate and post-graduate departments do not clash, but, on the contrary, lend to each other mutual support. The college leads up to the university, while the university is not only fed by the college, but imparts to it a portion of its own enthusiasm and love of study.

In this lengthy refutation of charges, the seventy-year-old Brown proved himself a vigorous and self-conscious participant in one of the greatest adventures in American higher education.⁴³

Writing near the close of his life, after the Johns Hopkins had matured into one of the world's leading universities, Brown discussed his role in the Civil War. He felt that the preservation of the Union and the abolition of slavery were worth what they had cost. "And yet," he added, "I feel that I am living in a different land from that in which I was born, and under a different Constitution, and that new perils have arisen sufficient to cause great anxiety." These he enumerated as vast fortunes dishonestly acquired and selfishly used, loss of republican simplicity and growth of ostentation, loss of individual self-reliance, political rings and decline of popular interest in politics, demand for government paternalism, and centralization of power in the national government. "Some of these are the consequences of the war, and some are due to other causes. . . . The grave problems growing out of emancipation seem to have found a solution in an improving education of the whole people. Perhaps education is the true means of escape from the other perils to which I have alluded." ⁴⁴ If education has proved or will prove to be the answer to the evils of industrialization, then to George William Brown should go a notable portion of the credit; for he labored earnestly and thoughtfully at the educational frontier when he helped construct the Johns Hopkins University.

⁴³ George William Brown, "The Hopkins Trust. A Reply to Mr. John W. Garrett," *Baltimore American*, 22 May 1883.

⁴⁴ Brown, *Baltimore and the Nineteenth of April*, 1861, p. 116.



Last Words Or Final Thoughts?

Which one do you think sounds less foreboding, last words or final thoughts? I know all of you presently have enough to ponder without having to contemplate why Bennett went with such a horribly ominous title.

The Principal at Archbishop Curley High School, where my son just finished four years (I would say he graduated but in today's world, well...) likes to speak of these days as "our new reality." If this is reality, show me to the fiction aisle. Perhaps it is not reality, but just our perception of it. As for me, over the last few months things have looked a bit foggy. It could be that whenever I put on a mask, and I have tried various "models" worn in various ways, my glasses almost immediately begin to fog up.

I find myself of late saying to others “what a great time to be alive.” Well, to myself I would just like to say “shut up”. When you think of what the people of past ages have had to endure, you realize, in spite of a pandemic and civil unrest, this is a great time to be alive.

No one loves children more than I do. They are simple and honest and until they are “carefully taught” by their parents, devoid of prejudice. Yet, did you know that in 1900, the infant mortality rate was 165 per 1,000. In 1997 it was 7 per 1,000. Prior to the 1900s it was not so much about living well as it was about just living, making it to the next day.

Now someone that I do not love is Bing Crosby. Cannot even watch his movies, but when I could, there is a song in “White Christmas” that he sings with the lyric “When I am worried and cannot sleep, I count my blessings instead of sheep, and then I fall asleep counting my blessings.”

It is time to count those blessings and to enjoy this day. To sit in your yard and listen to a bird, watch a rabbit or a squirrel, play cards with your wife, or talk to your children. Are these challenging times or times that have enabled us to concentrate on the simple things, the things that matter, and most importantly, the people that matter?

To enjoy the day, however, is not to forget those that have been impacted, physically and economically. We must do what is in our power to alleviate their plight and to remember that one day when the masks do eventually come off those people, or others like them will still be there, and it will still be our responsibility to help them.

All of us at the Library hope to see you soon, but until then, be safe and stay well.

Joe Bennett