



## ***ADVANCE SHEET – ISSUE 98***

### **President's Letter**

As readers of our communications know, thanks to the efforts of our devoted Librarian, Joe Bennett, the Bar Library continues to function with minimal human contact, responding by email to requests for motor vehicle records and research materials, and delivering books and films at its doorstep.

This is a good time for lawyers and judges to gain perspective with the aid of our notable collection of legal and political films and books about the law.

The insights of one such book, by a non-lawyer, are worth remembering: the wise World War II leader of American science, Vannevar Bush, wrote in *Modern Arms and Free Men* in 1949: “There is fascination in fear. There is a vortex that surrounds the concept of doom. When there is stark terror about, men magnify it and rush toward it. Those who have lived under the shelter of a wishful idealism are most prone to rush into utter pessimism when the shelter fails. No terror is greater than the unknown, except the terror of the half-seen. Fear cannot be banished, but it can be calm and without panic, and it can be mitigated by reason and evaluation.” As for demands for empowering of the military and public health experts, Bush said, “the police power must be under the control of individuals directly responsible to the electorate, for force and intimidation must be absent and minorities protected in their rights.”

George W. Liebmann

### **Be A Good Lawyer – But Be A Good Business Person Too**

Recently, a local attorney, considered one of the leaders of the local bar, e-mailed to request several chapters of *McCarthy on Trademarks and Unfair Competition*. A few minutes later, he was e-mailing me to say thanks for having forwarded the material to him. I suppose one of the reasons he is a leader of the local bar is that in addition to being a very good lawyer, he is also a very good businessman. Does anyone know the cost to purchase *McCarthy on Trademarks and Unfair Competition*? Are you sitting down? \$7,957.00.

The question I have for you is what multi-volume set are you paying thousands of dollars a year just to keep current that you could be accessing by way of the Bar Library? A local librarian once requested that we subscribe to the Westlaw database “Texts & Treatises,” which we did. This very database alone provides access to everything from *Federal Practice & Procedure* (Wright & Miller) to *Miller’s Standard Insurance Policies* to *Am Jur*; *Corpus Juris*; *Uniform Laws Annotated*; and thousands of more titles. I suggest that you do the following. Make a list of materials that your firm subscribes to and which are not used on a daily or regular basis. Just exclude those books or databases you cannot do without. Now, send the list to me at [jwbennett@barlib.org](mailto:jwbennett@barlib.org). I will tell you which you can access by way of the Bar Library. Now, find yourself a calculator. You are most likely going to need one to figure out how much you can save. For the sake of your firm, do not stop at being just a good lawyer.

Do we still take requests for the purchase of material the man at the back of the room just asked? Why yes we do. Thank you for your question. Recently another member of the Library asked whether we had the most recent edition of *Trademark Law: A Practitioner’s Guide* by Siegrun D. Kane, which is published by the Practising Law Institute. I told him that since we had so many other sources we had not updated that one, but, if he thought it was a meritorious publication, we would purchase the new edition. That is another Bar Library touchstone. We are not so arrogant as to think that we have as much knowledge of material as you the practitioner. If you think we should have something that we do not, we do in fact listen. A payment of \$600 was forwarded to P.L.I., which included a slight charge for expedited delivery (our member indicated that time was somewhat of the essence), and the book was soon being used in the office of our member. Remember, all Bar Library collections circulate.

The Bar Library is a not for profit corporation. We are in business for the sole purpose of providing all of you what you need in the way of legal resources. All I ask is that you please let us do it.

Joe Bennett

## **A Long-Standing Tradition with a New Twist in the COVID-19 Era**

by H. Mark Stichel \*

On January 28, 2020, I argued before the United States Court of Appeals for the Fourth Circuit in *Andrews v. Baltimore City Police Department*, a case involving significant Fourth Amendment issues and Cell Site Location Information (CSLI) technology. As the saying goes, this was not my first rodeo. I clerked for Judge Francis D. Murnaghan, Jr., for the first year after I graduated from law school and have argued many cases before the Fourth Circuit since then. However, this time there was a surprise at the end of the argument.

One long-standing tradition for which the Fourth Circuit is known is that after each argument the judges come down from the bench and shake the hands of counsel. I was ready for my handshake when the judges came down after my argument. And, then there was a change in the usual script. Two of the three judges on the panel did not shake the hands of counsel. Instead, the judges offered elbow bumps.

On January 28, 2020, the United States was just awakening to the peril of the COVID-19 virus. Much has happened since then. Hardly did anyone know that what seemed like a big change – the abandonment of a handshake for an elbow bump -- would be nothing compared with what was to come. The January 28-31, 2020, argument session was the last one held in person. Now the Fourth Circuit is hearing oral argument remotely for the foreseeable future.

No one can say now what the world will be like after the COVID-19 crisis passes. But, I wholly expect that eventually in-person oral arguments will return at the Fourth Circuit and handshakes after oral argument will resume. Tradition and gentility are hallmarks of the Court. But, if the Court substitutes elbow bumps for handshakes, do not be surprised. You can say that you read about it for the first time here.

POSTSCRIPT: On March 27, 2020, the Court issued a published opinion granting the relief that I sought in my argument – a remand for discovery regarding the workings of CSLI technology that the Baltimore City Police Department used to locate Mr. Andrews. <http://www.ca4.uscourts.gov/opinions/181953.P.pdf> In 2016, the Court of Special Appeals of Maryland issued a groundbreaking decision in the criminal appeal that underlies the current federal case. *See State v. Andrews*, 227 Md. App. 350, 134 A.3d 324 (2016). Stay tuned for further developments.

\* H. Mark Stichel is a principal in the firm Astrachan Gunst Thomas, P.C. Mr. Stichel was President of the Library Company of the Baltimore Bar from February 1992 to November 2006, and a Director from 1989 to 2006.

## **Words Of Wisdom From Bar Library Founder George William Brown**

“There is no good reason why republican America in the nineteenth century should not achieve as great success in all that dignifies humanity as the Italian Republics of the middle ages, none why Baltimore should become in art, science and literature all that Florence ever was. But her citizens, like the merchant princes of Florence, must be willing to expend a portion of their wealth in objects of higher worth than fine house and clothes, sumptuous entertainments, and costly equipages. It is in vain to look for a race of scholars in a community where books do not abound. It would be as reasonable to expect a bountiful crop of grain to spring from barren rocks.

There is but one Library in the City at all complete in any department, and that is devoted to a single science – the law. It was established by the Baltimore Bar about fifteen years ago

under discouraging circumstances, but has been steadily supported by the profession ever since, and is now a credit to the City and a source of benefit to the whole State. The Judges of the Court of Appeals and Lawyers from every part of the State come to the City to consult its volumes. The youngest member of the profession has all the learning of the Books at his command, and is able to prepare his cases with confidence that he has mastered every point. It has already exerted an important and beneficial influence on the Bar, and is destined to accomplish much more.

Similar results always follow. A good Library is an ever-active power in a community. It sends far refreshing and never failing streams of knowledge into every walk of life. It tends to establish the great equality among men which it is the glory of our free institutions to foster. On its shelves are accumulated the intellectual wealth of all the ages. The poor scholar by its aid stands on the same intellectual level with the most favored children of fortune.”

- George William Brown, *An Appeal for the Establishment of a Free Library in the City of Baltimore* (Baltimore: John D. Toy, 1856)

I am afraid it would be another twenty-six years before Mayor Brown would get his wish with the founding of the Enoch Pratt Free Library. Brown, who among other things was Mayor of the City of Baltimore at the outbreak of the Civil War, Chief Judge of the Supreme Bench of Baltimore City and founder of the Maryland Historical Society; Bar Association of Baltimore City and Library Company of the Baltimore Bar, would die in 1890.

## **Book Review**

David M. O’Brien, Justice Robert H. Jackson’s Unpublished Opinion in *Brown v. Board: Conflict, Compromise and Constitutional Interpretation* (Lawrence, KS; University Press of Kansas, 2017, 119 pp.)

by George W. Liebmann \*\*

The subject of this book is a draft concurring opinion by Mr. Justice Jackson in *Brown v. Board of Education*. For many years it appeared on the website of the Robert H. Jackson Center, from which it has mysteriously disappeared. It is reproduced in full in the back of Professor O’Brien’s book, but that is this work’s only service. I would normally be inclined to diffidence and charity in assessing this book, since its author, Professor of Politics at the University of Virginia recently died at the age of 67 and is not in a position to refute any criticism. The maxim ‘of the dead, say nothing but good’, is a sound one, but Professor O’Brien extended no such charity to two of his subjects. Justice Felix Frankfurter was “a meddlesome backbiter, professing detachment and devotion to putting the role of law above politics... On the contrary he was passionate and arrogant, often petty, and an activist relishing in political intrigue, paradoxical, self-serving, and self-contradictory.” Chief Justice Rehnquist, in turn, is charged with having “misled and misrepresented whose views his memo [on Brown] represented, if not outright lied.”

The book has three not particularly hidden agendas. The first is to subject to obloquy Chief Justice Rehnquist. The second is to obfuscate the extent to which Jackson's draft opinion differed from Brown and would have produced far happier results. The third is to claim that Jackson's approach to constitutional adjudication was consistent with the 'living constitution' theory that gave rise to those darlings of the 'liberal' legal academy, Roe and Obergefell.

Rehnquist's memorandum urging against overruling of *Plessy v. Ferguson* is a major preoccupation of O'Brien, who devotes 13 of his 119 pages to it, under the heading: "Rehnquist's Memo and the Distortion of Jackson's Position in Brown." O'Brien regards it as axiomatic that Jackson would not have solicited such a memorandum and a similar one from Rehnquist's fellow law clerk Donald Cronson to support his own views or doubts about Brown. He characterizes as a "bombshell" the statement by Elsie Douglas, Jackson's secretary, at the time of Rehnquist's initial confirmation hearing in 1971 that Jackson would not have asked a law clerk to prepare a memorandum before conference, accusing Rehnquist of "sullyng the reputation of a great Justice". Later, in 1986, she denied that Jackson had any doubts about Brown, declaring: "I don't know anyone in the world who was more for equal protection."

The statements in the 70s and 80s reflected the evolving 'political correctness' of their time. She was not merely Jackson's secretary but his mistress, according to books by Telford Taylor and Joseph Persico about the Nuremberg Trials not cited in O'Brien's book. After Jackson's death, she migrated to the chambers of Justice Frankfurter, and also is said to have been offered the librarianship of the Harvard Law School by Dean Erwin Griswold. In 1963, when her memory was more fresh, she declared, in a memorandum I found in Box 31 of Philip Kurland's papers at the University of Chicago, that "it is my recollection that Jackson, J. prepared a concurring opinion in Brown which might have brought about a quite different result had it been used." Richard Goodwin, Justice Frankfurter's 1954 law clerk recalled in his memoir *Remembering America: A Voice from the Sixties* that "Jackson was, Frankfurter told me, the last hold-out [in Brown]. Once he had been persuaded—more by the necessities than by the legal merits of the case--the court in 1954 made its decree."

For this reviewer, it is quite believable that Jackson had doubts about Brown that led him to seek pre-conference memoranda from his law clerks, both of whom were known to be conservative. But it also seems clear that Rehnquist's memorandum was a labor of love.

O'Brien's suggestion that Jackson's opinion was broader than Brown and inferior to it because it would have provoked greater outrage in the South dismally fails. He contends that under it, the Civil Rights Act of 1964 would have been unnecessary. But the opinion left the 'state action' doctrine and private behaviour untouched. Its condemnation of all racial distinctions in law would have invalidated the anti-miscegenation laws 13 years before the Court did so in *Loving v. Virginia*. O'Brien, and Frankfurter before him, thought that this would have caused the South to rise again. But *Loving*, when decided in 1967 went off like a damp squib. Jackson's opinion recognized that racial mixing was already a pervasive fact in the South; one may recall H. L. Mencken's only partly facetious observation that the Southern blacks were superior to the poor whites because they had inter-bred with the Southern aristocracy.

Jackson's opinion would have been more acceptable to the South than that of the Chief Justice. It implicitly recognized the reasonableness of segregation when instituted in the wake of slavery. It lauded the progress made under it. It rested on irrefutable statistics about the literacy of the black population, not on highly contestable propositions from social psychology that later provided the basis for claims for racial balancing and forced busing. It recognized the public interest in educational standards: "Each individual must be rated on his own merit. Retarded or subnormal ones, like the same level in whites, may be accorded separate educational treatment. All that is required is that they be classified individually and not as a race for their learning, aptitude, and discipline." It would be nice if someone told this to Mayor Di Blasio.

The effort to claim Jackson as a devotee of 'the living Constitution' verges on the ludicrous. Jackson viewed his joinder in *Brown* as an application of traditional 'rational basis' standards to the facts as they then existed. "I do not find it necessary to stigmatize as hateful and unintelligent the early assumption that Negro education presented problems that were elementary, special, and peculiar. . . . Lately freed from bondage, they had little opportunity as yet to show their capacity for education or even self-support and management." "Equal protection only requires that the classifications of different groups rest upon real and not feigned distinctions—mere possession of colored blood, in whole or in part, no longer affords a reasonable basis for a classification for educational purposes" because of "one of the swiftest and most dramatic advances in the annals of man." The change was the explosion in the black literacy rate from 10% in 1860 to 89.8 % in 1952. Reliance on this change is a far cry from Chief Justice Warren's reliance on "the extent of psychological knowledge," let alone the reliance on an undefined "factual underpinning" in the abortion cases or on "substantial cultural and political developments" in the 'gay rights' cases. Likewise, the rejection of *Lochner* did not rest as asserted by Justice Souter on the dubious proposition that "the old world of laissez faire was recognized everywhere outside the Court to be dead" but on rejection by the disciples of Holmes and Brandeis of the idea that five superannuated justices were the appropriate arbiters of the nation's social and economic policies.

The book also contains a fair number of factual errors. Justice Frankfurter's concurrence in *Cooper v. Aaron* was not "a lecture to Southern lawyers about the legitimacy of *Brown*", but a protest against grandiloquent language about the Supreme Court. Justice Rutledge did not "step down;" he died. Senator and Justice Harold Burton was a Republican, not a Democrat. Justice Minton was not a civil rights crusader; he was the Court's only dissenter in the 'state action' white primary case of *Terry v. Adams*. Earl Warren never became Solicitor General. The 1958 Resolution of the Conference of State Chief Justices was not unanimous, as stated, did not mention *Brown*, and was directed at implied pre-emption decisions from which the Supreme Court swiftly pulled back. Judge Clement Haynsworth did not receive "a low rating" from the American Bar Association committee; he received the highest rating then available, until three of nine members pulled back in the face of trumped-up conflict of interest allegations. Jackson did not "successfully prosecute" Andrew Mellon for tax evasion; Mellon was vindicated after one of the less creditable episodes in Jackson's career. All these errors feed fashionable myths; the total picture is not attractive.

The most revealing passage in the book is a reference to the first Justice Harlan's dissenting opinion in *Plessy v. Ferguson* as "(in)famously asserting that 'the Constitution is color-blind.'" Judge Learned Hand in his Holmes lectures likewise concluded that "race must not

be a determining factor, regardless of the values at stake.” Justice Holmes in *Nixon v. Herndon* in 1927 similarly declared: “color cannot be made the basis of a statutory classification affecting the [voting] right set up in this case.” These views of three of our greatest judges, like Jackson’s, would have spared us racial gerrymandering, ‘voting rights districts,’ affirmative action quotas, minority set-asides, patronage for historically black colleges, reparations demands, forced busing, restrictions on school discipline, and a host of other controversial policies, all supported with the best of intentions. Whether the benefits of these departures from ‘color-blindness’ are worth the controversies they have caused, and the resultant political reactions and effects, is a matter deserving of consideration by all thoughtful lawyers.

\*\* George W. Liebmann, a Baltimore lawyer, is the author of *America’s Political Inventors* (Bloomsbury, 2019) and *The Common Law Tradition: A Collective Portrait of Five Legal Scholars* (Transaction Books, 2003), among other works.

## How About You

In so many ways, the current pandemic has resulted in all of us getting back to the basics – eating, sleeping and of course reading. Have strong feelings about the tome you just read? Want to share it with the readers of the *Advance Sheet*? Send your book reviews to me at [jwbennett@barlib.org](mailto:jwbennett@barlib.org), and depending upon the number of responses we receive, will run it in an upcoming issue. New York Times Book Review, look out, because here we come.

## Read Any Good Books Lately – Part III

I could probably go on just a little bit about the wonderful nature of books and how one of my favorite things to do is read, but you would probably be thinking “Wow, a librarian who likes books, never thought I would live long enough to see that.” Well, for your information there have been a few folks over the course of time who have agreed with me. How about that famous son of Baltimore Frank Zappa who once said “So many books, so little time.” Wonder if that is why they have a bust of him outside the Pratt Library in Highlandtown? How about Groucho Marx, who said “Outside of a dog, a book is man's best friend. Inside of a dog it's too dark to read,” as well as “I find television very educating. Every time somebody turns on the set, I go into the other room and read a book.” Finally, let us not forget Mark Twain who wrote “Good friends, good books, and a sleepy conscience: this is the ideal life.”

Many of the speakers who have appeared as part of the Bar Library Lecture series have done so in promotion of a book they had recently published. The Library obtained numerous copies for sale at the lectures and retained those that were not sold so that those who could not attend might have the chance to purchase them at a later time. Thus was born the Bar Library bookstore. The following are available for purchase. For yourself, for someone who is

interested in the law or history, stop by and visit our store. If you already know what you would like, just let me know and we will get it to you. Just call 410-727-0280 or e-mail me at [jwbennett@barlib.org](mailto:jwbennett@barlib.org).

Joe Bennett

Abraham Lincoln & Treason In The Civil War (Hardcover) (Signed By Author)	\$35.00
Abraham Lincoln & Treason In The Civil War (Softcover) (Signed By Author)	\$20.00
American Constitutional History: A Brief Introduction	\$30.00
Ancient Law	\$75.00
Art Of Cross-Examination	\$95.00
Baltimore & The Nineteenth Of April 1861	\$15.00
Baltimore Lives	\$30.00
Blackstone's Commentaries On The Laws Of England	\$500.00
Brady v. Maryland: A Fiftieth Anniversary Commemoration	\$20.00
Daggers Drawn: 35 Years Of KAL Cartoons In The Economist	\$35.00
The Death Penalty As Torture	\$20.00
Emancipation – The Union Army . . . (Signed By Author)	\$35.00
Ex Parte Merryman: Two Commemorations	\$15.00
Failure To Flourish	\$30.00
The Fall Of The House Of Speyer	\$35.00
51 Imperfect Solutions	\$20.00
The Ghosts Of Johns Hopkins (Signed By Author)	\$20.00
Great American Law Reviews (3 Volume Set)	\$300.00
Holding Fast To Dreams	\$25.00
I'm Not Really Guilty	\$25.00
Lincoln On Law, Leadership, And Life (Signed By Author)	\$12.50
The Lost Indictment Of Robert E. Lee (Signed By Author)	\$20.00
Louis D. Brandeis	\$35.00
Louis D. Brandeis: American Prophet	\$20.00
The Making Of Africa America	\$25.00
Mencken: The Days Trilogy	\$30.00
Mencken's Prejudices Debunked	\$20.00
Military Law And Precedents	\$75.00
Odessa: Architecture – Monuments	\$35.00
The Order Of The Coif	\$95.00
"Our Little Monitor": The Greatest Invention Of The Civil War (Signed By Author)	\$25.00
Prohibition In Maryland: A Collection Of Documents	\$15.00
The Promise And The Dream	\$30.00
Reason And Imagination: The Selected Correspondence of Learned Hand	\$35.00
The Secret Life Of Lady Liberty	\$20.00



The Spirit Of The Common Law And Other Writings  
Telemachus

\$150.00  
\$20.00

## **Speaking Of Good Books: Republican Press At A Democratic Convention**

On October 30, 2018, the Honorable Jeffrey S. Sutton of the United States Court of Appeals for the Sixth Circuit came to the Bar Library to speak on his book *51 Imperfect Solutions: States And The Making Of American Constitutional Law*. On the inside cover of his book we are reminded “When we think of constitutional law, we invariably think of the United States Supreme Court and the federal court system. Yet much of our constitutional law is not made at the federal level. In *51 Imperfect Solutions*, U.S. Court of Appeals Judge Jeffrey S. Sutton argues that American Constitutional law should account for the role of the state courts and state constitutions, together with the federal courts and the federal constitution, in protecting individual liberties.”

“Judge Sutton, a leading federal judge who has spent his career championing federalism, is the perfect bearer of this important message: Not all constitutional law comes from the federal Constitution – we must remember state constitutions. This book should change the way constitutional law is taught and litigated.”

- William Baude, University of Chicago Law School

You might want to know that on the night of Judge Sutton’s presentation at the Bar Library, several members of the Court of Appeals of Maryland were in attendance.

With the above in mind, may I submit for your approval *Republican Press At A Democratic Convention: Reports Of the 1867 Maryland Constitutional Convention By The Baltimore American And Commercial Advertiser* with Annotations and Commentary by John J. Connolly.

As a Maryland lawyer there are two documents that you cannot know enough about, one being the Constitution of the United States and the other the Constitution of the State of Maryland. That said, how invaluable is a work that sets forth a substantial amount of information concerning the adoption of one of these documents. In order to more fully understand and utilize the Maryland Constitution, might it not be appropriate to use all means at your disposal to grasp that which it sets forth, to garner a fuller understanding of it and the opportunities it affords for advancing the causes of your client?

This amazing and comprehensive volume of over 800 pages is available at the Bar Library for \$50, a fraction of what is currently paid not just for law books, but for supplements to

those books. I suggest, to stay ahead of the curve, that you order your copy today. Stop by or place your order by phone 410-727-0280 or by e-mail at [jwbennett@barlib.org](mailto:jwbennett@barlib.org).

Joe Bennett

## **Bar Library Profile: Gary Igal Strausberg**

As part of our revised and expanded newsletter, each issue we will be taking a look at one of the leading figures in the history of the Bar Library. This issue we will be looking back at the life of the Honorable Gary I. Strausberg who served on the Library's Board of Directors from 1995 until his death in 2000.

Judge Strausberg was born in Lodz, Poland, in 1947, the son of Holocaust survivors Jacob and Felicia Strausberg. At the age of two his parents left Communist Poland for Israel and a little over a decade later they emigrated to the United States.

Judge Strausberg graduated from Brooklyn (N.Y.) College in 1969, earned his law degree from the George Washington University Law School in 1972 and a graduate law degree from Harvard University in 1975. Between George Washington and Harvard he clerked for Chief Judge Edward S. Northrop of the United States District Court for the District of Maryland.

After graduating from law school and before being appointed to the Circuit Court for Baltimore City in 1995 by Governor Paris N. Glendening, Judge Strausberg held a number of positions first as an attorney with the United States Department of Justice. From there it was on to Melnicove, Kaufman, Weiner and Smouse from 1976 to 1989. In 1989, Judge Strausberg, along with Howard A. Janet, founded Janet & Strausberg, where he would remain until his appointment to the bench.

Judge Strausberg married Ada Mark in 1971. They would have a son Mark David and a daughter Sherene Michelle. At the time of his passing Mrs. Strausberg said of her husband, he was "wise, charitable and beloved by all." As someone who knew Judge Strausberg I can say that she was not wrong.

Judge Strausberg served as President of the Maryland Trial Lawyers Association and was an Officer of the Baltimore City Bar Association. Amidst all his responsibilities, Judge Strausberg somehow found the time to author the three-volume treatise "Maryland Litigation Forms and Analysis."

As with another Baltimore legal legend, and I am proud to say long time member of the Bar Library Board of Directors, Melvin J. Sykes, who translated from Hebrew a four-volume work written by Menachem Elon, a former Israeli Supreme Court justice, Judge Strausberg was a polyglot, speaking Polish, Hebrew, English, French, Spanish and Yiddish.

The first mention of Judge Strausberg in the Minutes of the Proceedings of the Board of Directors of the Library Company of the Baltimore Bar was from June 27, 1995, six months before he would join the Library's Board. At that Meeting, Judge Strausberg who was then President of the Maryland Trial Lawyers Association offered to assist the Library in matters ranging from fund raising to obtaining an increase in the Appearance Fee received by the Library. Affection for the Library at a time where action was needed not just to forward its interests, but to help it survive, motivated a man of action to act.

At the time of his passing, then Circuit Court Administrative Judge Ellen M. Heller said of Judge Strausberg, he was "an excellent judge and an excellent attorney before that. He was truly dedicated to perform his duties at the very highest standards. In particular, he had an astute mind and was challenged by complex litigation." Judge Heller expressed her opinion that one of Judge Strausberg's greatest strengths was his ability to show wisdom and compassion at the same time.

It is beyond the realm of comprehension that 2020 will mark the twentieth anniversary of Judge Strausberg's passing. A friend of mine, a man for whom Judge Strausberg worked for and with, Joe Kaufman, would always say at a person's passing at an advanced age that "they didn't get cheated." Leaving this world at the age of fifty-three one would at first blush say that Judge Strausberg, along with all of us, was certainly cheated. But when you look at all he did, and all the life he packed into those years you think, well, maybe not so much. Still, he is missed, and it would have been nice if we could have had him around for a little while longer.

Joe Bennett

## **It's Time For A Movie**

On November 7, 2008 the Bar Library rolled out the red carpet and cranked up the projector (actually it started the d.v.d. player) for the first Movie Night At The Bar Library. The film that night was ... *And Justice For All* and the special commentator for the evening was the Honorable Joseph H. H. Kaplan. Also speaking that night was Donald Saiontz who appeared in the film and was a consultant for it. Mr. Saiontz had/has been a friend since childhood of the film's writer Barry Levinson.

Since that night the Library has hosted roughly fifty films, all of which have dealt with the law, politics or were in some other way historically significant. The series has included discussions and in a few instances, most notably the showings of *Birth of a Nation* and *Triumph of the Will* directed by Leni Riefenstahl, generated controversy. Although the Library has never attempted to generate controversy, it has attempted to generate the aforementioned discussions, and most certainly thought.

Now speaking of thought, or something not requiring it - how much fun might it be to sit at home some night and watch one of the films listed below. As a member of the Library, and has there ever been a library that looked out for its members as much as the Bar Library, you are

entitled to borrow any of our films without charge. This amazing offer also extends to members of the judiciary. As they say to my daughter in the Army “Thank you for your service.”

Joe Bennett

Adam’s Rib starring Spencer Tracy and Katherine Hepburn  
And Justice For All  
Amistad  
The Apartment directed by Billy Wilder and starring Jack Lemmon and Shirley MacLaine  
Avanti! directed by Billy Wilder and starring Jack Lemmon  
The Battle of Algiers  
Battleship Potemkin  
The Bicycle Thief  
Breaker Morant  
The Captain’s Paradise starring Alec Guinness  
Citizen Kane  
The Civilian Conservation Corps (PBS Documentary)  
Counselor at Law directed by William Wyler and starring John Barrymore  
Duck Soup  
Erin Brockovich  
The Fortune Cookie directed by Billy Wilder and starring Jack Lemmon and Walter Matthau  
the 400 blows directed by Francois Truffaut  
Fury starring Spencer Tracy  
Grand Illusion directed by Jean Renoir  
The Great Dictator starring Charlie Chaplin  
The Great Gatsby starring Alan Ladd  
In Cold Blood  
Irma La Douce directed by Billy Wilder and starring Jack Lemmon and Shirley MacLaine  
Judgment At Nuremberg  
Kind Hearts and Coronets starring Alec Guinness  
King: A Filmed Record...Montgomery To Memphis  
Kiss Me Stupid directed by Billy Wilder and starring Dean Martin and Kim Novak  
The Ladykillers starring Alec Guinness  
The Lavender Hill Mob starring Alec Guinness  
M directed by Fritz Lang  
The Man In the White Suite starring Alec Guinness  
Miss Marple Movie Collection starring Margaret Rutherford (Four Films – Murder She Said – Murder At the Gallop – Murder Ahoy – Murder Most Foul)  
Muhammad Ali’s Greatest Fight  
Olympia directed by Leni Riefenstahl  
One, Two, Three directed by Billy Wilder

The Paradine Case directed by Alfred Hitchcock  
The Private Life of Sherlock Holmes directed by Billy Wilder  
Rashomon directed by Akira Kurosawa  
So Ends Our Night starring Glenn Ford and Frederick March  
State of the Union starring Spencer Tracy and Katherine Hepburn  
The Testament of Dr. Mabuse directed by Fritz Lang  
To Kill A Mockingbird  
The 39 Steps directed by Alfred Hitchcock  
Triumph of the Will directed by Leni Riefenstahl  
12 Angry Men starring Henry Fonda  
The Verdict  
Witness for the Prosecution

### **P.S.**

Throughout the course of this issue of the *Advance Sheet*, there have been various references to obtaining the books in our bookstore, which may be purchased, and our films, which may be rented (without charge). We of course are not suggesting that you violate the law of the State, as manifested through the directives issued by Governor Hogan, or the laws of common sense. When, however, it is both legal, and sensible for you to venture out, remember where you can find a good book and a fine film. We do not want any of you to be the Henry Gunther of the corononavirus pandemic. And yes, if you are a true Baltimorean, you should know who Henry Gunther is.