



Tribute to George Washington on the 284th Anniversary of His Birth

**February 22, 2016
Senate of Maryland
The Historic Maryland Senate Chambers**

**Honorable Mary Ellen Barbera
Chief Judge
Court of Appeals**

Ladies and gentlemen, this evening we are assembled in this historic and newly restored space to honor George Washington, father of our country, on the 284th anniversary of his birth. Tonight, we celebrate also the birth of our nation, which, by no small measure, occurred in this very room through the visionary and revolutionary actions of that great man, George Washington.

President Miller, Honorable Senators, and invited guests, it is an honor to address you this evening and a privilege to be part of this wonderful tradition. I am especially honored to be the first person to make this address in the Old Senate Chamber since its restoration to as it appeared in December 1783. The Maryland State Archives and the Friends of the Maryland State Archives are to be commended for this remarkable achievement of meticulous research and restoration.



As I suspect everyone here tonight knows, Annapolis was, for a brief time, the capital of the United States. The nation's first peacetime government, the Confederation Congress, met here from November 1783 to August 1784, and it is here, in this room, where one of the most important events in the history of democracy took place. I am, of course, referring to December 23, 1783, when George Washington resigned his military commission to Congress.

Tonight, the Chamber looks just as it did on that day. The mahogany chairs are arranged by delegation as they would have been. The portrait of the English statesman William Pitt, active proponent of colonial rights, hangs now over the fireplace as it did then. This life size, bronze, nearly one-thousand pound statue of George Washington stands where we think he stood, facing the rostrum where the president of Congress, Thomas Mifflin, would have sat.

The other statue in this chamber is in the corner of the gallery above. There stands Molly Ridout, then one of the leading citizens of Annapolis, daughter of a provincial Maryland governor, and sister of a future mayor of Annapolis. Molly Ridout watched the ceremony from the gallery and wrote to her

mother shortly afterwards. Hers is the only known description of the event by a private citizen.

Most of us first learn about George Washington in elementary school. All of us are familiar with the rough basics of Washington's best-known credentials: He was the commander of the Continental Army who won the Revolutionary War against almost overwhelming challenges and hardships. He was the first president of the United States. He did not chop down that cherry tree when he was six, but he did grow up to be a virtuous man who believed in reputation, honor, and honesty.

Historians have explored every aspect of George Washington's life and character, as well as his public acts and private thoughts. Tonight, I will focus on the significance of his act in this chamber a little more than 232 years ago.

We know that General Washington was on the road home to Mount Vernon in late December after fulfilling his wartime obligations. Before retiring to private life, however, he had a final task: To inform Congress of his resignation and to hand over control of the military to those representatives of the new democracy, control that General Washington could have used to rule the nation as a sovereign.

Eyewitness accounts tell us that Washington came to Annapolis accompanied by no army. Rather, he traveled by horseback with just two aides-de-camp down the post roads from New York to Annapolis. Washington was welcomed by a group of prominent citizens outside of town at a big oak tree, Three-Mile Oak, a local landmark so named for its distance from the State House. He was escorted into the capital city on a road named to commemorate the journey: Generals Highway.

Once in town, Washington sent a message to determine whether he might quietly deliver his resignation. The Congressional leaders quickly replied that they wanted a public presentation.

Annapolis rose to the occasion to welcome and honor Washington. On Monday afternoon, Decem-

ber 22nd, several hundred men attended a feast in Washington's honor held in the State House ballroom. One observer noted: "not a soul got drunk" despite the fact that there was "wine in plenty." In addition to the customary 13 toasts, Washington made a 14th toast. His toast was to: "Competent powers to congress for general purposes."

Later that evening, a ball was held in the same room, equally heavily attended. Every window in the State House glowed with candlelight, and the leading ladies and gentlemen were in their finest attire. Everyone wanted a chance to be in George Washington's presence, and perhaps shake his hand. General Washington danced all night, as one observer noted, to ensure that "all the ladies might have the pleasure of dancing with him."

The next day, at noon, the formal resignation took place before a quorum of Congress convened in this chamber. The chamber was filled beyond capacity with spectators, the men spilling into the adjacent areas. Molly Ridout and other ladies crowded the gallery because, according to custom, women were not allowed on the Senate floor.

General Washington entered, was introduced by the secretary, and was seated opposite the president of the Congress. Silence was ordered. Washington rose and bowed to the members of Congress, all of whom "uncovered" or tipped their hats to him.

General Washington read a short, two-page letter. It was reported that his hands were shaking as he did so. He then drew his commission from his pocket and handed it to the president of the Congress, Mr. Mifflin, who read a brief reply.

Dr. James McHenry, a former aide of General Washington and Maryland's representative at the Constitutional Convention, wrote to his fiancée: "The spectators all wept, and there was hardly a member of Congress who did not drop tears." The formalities completed, Congress adjourned.

In her letter to her mother, Molly Ridout wrote that "the General seemed so much affected himself that everybody felt for him," and she too reported that "many tears were shed" during the ceremony. Molly Ridout's words and those of Dr. McHenry

convey the strong impression that the new citizens of the United States were well aware of this event's importance and felt a sense of history being made.

Now a private citizen, Mr. Washington bid each of the members farewell, left the building, mounted his horse, and rode away. As it was December 23rd, Washington hoped to traverse the 60 miles to Mount Vernon in time for Christmas dinner, having completed what he imagined might have been his last act in public life.

But, before Washington left this chamber, he folded the letter he had just read and handed it to a congressman, who treasured the letter as a keepsake, which his descendants then safeguarded for almost 230 years. Today that letter is displayed in a secure case under the State House dome where it can be viewed and treasured by all, now and into the future.

Some historians describe Washington's letter resigning his commission as the fourth most important document of America's founding, following the Declaration of Independence, the Constitution, and the Bill of Rights. In his letter, Washington wrote:

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable Nation, I resign with satisfaction the appointment I accepted with diffidence — a diffidence in my abilities to accomplish so arduous a task, which however was superseded by a confidence in the rectitude of our Cause, the support of the supreme power of the Union, and the patronage of Heaven.

In uttering those words and handing over his commission, George Washington ceded military power to the control of the newly minted government. He voluntarily relinquished the power he might have claimed, though he easily could have taken control of the new nation as its military sovereign. Washington chose, instead, to be the infant democracy's first citizen soldier.

In doing so, he ensured that the outcome of the war was not just a shift of power from one sovereign to another, but a true revolution. George Washing-

ton gave up his power and placed his trust in a civil government that would lead our nation, not by military force, but by the rule of law. His action allowed the incubation of a new democracy.

A few short years later, a nation of ideas would be born, transforming the concept of government forever. The framers of the Constitution would be able to create a government that divides the power to govern into three distinct branches, executive, legislative, and judicial, each with checks and balances to prevent the concentration of power in any one branch—or in any individual. For that, we thank and honor George Washington.

Our reliance upon the rule of law—upon our Constitution as the supreme law of the land—is the cornerstone of our democracy. It has proved to be an elegant system of government, both formidable and fragile, and has, nonetheless, endured.

Our Judiciary, too, has endured. The history of our courts in Maryland is long, stretching back to early colonial days. Maryland’s court system was firmly in place when our nation was in its infancy, and lawyers and judges stood among the leaders of the Revolution, so it is likely that Maryland’s top lawyers, judges, and future judges took part in the festivities marking Washington’s momentous visit to Annapolis.

One such person likely to have participated was Robert Hanson Harrison, Chief Judge of the General Court of Maryland, who had been one of Washington’s aides-de-camp during the Revolutionary War and, later, served as his military secretary. President Washington nominated Harrison for the Supreme Court of the United States in 1789, but he declined the nomination because of his poor health.

Then, as now, the judges of Maryland’s Court of Appeals were drawn from all over the state: Chief Judge Benjamin Rumsey from Harford County; the Honorable Benjamin Mackall from Calvert County; the Honorable Thomas Jones from Baltimore County; the Honorable Solomon Wright from Queen Anne’s County; and the Honorable James Murray from Dorchester County. They all traveled

to Annapolis to hear arguments in the State House, the official home of the Court of Appeals from 1779 to 1903. We continue that tradition of traveling to Annapolis to hear arguments, just up the road.

Like the Legislative and Executive Branches of our Government, the Judiciary both honors its proud history and has evolved to maintain its relevance in the modern era. Common to both are steadfast allegiance to the Constitution, to the rule of law, and to the ideas that gave birth to our democracy. At our best, we continue to be a nation of ideas.

It is just and proper, then, that, nearly three centuries later, we remember George Washington and gather here tonight to honor him on the 284th anniversary of his birth. His decisions and actions shaped our American democracy and governance by the rule of law. Generations later, we are the heirs of his vision of government. Indeed, his action in this chamber ensured the foundations of that civil government. As Molly Ridout wrote in 1783: “I think the world never produced a greater man, and very few so good.”

To answer George Washington’s 14th toast, I offer a 15th:

We have been entrusted with a profound and precious duty to serve our fellow citizens. May we share George Washington’s unerring trust in our democracy. May we follow his example of integrity and vision. And may we act, as we are called so often upon to do, as he did: selflessly, in the interest of others, and for our common good.

I thank you and bid you good night.

