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COVER:

Charles and Elizabeth Phoebe (Key) Howard's children, c. 1845–1851. Standing, Edward Lloyd Howard; left to right seated, Charles Howard, Mary Lloyd Howard, Alice Howard; kneeling, McHenry Howard with the family dog "Pinch." (Bequest of Julia McHenry Howard, 1959. Maryland Historical Society)

Sculpting Memories of the Slavery Conflict: Commemorating Roger Taney in Washington, D.C., Annapolis, and Baltimore, 1864–1887

COREY M. BROOKS

IN THE WAKE OF THE TRAGIC JUNE 2015 Charleston, South Carolina massacre of nine African American worshippers by a Confederate flag-waving white supremacist, the American public inaugurated perhaps their most sincere collective soul-searching yet on the question of how to remember the Civil War, slavery, and their legacies. Such examination of Civil War memory has for several decades captured the attention of professional historians. Their probing analyses have repeatedly shown how nostalgia for the Confederacy and public monuments commemorating supposed heroes of the Confederate “lost cause” emerged in concert with widespread post-bellum efforts to shore up white supremacy. In 2015, this scholarly discourse, along with deep-seated African American frustrations with the profusion of Confederate monuments across the “Old South,” finally erupted into mainstream national consciousness. Longstanding calls to reevaluate Confederate icons were suddenly, finally being heard, as exemplified in the lowering of the Confederate battle flag at the South Carolina State House in Columbia.¹

In the former Union slave state of Maryland, Republican governor Larry Hogan announced that the Old Line State would cease to offer Sons of Confederate Veterans “vanity” license plates. In the same brief July 2015 press conference, Hogan insisted, however, that the state would go no further in responding to calls to tear down Confederate monuments, jettison the pro-secession state song “Maryland, My Maryland,” and remove the monument to Roger Taney outside the Maryland state legislature in Annapolis. Hogan characterized such demands as “going too far” and “political correctness run amok.” And thus immediately after protestations of his desire “to be sensitive to people’s feelings,” Hogan denigrated those seeking reevaluation of Maryland monuments as aiming to take “every Civil War person out of our history books” and proposing that “we have to pretend as if there wasn’t a Civil War.”²

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The state's largest city, overwhelmingly Democratic and majority-African American Baltimore, by contrast, took more seriously activists' demands to reshape at least the city's Civil War memorial landscape. Democratic Mayor Stephanie Rawlings-Blake appointed a Special Commission to Review Baltimore's Public Confederate Monuments, including the Confederate Soldiers and Sailors Monument, Confederate Women's Monument, and Stonewall Jackson and Robert E. Lee Monument. Added to these three, the commission also was tasked with reviewing a fourth monument which is not technically a monument to the Confederacy, but struck many Baltimoreans as equally offensive: the 1887 statue of Supreme Court Chief Justice Roger Taney (1777–1864) in the northern gardens of the city's Mount Vernon Place, a monument thoroughfare where prominent Marylanders are ensconced in sculpture on pedestrianized green spaces below a 180 foot-high 1829 monument to George Washington. To many activists and public officials, inclusion of Taney's statue for special scrutiny alongside the Confederate memorials made perfect sense.³

With over forty years of public service, and over twenty-eight years as Chief Justice of the Supreme Court, Taney stands as one of the two highest federal officeholders (alongside former Vice President Spiro Agnew, who resigned in disgrace in 1973) to hail from Maryland. And yet, Taney remains today, as he was for many in the postbellum period, best remembered for his controversial ruling in the 1857 *Dred Scott* decision. In his lengthy majority opinion, Taney went out of his way to unequivocally reject black citizenship and forbid congressional prohibition of slavery in any federal territory.

By early 2016, the large bronze sculpture of Taney in Baltimore and the analogous one in Annapolis had come under such heavy fire that they may well be removed in the near future. In response to increasingly vocal protests against memorials to the Confederate cause—protests intertwined with the April 2015 Baltimore unrest and the Black Lives Matter movement's activism against institutionalized racial injustice—the Special Commission to Review Baltimore's Public Confederate Monuments recommended in January of 2016 the removal of Taney's statue (along with the mid-twentieth-century statue of Confederate generals Jackson and Lee). And in February 2016, Democrats in Annapolis sponsored legislation to similarly remove (or in one version, even destroy) the Taney statue adorning the State House grounds, though the bill did not pass in 2016 and was not revived in the legislature's 2017 session. In Baltimore, Rawlings-Blake took no action on her commission's report for most of 2016, and then in her final month in office, the lame-duck mayor authorized a new plaque for the site of the Taney statue (as well as for the Confederate monuments reviewed by the Baltimore commission). The modest plaque, presented as a temporary, and affordable, response to the commission's recommendations, alludes briefly to the statue's history in helping "to promote white supremacy in Baltimore." In the early months of her tenure, current mayor Catherine Pugh avoided the question of additional steps regarding the Taney and the Jackson and Lee monuments, but in May of 2017, in response to New Orleans Mayor Mitch Landrieu's newsworthy removal of that city's Confederate monuments, Pugh spoke

publicly of her commitment to "tackle" the question of what to do with the monuments, averring, "The city does want to remove these." Nevertheless, as of this writing both the Baltimore and Annapolis Taney statues' ultimate fates remain unresolved.⁴

Revisiting now the history of how the city of Baltimore, the Maryland state government in Annapolis, and the national government in Washington originally came to memorialize Taney offers a valuable vantage point from which to reconsider the crafting of public memory that undermined Civil War-era reformers' ambitions of building equality on the ruins of slavery. The deeply dispiriting, and often explicitly racist, conciliatory cultural work done by widespread public memorialization of Confederate soldiers, sailors, women, and military and political leaders has been carefully and thoughtfully explored by numerous historians. A related body of work has examined how the often undignified or emasculating portrayals of ex-slaves in postbellum statuary further contributed to late nineteenth- and twentieth-century romanticizing of antebellum slavery as a benevolent and peaceable racial order. A less prominent, but still important, component of America's memory of the Civil War era, however, has not received the same consideration: the question of how American society used public memorials to make meaning of not just the war itself, but also of the conflicts that produced the sectional division in the first place.⁵

At this time of heightened attention, both nationally and in Maryland specifically, as to how we commemorate the Civil War and slavery, postbellum memorialization of Roger Taney seems particularly ripe for investigation. Historicizing the origins of the noted nineteenth-century sculptures of Roger Taney in Annapolis and Baltimore, along with his Supreme Court chamber bust in Washington, D.C., can help us better appreciate the real-time fashioning of a pro-Southern public memory of not just the war itself but also of the conflicts over slavery that had precipitated it. That these efforts to immortalize Taney came so quickly on the heels of abolition and Reconstruction further underscores the breakneck speed at which the South, and indeed the nation, was retreating from the Civil War-era Republican Party's most egalitarian aims, even in putatively moderate Maryland.

In a slave state that had sided with the Union, commemoration of Roger Taney offered the potential to ennoble and exculpate the pre-Civil War slaveholding generation in much the same way that celebrations of Confederate military and political leaders such as Generals Lee, Jackson, and Nathan Bedford Forrest, or Confederate president Jefferson Davis did for former Confederate states like Virginia or Mississippi. That such memorializations also served to undercut the most revolutionary potential implications of Confederate defeat, wartime emancipation, and radical Reconstruction was an essential, if sometimes unspoken, component of their appeal. In the years just after Appomattox, memory-making efforts in the former Confederacy often stressed the individual integrity and manly character of Confederate soldiers and commanders, who were cheered for their honesty, vigor, and bravery. Many Maryland celebrations of Taney incorporated a parallel tack of emphasizing personal virtues like his moral-

ity, impartiality, and incisive legal mind. Often supportive, or at least tolerant, of the *Dred Scott* decision's racism, if not always its promotion of slavery expansion, Taney's posthumous champions sometimes left implicit their acceptance or even approbation of his racist ruling, much as defenders of Confederate leaders often avoid discussing slavery's role in secession by fixating instead on personal character traits. It is notable, though, that in the earliest days of commemoration, while debates over the South's racial reconstruction still raged, some prominent admirers did in fact openly praise Taney's racist and proslavery judicial record.

In *Race and Reunion*, David Blight develops a useful framework for digesting postbellum efforts to honor and remember events, personalities, and conflicts of the recent war. Blight frames his analyses around a trichotomous classification identifying most such public remembrance as guided by either a "white supremacist vision" focused on solidifying racial hierarchy; an "emancipationist vision" celebrating the war as centered around destroying slavery and promoting racial equality; or a "reconciliationist vision" seeking to bind up the nation's wounds by venerating shared sacrifice and papering over core ideological conflicts. All three of these visions of Civil War memory coexisted and competed in postbellum America, but, as Blight shows, by the turn of the twentieth century, the reconciliationist vision had clearly come to dominate national Civil War memory. Those (white) Americans who most vigorously endorsed reconciliation ultimately won the day in part by making peace with, and incorporating aspects of, the white supremacist vision that infused much of southern "Lost Cause" ideology. In the process, the most radical elements of the emancipationist vision largely became marginalized outside of African American circles.⁶

In studying the rarer memorialization of a figure associated with antebellum political conflict rather than wartime combat, this article uncovers a similar story. After Taney's death in 1864, versions of Blight's three visions competed as the federal Congress, then the Maryland state government, and still later the city of Baltimore approached the question of how to best remember Roger Taney. But ultimately reconciliation, inflected with a good deal of white supremacy, won out here too. First in the United States Senate, radical Republicans assailed the prospect of memorializing the author of *Dred Scott* as inconsistent with an emancipationist vision of the ongoing war. Just a couple years later in Annapolis though, the handful of Republicans remaining in the Maryland legislature fought a doomed battle to preserve such an emancipationist vision in the Old Line State. Instead, plans for a taxpayer-funded grandiose bronze statue to commemorate the former chief justice won the backing of both legislators openly touting a white supremacist embrace of the *Dred Scott* decision's defense of racial inequality and others espousing reconciliationist views downplaying the infamous case. Two decades later, when the city of Baltimore installed a copy of the Annapolis Taney monument, a reconciliationist vision had clearly captured the hearts and minds of most white Marylanders and had overwhelmed any meaningful emancipationist resistance. Reexamining early commemorations of Roger Taney helps illuminate, perhaps even better than the more widespread and widely studied

Confederate remembrances, the powerful messages about Southern, and American, race relations sent by postbellum memory-making that minimized, excused, or even defended the region's and nation's historic commitment to racial slavery.

Taney's Life, Death, and the Radical Reaction

Roger Brooke Taney, a gifted Maryland lawyer who had inherited but gradually freed several slaves, gravitated towards the Jacksonian Democratic Party in the 1820s. He was tapped by President Andrew Jackson first in 1831 for U.S. Attorney General, a job he had previously held at the state level; then for Secretary of the Treasury in 1833, though his recess appointment was overturned by the Senate several months later; and ultimately for Chief Justice of the United States Supreme Court, for which his appointment was confirmed in 1836 and where he presided for twenty-eight and a half years. The court issued a number of landmark rulings, establishing a pattern of jurisprudence that afforded greater deference to the authority of state legislatures than the preceding Marshall Court (1801–1835) but nonetheless rejected state law deemed to infringe on constitutional powers delegated exclusively to the federal government. Likewise, the Taney Court, while vesting great confidence in the sovereignty of popularly elected legislatures, still strove to support the burgeoning market economy through enforcement of legally executed contracts, including state-issued corporate charters. Taney and his fellow justices did not often rule on cases focused primarily on slavery or race, but when they did, he consistently sought to protect slavery, often by guarding state authority over the institution. And while Taney had not ruled directly on the question of black citizenship before 1857, as attorney general his unpublished 1832 brief on South Carolina's Negro Seamen Act requiring imprisonment of free black sailors made clear that he viewed black men as inherently inferior and ineligible for federal citizenship, prefiguring *Dred Scott* a quarter century prior.⁷

By far the most famous and controversial of Taney's decisions, in our time and in his own, was his 1857 majority opinion in *Dred Scott v. Sandford*, a case in which Missouri slave Dred Scott had sued for his freedom based on prior residence in a federal territory where slavery had been prohibited. Taney's ruling famously denied the possibility of black citizenship, asserting that Scott had no standing to file federal suit because black Americans, whether free or slave, possessed "no rights which the white man was bound to respect." But equally controversial in the context of the fraught sectional politics of the late 1850s was Taney's ruling that Congress lacked authority to prohibit slavery in any federal territory. Such a prohibition, Taney argued, was equivalent to taking a slaveholder's property and thus violated Fifth Amendment protections against denial of life, liberty, or property without due process of law. Not only had Taney issued a stringent rule of racial demarcation in the American legal system, but in his territorial slavery ruling, he had also attempted to impose an extreme proslavery resolution of the most contentious issue in national politics and to eliminate the *raison d'être* of the

new Republican Party, already the leading party in most northern states. The decision and Taney himself thus became anathema to antislavery northerners.⁸

Heated debates over how to remember Roger Taney began almost immediately after his death, even before the outcome of the Civil War had been fully determined. The octogenarian chief justice's passing in October of 1864 elicited a flood of widely varying emotions from across the political spectrum of the Union states. In Baltimore, where Taney had practiced for several years, distinguished lawyers gathered in the "largest [meeting] ever held in the city of the members of the legal profession" to pay their respects. The committee selected by the Baltimore bar, led by Severn Teackle Wallis, praised Taney's legal ability, and opined that "of the moral qualities which gave weight to his intellect and force and greatness to his long and eminent career, no praise could be exaggeration." Senator Reverdy Johnson, a former Whig who had argued the proslavery side of the *Dred Scott* case before Taney's court, spoke of how some former Whigs had opposed Taney's nomination to the high court for partisan reasons, but Johnson emphasized that he had never doubted the nominee's integrity. In touching on the controversial *Dred Scott* decision, Johnson characterized the case as "involving a question of exciting interest—one that is now arraying section against section, brother against brother, in a civil war of unparalleled magnitude and terrific character." "This," Johnson noted "is not the occasion to examine that opinion," before proceeding anyway to defend Taney "against the gross injustice" that had been done by critics who assailed the chief justice's language about African Americans possessing "no rights which the white man was bound to respect."⁹

Already in the opening days of the memorial outpouring, what would become one of the standard defenses of Taney's memory was being articulated by a sitting United States senator. Apologists for the chief justice long maintained that his unequivocal ruling for racial inequality stood as a statement not of his own personal prejudices, but simply of historical and legal facts. Most such arguments, however, have tended to elide, as Johnson did, the fact that Taney's reading of the historical record was hardly objective or neutral, but rather seemed deliberately geared towards supporting the decision's codification of racial inequality. Moreover, the statement on African American rights and citizenship can only be fully appreciated alongside the stunning and controversial decision requiring the federal government to permit slavery in all federal territories. Johnson's claim that the language about black rights had been misconstrued soon came to be routinely coupled in typical apologies for Taney with references to his manumission of eleven inherited slaves between 1817 and 1824 and to his 1819 courtroom defense of antislavery preacher Jacob Gruber against charges of attempting to incite insurrection. Those who have sought to absolve Taney of proslavery predilections and excuse his ruling in *Dred Scott* as evidence of an objective, formalistic legal mind have in most cases downplayed or overlooked both the sweeping proslavery implications of *Dred Scott* and the broader proslavery legal and political record Taney amassed in the four and a half decades between the 1819 *Gruber* case and his death in 1864.¹⁰

Convening after his death, members of the Supreme Court bar in Washington, like the lawyers of Baltimore, similarly expressed their "profound sense of this national calamity" and paid tribute to Taney's "spotless and benevolent life." And while it could hardly be surprising that the U.S. Supreme Court adjourned to mark the death of its chief magistrate, it is perhaps notable that courts across the North followed suit to pay similar respects. In New York City's Superior Court, for example, Tammany Hall Democratic Judge John McCunn waxed eloquent about how "perhaps since the establishment of this Republic, no greater loss had befallen the country than the death of Chief Justice Taney" before adjourning in recognition of his "erudition, integrity of purpose, and fidelity in his discharge of the duties of the high office." A week later when the federal circuit court convened in the Empire City, Supreme Court Associate Justice Samuel Nelson entered into the minutes a commendation of Taney's "patience and devorion in the pursuit of right and justice." Likewise, in Boston, the U.S. First Circuit Court's bar passed formal resolutions lauding not just Taney's "pre-eminent abilities" and "profound learning," but also his "incorruptible integrity." More striking still was the statement delivered by Benjamin Curtis, a former Supreme Court Associate Justice who had resigned in disgust after a personal and political spat with Taney brought on by their disagreement in the *Dred Scott* case. Despite the fierce feuding in their past, when marking Taney's death, Curtis eulogized his former colleague's learning, administrative skill, and personal character, never once acknowledging the acrimonious *Dred Scott* decision that had prompted Curtis to abandon his post on the Supreme bench.¹¹

Mainstream Republican outlets were more willing to couple notices of Taney's death with criticisms of the infamous decision that had sought to debar the early Republican Party's preeminent policy goal of prohibiting slavery's westward expansion. In its initial reporting on his death, the moderate Republican *New-York Times* matter-of-factly noted that "his name will be chiefly associated with the famous decision in the case of 'DRED SCOTT.'" While this (relatively) conservative voice within the Northern Republican ranks noted Taney's "pure moral character" and suggested that the "unfortunate Dred Scott decision" came not "from a corrupt or malignant heart," the paper concluded that the decision's "complete yielding to the full desires and demands of Slavery" stood as "an act of supreme folly" that had helped galvanize the proslavery rebellion and whose "shadow will ever rest on his memory."¹²

In Taney's own border region, though, Republican voices were more ambivalent, reflecting perhaps an early manifestation of a proto-reconciliationist public memory of the deceased judge. For example, John W. Forney's *Washington Chronicle* reflected briefly on "Taney's eminent legal qualifications . . . dignity, impartiality and integrity . . . with one notable exception. . . . That exception was the Dred Scott decision, which, owing to the important political questions it involved, could not fail to provoke comment and dissent." Striking a similar tone, Baltimore's main Union Party (a Republican-led alliance that incorporated pro-war Democrats) newspaper asserted that Taney's "decisions were cautious and sensible, and, with one notable exception,

sound." Though evincing the widespread acceptance of black racial inferiority, this Southern antislavery newspaper assailed Taney's opinion as "repulsive to the moral sense of the nation" in its "attempt to nationalize Slavery, by insisting . . . upon the recognition by the Constitution of the right of property in an inferior race." This Republican editor, however, hastened to add that Taney had nonetheless been "an upright as well as a learned man, and this case only proves, as in thousands of other instances, the benighting influence of a continual contact with Slavery upon individual as well as national character."¹³

More radical Republicans and abolitionist activists concerned themselves little with Taney's purported personal probity and impressive intellect. Abolitionists were fighting to ensure an emancipationist war effort, and soon fought to preserve an emancipationist memory of the war. William Lloyd Garrison's famously combative *Liberator* thus reported, almost gleefully, "The intelligence of the decease of the historically infamous author of the Dred Scott Decision . . . is received by the entire loyal, liberty-loving portion of the country with perfect resignation. It was a mockery of all law, and a disgrace to the nation, to have such a man at the head of the Supreme Court." Taney, the evangelically oriented New York *Independent* similarly concluded, had been "swift to do" the "bidding" of the "Slave Power" and thus had contributed immensely, as had nearly "all [persons of] authority" in antebellum America, "from the President downward," to the great "conspiracy against liberty, white as well as black." In the most scathing postmortem rebuke, an anonymous pamphleteer smeared the deceased "*Unjust Judge*" as "conspicuously false and malignant." In his "zeal in behalf of an unnatural and demoralizing institution," the chief justice had "succeeded in welding to his own, the name of his intended victim and the memory of the injustice and cruelty he designed toward him and four millions of his race . . . and their endless posterity," leaving after "a judicial career of seven and twenty [*sic*, actually twenty-eight] . . . but one memory behind." The author condemned Taney as "next to Pontius Pilate, perhaps the worst that ever occupied the seat of judgment among men."¹⁴

Abolitionists also had pragmatic reasons beyond mere vindictiveness for cheering Taney's death. With Robert E. Lee's Army of Northern Virginia besieged in Petersburg and most other Confederate forces on the run, it seemed quite possible that the long war might soon come to a close without any constitutional amendment to extend freedom beyond those practically emancipated under President Lincoln's emergency war powers. And many Republicans feared also that once the soldiers had laid down their arms, federal courts might even strike down the Emancipation Proclamation and demand re-enslavement of hundreds of thousands the war had freed. As one abolitionist wrote to the *Liberator*, "The slave who is yet debarred from them [the Union army], may sleep more soundly now that Judge Taney is no more. The constant peril of a decision from the Supreme Court which might invalidate the Proclamation is now at an end.... The change is as good as a battle gained."¹⁵

When President Lincoln formally appointed radical Republican and political abolitionist Salmon Chase to replace the former champion of the Slave Power, antislavery voices reveled in the contrast. The New York *Tribune* reflected, "The chasm that separated the late from the present incumbent of that station is wider than that spanned by the twenty years' sleep of Rip Van Winkle." And in another sweet irony, abolitionists gloated about how Marylanders had cast the votes that ratified the emancipationist state constitution on the very day of Taney's death. Thus, "the death of Judge Taney," the *Tribune* continued, "during the night following the popular vote whereby Maryland was made a Free State marked the close of an era; the accession of Judge Chase marks the commencement of another." William E. Matthews, one of Maryland's leading black advocates for legal equality, had similarly celebrated the "singular coincidence, that Chief Justice Taney should breathe his last on the very day that the [new Maryland] Constitution [abolishing slavery in the state] was ratified by the voice of the people."¹⁶

Both emancipationist disdain for Taney's proslavery rulings and the conflicting reconciliationist desire among Democrats and even many conservative or moderate Republicans to pay respect to a man who had chaired the high court for nearly three decades were on full display in the U.S. Senate in early 1865. About four months after Taney's death, Illinois Republican moderate Senator Lyman Trumbull reported favorably on a bill for a \$1000 appropriation (which the House had passed a few weeks prior with little incident) for a marble bust of the former chief justice to be placed in the chamber alongside those memorializing his predecessors. The ensuing exchange exemplifies the tone that would characterize many future, indeed perhaps even our current, battles over how to remember Roger Taney. Those particular senate deliberations also demonstrated antislavery radicals' clear appreciation that debates over Taney's legacy must necessarily be debates over slavery. It would be impossible, they understood, to honor Taney without also tacitly overlooking, or even honoring, his proslavery legal career, including its capstone opinion in *Dred Scott v. Sandford*.¹⁷

Voicing the radical critique of the proslavery intransigence that had helped produce the crisis of the Union, Charles Sumner, the renowned Massachusetts firebrand, immediately and sharply rebuked the notion "that now an emancipated country should make a bust to the author of the Dred Scott decision." Trumbull (a former Democrat who may have been inclined to sympathize with Taney on legal issues unrelated to slavery) responded that the chief justice's service of "more than a quarter of a century" had "added reputation to the character of the judiciary of the United States throughout the world." Trumbull reminded Sumner condescendingly, "No man is infallible." Sumner, livid at the idea of celebrating the author of *Dred Scott*, insisted "that the name of Taney is to be hooted down the page of history." Maryland Senator Reverdy Johnson (who had argued the case against Scott in Taney's Court and had lauded Taney at the aforementioned 1864 Baltimore bar meeting) quickly joined the debate to express his "astonishment."¹⁸

Sumner would not relent. "If a man," Sumner continued, "has done evil during his life he must not be complimented in marble." Claiming, perhaps disingenuously, "I do not seek this debate," Sumner nonetheless insisted that "the Power which Taney served was none other than that Slave Power which has involved the country in war." "I speak," Sumner said self-righteously, but compellingly, "what cannot be denied when I declare that the opinion of the Chief Justice in the case of Dred Scott was more thoroughly abominable than anything of the kind in the history of the courts." "It is not fit, it is not decent," Sumner reiterated "that such a person should be commemorated by a vote of Congress; especially at this time when liberty is at last recognized. If you have money to appropriate in this way, let it be in honor of the defenders of liberty." (Sumner suggested former antislavery congressmen like Joshua Giddings or John Quincy Adams II, for example.) Moreover, Sumner actually relished the idea of "a vacant space in our court-room" that would "speak in warning to all who would betray liberty."¹⁹

After Sumner initiated the opposition to Trumbull's bill, two other Senators who had, like Sumner, been among the leaders of the antislavery Free Soil Party in the early 1850s, joined in attacking the proposal. New Hampshire's John P. Hale opposed the bust precisely because Taney would "be known to posterity" and "to the world by the Dred Scott decision." "In future ages," Hale predicted, "when the history of this time and of the controversy in which we are now engaged, and through which we have gone, shall go down to posterity, Judge Taney and the Dred Scott decision will go together; the name of Dred Scott will bring up Roger B. Taney, and the name of Roger B. Taney will bring up Dred Scott. There they are for evil or for good, and thus associated they will live through all coming time."²⁰

Sumner's Massachusetts colleague Henry Wilson boisterously concurred, labeling the *Dred Scott* decision the "blackest crime against men in our history" and suggesting that it would shock and appall the "loyal millions of the nation who were horrified eight years ago" to now see the Senate "voting honors to the author of the judicial usurpation that enthroned the dark spirit of slavery from which the slave-masters leaped into this bloody rebellion." Perhaps hyperbolically, Wilson characterized Taney as "the man who did more than all other men that ever breathed the air or trod the soil of the North American continent to plunge the nation into this bloody revolution." Wilson also chided Taney for the reticence of his alleged wartime loyalty: "He sank into his grave without giving a cheering word or a helping hand to the country he had vainly sought to place forever by judicial authority under the iron rule of the slave-masters." And when Reverdy Johnson challenged the radicals, Wilson stood his ground in defiance: "I am asked to forget the great crime, the crime of our history, to comply with a customary usage . . . For twenty-nine years I have never given a vote or uttered a word to sustain slavery . . . Slavery is rapidly sinking into the grave of dishonor, to rise no more forever. I have neither eulogies to utter nor statues to erect to the memory of its apologists or champions."²¹

Ohio's Benjamin Wade echoed his radical colleagues in reminding the Senate that the *Dred Scott* decision "was a political case" and that in its ruling, "not only did it [the Taney Court] trample down the negro, but your court intended to trample down the rights of freemen in the Territories forever." Laying on the invective thickly, Wade claimed that his antislavery constituents in Ohio "would pay \$2,000 to hang this man in effigy rather than \$1,000 for a bust to commemorate his merits." At the conclusion of this four-headed antislavery outburst, the Senate adjourned for dinner. The bill was briefly reconsidered that evening, but given the fierce opposition from the Senate's most radical ranks, neither moderate Republicans like Trumbull nor border state Unionists like Johnson seemed to possess the appetite for rejoining the conflict, and the bill died that day, leaving Taney absent from the Supreme Court's marble lineup of former chief justices.²²

In their vocal assaults on the proposed bust, radical Senators reflected sentiments that were endorsed by Republicans elsewhere, who opposed "paying honor to the infamous memory of Roger Taney," as "little better than robbery on the National Treasury." Racist northern Democratic papers, however, dissented vigorously from Sumner's attack on Taney, often in considerably more rabid language than that employed by Senator Trumbull, or even Senator Johnson. The *New York World*, for example, lambasted the "arrogant imbecility of men like MR. CHARLES SUMNER" and "vehement malignity of men like Senator WADE." Their speeches, the *World* wrote, stood as "the most disgraceful remarks ever uttered in an American legislative chamber" and were indicative of their narcissistic belief that "every duty of decency performed toward a political opponent is an attack upon the worship of themselves." At least, though, the *World* concluded, they had provided posterity the "finest" possible "auto-photo-graph of the men who have played the basest and blackest part in the sad drama of our times."²³

Meanwhile, newspaper reports of the debate appearing in the tottering Confederacy mocked Sumner's "touching tribute" in the "Yankee Congress" and defended Taney against the "malignity and hate of the abolitionists," extolling the Marylander as "one of the purest and best men of his day" and the *Dred Scott* ruling as a necessary "decision against the mad and destructive schemes of [antislavery] fanaticism." Similarly, in the months before his passing, the racist Copperhead New York City monthly, *The Old Guard* had included a paean to Taney, predicting that "the *Dred Scott* decision will be a monument of lasting fame to its author, and live on the brightest page of American history, long after its ignorant and deluded defamers shall be consigned to that ignominy and disgrace to which they are justly entitled."²⁴

Thus the defeat of the Taney bust appropriation in Washington inspired his supporters to even more passionately advocate some other commemoration to the proslavery Democratic hero. In Taney's home state, Democrats went out of their way to ensure that Maryland would honor him at the earliest possible moment. Taney's opinion in the *Dred Scott* case retained the admiration of many among the racist, and in some cases still proslavery, leaders of the Maryland Democratic Party. In a direct rebuke to

the emancipationist rejection of a federal memorial, Maryland Democratic legislators seized the very first available opportunity to secure funding for a far more impressive tribute to Taney's memory than the proposed Supreme Court bust. Democrats in Maryland, however, couldn't find their opening until they regained control of the state government in 1867.

Celebrating the Author of *Dred Scott* in Annapolis

Under Maryland's 1864 Constitution, best known for abolishing slavery in the state and ratified in an exceedingly tight vote—the constitution's unconditional Unionist backers only achieved a 375-vote majority out of about 60,000 with the aid of Union soldiers' absentee votes—many former supporters of the Confederacy had been disfranchised through a stringent new loyalty oath. Additionally, the lower house of the state legislature had been reapportioned according to white population to weaken the power of the proslavery southern counties, which would have otherwise received added representation based on large, but disfranchised, formerly enslaved black populations. These constitutional provisions initially limited the electoral prospects of the state's Democrats and left even deeply conservative Unionists, like former Know Nothing Thomas Swann, who was elected governor in 1864, to remain within the Union Party as the only viable vehicle for achieving statewide political power.²⁵

After the war had concluded, though, racial backlash mounted. Many Marylanders despised federal Freedmen's Bureau's activities in Maryland and Republican Reconstruction policies in the conquered South more generally. Black Marylanders' reinvigorated push for equality, especially in their failed campaign for suffrage and their successful agitation to end the unjust apprenticeship of black children whose parents allegedly could not support them, further discomfited Democrats seeking to preserve strict racial hierarchy. Within this political context, conflict over racial issues wracked the Maryland Union Party, and in the spring of 1866, Governor Swann and many like-minded conservatives bolted to join the Democrats. While Unionist legislators in 1865 had attempted to ensure their party's control of the state by passing a registry act allowing state registrars to evaluate potential voters' loyalty, and thus their electoral eligibility, the power to appoint registrars had been vested in the governor. By the time of the 1866 legislative elections, Governor Swann had abandoned the Union Party, and his appointees controlled the voter registration processes that had been established to limit ballot access to unconditional Unionists only. Unsurprisingly, enforcement of the loyalty oath was incredibly lax—so much so that Republicans mounted an ultimately unsuccessful federal contestation, claiming that Democratic conduct of the 1866 elections had essentially denied Maryland its constitutionally guaranteed "republican form of government." Numerous Democrats who had been formerly disenfranchised for their Confederate sympathies returned to the polls. The

party swept control of the Maryland House and put the state senate firmly back in the hands of the planter class, with Democrats controlling overwhelming majorities in both chambers. Democrats quickly drafted a new constitution in 1867, which further solidified the Maryland Democratic Party's dominance (which persisted even after the Fifteenth Amendment to the U.S. Constitution enfranchised black Marylanders and helped make the Republican Party competitive in some southern Maryland locales with large black electorates).²⁶

With the Democrats back in control in Annapolis by 1867, the first Democratic postwar legislature, evincing both reconciliationist and white supremacist tendencies, made quick work of appropriating substantial funds to memorialize Taney in statuary. In the days before the new legislative session opened, a "movement," led by Frederick City's Hugh McAleer, began seeking numerous small donations (\$1 to \$25) to fund a monument to Taney, "an honor to his State and nation," who McAleer's circular also praised for the "unsullied purity of his character." But many felt that the state owed *public* support for such an effort to commemorate Taney's life and career. "An opportunity," the *Annapolis Gazette* editorialized, was "now offered to the citizens of the State to commence and carry out the design corresponding with their cherished wish, so often expressed, and believed to be general." Thus, in the opening weeks of the Democratic legislature's 1867 session, state senator George Fred Maddox reported a bill that would cover the cost of erecting a monument over Taney's remains, which were buried in Frederick, a proposition that won that city's Democratic paper's proud approbation: "It is really refreshing to learn the zeal substantially manifested by some of Maryland's noble sons, in testimony of their estimate of the worth of the late eminent jurist, Roger B. Taney."²⁷

When that bill came up for debate a few weeks later, the state senate amended the proposal so that the proposed location would be selected by an appointed committee from among three options: at the gravesite in Frederick, or in Annapolis, either within the State House itself, or at a prominent position in the State House yard, where it ultimately was placed and still stands. In response to this change, two radical Republican state senators fiercely objected, echoing the concerns for promoting an emancipationist memory that radicals in Washington had voiced two years earlier. Like their U.S. Senate colleagues, Maryland radicals railed against the implicit endorsement of the *Dred Scott* decision that public commemoration of Taney would convey. Republican state senator James Billingslea led the way in fighting for rejection of "any such embodiment of the Democratic party set up for admiration and emulation." Given the proximity of the U.S. Naval Academy to the State House grounds, Billingslea particularly noted that "he did not want to have our young men, whom the [federal] Government was training here for its defence [*sic*], to be reminded by any such personification of the *Dred Scott* decision—that political heresy." "The author of the *Dred Scott* decision," Billingslea continued, "had done more than anything else to involve this country in a war, the most dreadful and terrible that history records."²⁸

Democrats quickly retorted that they did not "want the proposed monument erected in some out of the way place" but rather preferred "that the youth of Maryland may visit it as a shrine and learn to admire and emulate the virtues of the great man." Billingslea in turn clarified that "he certainly did not mean to say that he did not respect the memory of the late Chief Justice. What he objected to was, that gentlemen through erecting a monument to him seemed to seek honor and help to resurrect the Democratic party, a party which he was glad to know was no longer in the ascendancy in this country [meaning at the national level]." Taking a page out of Sumner's book, the bill's opponents also proposed to amend the bill to furnish names of alternative illustrious Marylanders the state might enshrine, such as radically antislavery Maryland Congressman Henry Winter Davis (who had died about a year after Taney) or former Supreme Court Associate Justice Samuel Chase (1741-1811). Suggestion of the latter produced a comical exchange in which one state senator rambled "at some length" about his opposition to honoring the current Supreme Court Chief Justice Salmon Chase, a radical Republican abolitionist. Though the misunderstanding was soon cleared up, the Republican counterproposals unsurprisingly failed anyway.²⁹

The bill's advocates instead celebrated that "Maryland endorsed" Taney "as her representative man," and while some conceded "that the Dred Scott decision had better have not been made," others staunchly defended Taney's *entire* record, staking out a continued commitment to the notorious decision's insistence on permanent racial inequality. In the view of Barnes Compton, a prominent Democratic leader who would go on to be elected president of the next three state senates, Taney's "eminent virtues, his pure character, his unequalled abilities and unrivalled attainments were worthy of all emulation and all honor." And while a radical Republican "Senator had spoken of the Dred Scott decision as a dire calamity that flooded the land with disaster," Compton denounced such "slander on the chief justice." Compton defiantly declared his support for Taney's exclusionary racial rule: "The decision in the Dred Scott case was not only just, righteous and right, but endorsed by the State of Maryland to-day." Two days later, the bill passed by a 16 to 5 vote in the state senate; it was later ratified by the House of Delegates, 47-13, with both votes falling sharply along party lines.³⁰

The durability of legislative enthusiasm for this project was on display again in 1870, when the legislature summarily appropriated an extra \$1500, bringing the total state expenditure to \$10,000, to cover mounting expenses for sculptor William Henry Rinehart, the famous Maryland native commissioned to craft Taney's likeness in his Rome workshop. As the scheduled unveiling approached in 1872, five-and-a-half years after the original legislation, leading Marylanders excitedly awaited the festivities.³¹

Intimately connected with the state's celebration of Taney's life and legacy was the long-planned release of an authorized biography just months before the statue's grand unveiling. A decade before his death, Taney had begun drafting memoirs of his early years, which he then passed on, along with copious personal papers, to his friend Samuel Tyler (who served as a pallbearer at Taney's funeral) to fashion into a combined

memoirs and biography, which finally hit the presses in October of 1872. So highly anticipated was this book, which stretches beyond 500 pages in length including an opening chapter written by Taney himself, that the *Baltimore Sun* was promoting it nearly three years before its release (while announcing the arrival of Rinehart's model for the Annapolis statue). The *Sun* noted that Tyler "indicates" that the "personal papers" he received from Taney would "furnish a complete refutation of the divers [sic] slanders which unscrupulous politicians have cast upon the distinguished jurist while living, and continued since his death." In particular, the *Sun* explained, Taney's contention that "a black man had no rights in this country which a white man was bound to respect," would be clarified to be "the logical deduction of legal and historical inquiry," which had only been misconstrued because of opponents' "wanton omission of the context." "Although," the *Sun* asserted, "Judge Taney was a pro-slavery man, and the greater part of his patrimony was in slaves, he manumitted every one he had when a young man . . . So far from his being cruel and tyrannical, as has often been represented, says Mr. Tyler, 'there will be facts cited in this book to show that he was a man of extraordinary kind heart and gentle nature.'"³²

When the book finally appeared in print, it confirmed expectations that it would provide an extended encomium for the deceased chief justice. Lauding nearly every aspect of Taney's life and career and specifically and combatively rebutting antislavery criticisms of Taney's work, the biography clearly evinced Tyler's adulation for his former friend and lingering sympathies for Taney's constitutional defense of slavery. Over thirty pages are dedicated to explaining, defending, and celebrating Taney's decision in the *Dred Scott* case, whose opponents, "the panders of the Free-soil [Republican] party," Tyler castigates as having "caught the fanatical spirit of the abolitionists." By contrast, Tyler pontificated, Taney's decision and the further explanations he published a year later, represented "the most comprehensive and best-reasoned politico-judicial opinion ever pronounced by any tribunal."³³

Notwithstanding Tyler's vehement language, which at times bordered on explicit vindication of slavery and secession, the book was well received, even in some mainstream northern outlets. Considering the volume as a whole, the *New-York Tribune's* reviewer concentrated largely on the new insights provided about Taney's private life and personal habits, rather than on his political and judicial career, reflecting perhaps that paper's departure from its racially progressive stands of the previous decades amidst editor Horace Greeley's 1872 Liberal Republican insurgency. The *Tribune* review thus addressed the *Dred Scott* decision portion of Tyler's biography briefly and charitably, stating that "even though the validity of his argument will not fail to be called in question by the intelligent lovers of freedom," nonetheless, "the grounds taken by the biographer are stated with ability and earnestness." And anyhow, "the occasion which gave rise to the decision of the Chief Justice has happily passed away."³⁴

The *North American Review* was more critical of Tyler's "indiscriminate eulogy" and of his tome's length. While noting that "Mr. Tyler's opinions, both of law and history, are

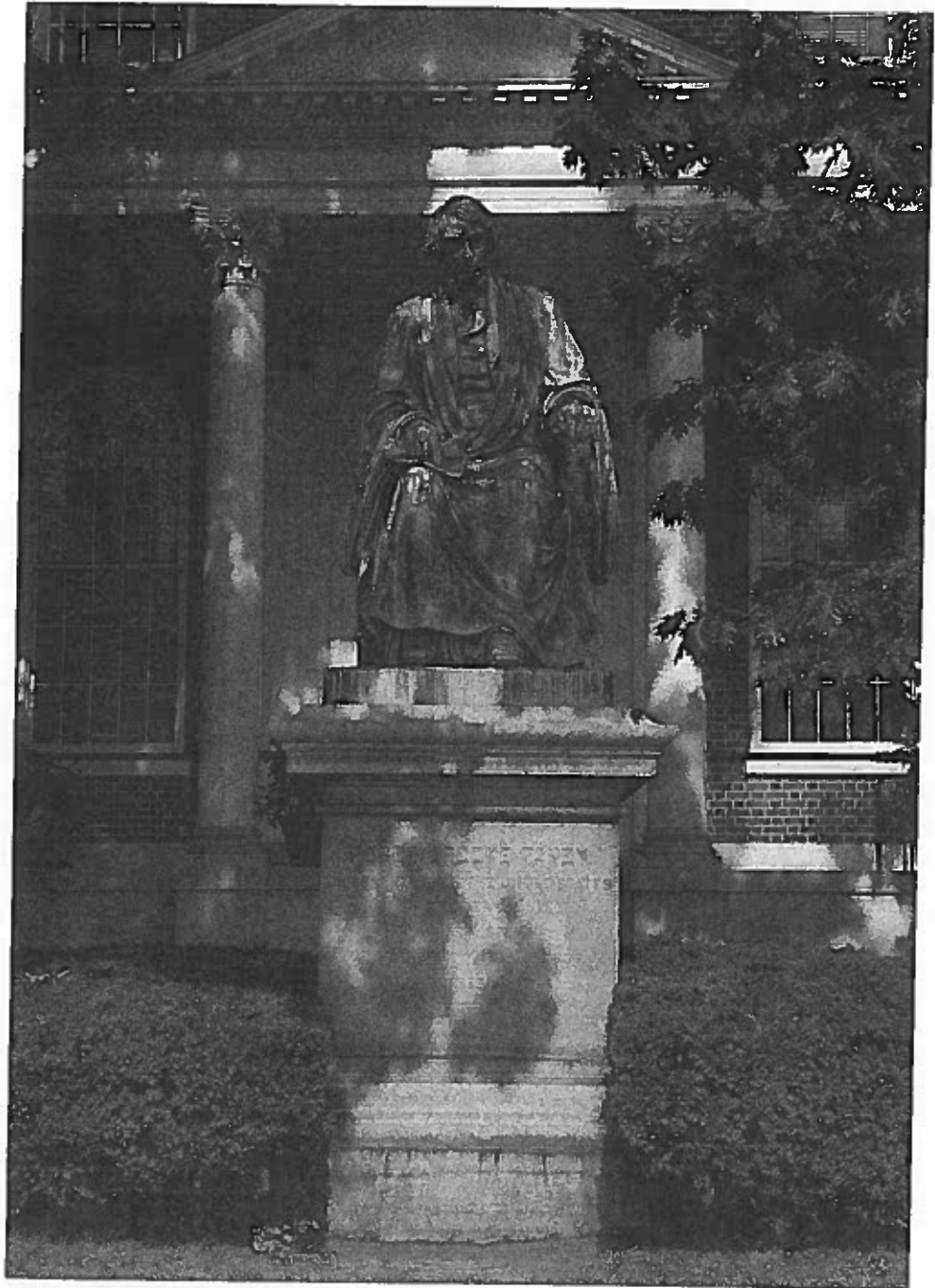
colored by his evident sympathy with the slavery party," even this pillar of New England literary culture seemed to excuse Taney's decision in *Dred Scott*, claiming that Taney wished to see slavery ended and simply disagreed with his Republican adversaries on the best possible means. This reviewer concluded with respect for Taney, "whose public and private life afford so admirable an example to the profession of which he was the head," alongside a backhanded compliment for Tyler: "The story of such a life is elevating and encouraging, and we can pardon the author much bad logic and much political heresy for the pleasure and profit we have got from its perusal." Even among many in the North it was becoming clear, that while the *Dred Scott* decision still remained unpopular, much of the anger at Taney, and the Slave Power more broadly, was fast dissipating.³⁵

Not long after the release of Tyler's heralded biography, many Marylanders exuberantly greeted the Annapolis statue's long-planned unveiling date. Most Maryland courts shut down for the day, and notables from around the state made the trip to Annapolis, by train or by boat, to attend the ceremony, even despite the freezing weather. A Naval Academy band, Naval Academy officers, the mayor of Baltimore, presidents of both branches of the Baltimore City Council, several legislators, representatives of the Taney family, respected clergy, leading Washington bankers William W. Corcoran and George W. Riggs, and numerous other members of the "leading classes of society" turned out for the unveiling ceremony, which began in the state senate chamber, decorated with flowers and plants plucked from the official senate conservatory. "Of course, the ladies graced the occasion," an Annapolis newspaper remarked. Reflecting the important cultural purchase and respectability that women's participation in postbellum memorial events conferred, the paper underscored, "What would that or any other celebration be without the light of their eyes, the radiance of their beauty to add lustre [*sic*] and brilliancy to the scene."³⁶

The keynote speaker was Severn Teackle Wallis, the lawyer who had previously delivered the memorial eulogy for Taney before the Baltimore bar in 1864. A leading legal mind, scholar, and orator, provost of the University of Maryland, and a friend of the former chief justice, Wallis, though not a regular officeholder, had long been an active Baltimore political leader, as a Whig first, a Know-Nothing later, and a Democrat by the time of the Civil War. A strong Confederate sympathizer, Wallis, while serving his single term in the state legislature, had been imprisoned without charges by the Union military for fourteen months as a result of his opposition to coercing seceded states back into the Union.³⁷

In his dedicatory address at Annapolis in 1872, Wallis professed the state's "grateful reverence and pride" for "a life, than which few greater, and none loftier or purer, shall dignify the annals of our country." Celebrating Taney as a "worshipper and champion" of "free institutions," Wallis opined, "Whatever might be the right of the people to change their Government, or overthrow it, he believed that the duty of the judges was simply to maintain the Constitution, while it lasted, and if need were, defend it to the death." "And yet," Wallis lamented, in reference to radical Republican U.S. senators' 1865 denial of the customary courtroom bust for Taney, "he died, traduced and ostracised [*sic*], and

his image was withheld from its place in the chamber which was filled already with his fame." Thus, Wallis boasted, the Annapolis statue stood as "a protest in the living bronze." Governor William Whyte, a Baltimore Democrat, who had been "accustomed, almost



Roger Brooke Taney, by William Henry Rinehart. (Courtesy Maryland State Art Collection, Maryland State Archives.)

from the cradle, to revere the name of Taney as the synonym for all that is just and good," offered a brief reply accepting on behalf of the state the "memorial of molten bronze, an enduring tribute of affection and regard for her own illustrious son, upon whose shoulder the judicial ermine lay, stainless as the virgin snow."³⁸

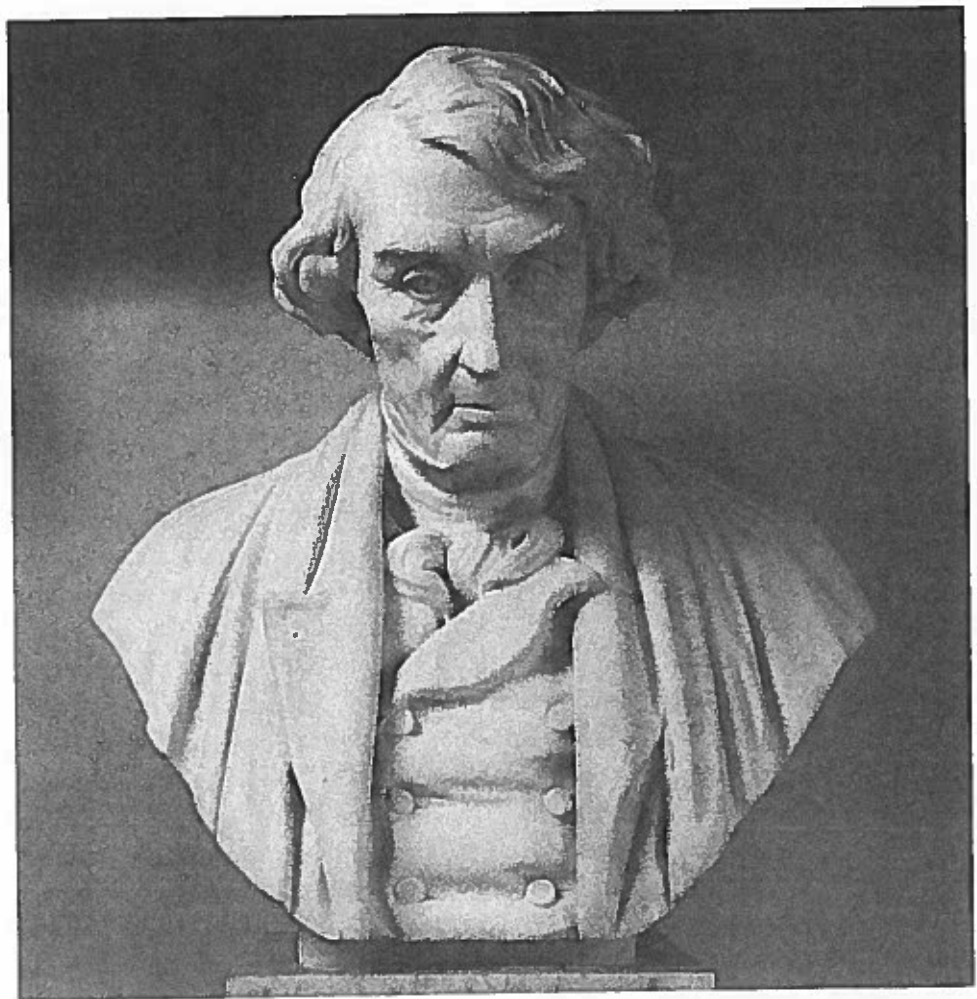
Following Wallis's address and the governor's response, the indoor portion of the program concluded. The naval band struck up the secessionist (still unofficial) state song "My Maryland" as the crowd moved outside for the unveiling of the actual statue. As the cover came off the bronze figure, the crowd cheered boisterously, while the band now performed the "Star Spangled Banner." Offering an image of Taney during his years as chief justice, Rinehart depicted his subject in a dignified seated pose, donning his judicial robe and holding a scroll in one hand and a book inscribed "Constitution" in the other. The monumental bronze sculpture was of "heroic size" (meaning larger than life size), seven and a half feet in height, equivalent to portraying Taney as nine-feet tall if standing, and perched atop a six-and-a-half-foot high square granite base. "Every beholder," an observer commented, "expressed feelings of admiration and measured plaudits" for Rinehart's "magnificent triumph in so perfectly delineating the great jurist, statesman, and lawgiver, thus transmitting, in exact likeness, his noble form and features to coming generations." "No event," one Annapolis newspaper reflected, had "ever occurred" in that capital city "in which a deeper and more general interest has been felt," and another concurred in characterizing the unveiling as "the most pleasing event which has taken place in our Ancient City of many years past."³⁹

Maryland newspapers were also quick to celebrate the "exquisite style and taste" of both Wallis's and White's speeches, and one writer noted that Wallis's address was "thought to be the best ever delivered" by the famed orator. "This splendid production," another predicted, "must live in admiration, co-extensive with the immortal memory of the great deceased jurist." Even Baltimore's Republican paper, the *American*, praised Wallis's "eloquent address, eulogizing the character of the deceased jurist," noting that "the memory of the great Chief Justice, whose fame adds lustre [*sic*] to his State, was duly honored."⁴⁰

While few Maryland commenters seemed to find it notable that Wallis's address avoided explicit mention of the *Dred Scott* decision, even as he condemned Washington politicians who had rejected the Taney bust there on expressly those grounds, the Baltimore *Sun* elsewhere used this opportunity for further reflection on Taney's legacy fifteen years after *Dred Scott*. Offering a brief biography of Taney in its announcement of plans for the Annapolis ceremony, the Democratic *Sun* defended Taney's controversial decision at length and alluded to the increasingly standard apologies for Taney that emphasized his antislavery achievements earlier in his life, including especially his argument in the aforementioned 1819 *Gruber* case. Attributing the fierce reaction against Taney's ruling in *Dred Scott* to "partisan passion" that had "since been reversed by a great civil war and its stern logic," the *Sun* contended that the perceived "barbarous sentiment" attributed to Taney's "garbled passage" that "negroes had no rights which white men were bound to respect," had been taken out of context, thanks to Republican "imagination and fraud."⁴¹

Reconciliation and Commemoration of the Chief Justice, Nationally and in Baltimore City

As time passed, greater tolerance for Taney became evident nationwide, even among many Northerners who had participated actively in the antislavery crusade during the years of Taney's chief justiceship. By 1874, Senator Sumner was the lone remaining congressional resister to the proposed courtroom bust. After the 1873 death of Taney's antislavery successor Salmon Chase, the U.S. Senate revisited the question of commemorating Taney in marble. Early in the next congressional session, Kentucky Democrat and former Confederate sympathizer John Stevenson introduced a bill to provide for busts of both Chase and Taney in the Supreme Court chamber, while Sumner instead offered a proposal that only mentioned Chase. The ailing Massachusetts radical, how-



Roger Taney bust, sculpted by Augustus Saint-Gaudens for the Supreme Court Chamber. (U.S. Senate Collection.)

ever, was unable to attend the Senate's Saturday deliberations on January 16, 1874, and Stevenson's bill to honor both Chase and Taney thus slid through without incident. By 1877 renowned sculptor Augustus Saint-Gaudens had completed the twenty-six inch high marble bust of Taney, commissioned to be a copy of the head, neck, shoulder, and chest portions of the Rinehart statue in Annapolis, though Saint-Gaudens made some adjustments for a more realistic portrayal of Taney's facial lines.⁴²

Few were left who seemed to still object, and many by this point likely saw Stevenson's bill as hardly noteworthy at all, though some Democratic commentators did take extra joy in overcoming Sumner's "medieval spite." Even Northern reflections on Taney's *Dred Scott* decision tended to defend Taney against the rage still simmering in some quarters at Taney's pronouncement that black men held no legal rights in America. Democratic apologists were, for example, quick to explain that Taney was expounding on the nation's racist history in the century prior to 1857 rather than pronouncing his own preferences. More stunning still was that some old antislavery voices seemed to join in this exculpatory chorus. For example, essayist Mary Abigail Dodge (alias Gail Hamilton), who had once written for antislavery newspapers and had served as governess for the children of leading Free Soil Party editor Gamaliel Bailey, avowed in the *Independent* that, although Taney's name was still "held in abhorrence" by the "apostles and disciples of freedom," it was "unjust that he should bear the reproach of words that he did not speak and sentiments that he did not feel." Nearly a decade after his death, Dodge firmly rejected depictions of Taney as "inhuman" or "dishonorable." When the Republican *Chicago Tribune* echoed these sentiments excusing Taney's most infamous phrasing, one southern Democratic newspaper concluded smugly "that the rights, duties, obligations, and capabilities of both the white and black man will be hereafter weighted in the balance of Truth and Justice."⁴³

Black civil rights activists took different lessons from reexamination of Taney's decision. In describing his 1876 tour of Annapolis for the Philadelphia black newspaper the *Christian Recorder*, African Methodist Episcopal minister Reverend Harvey Johnson, for example, surmised that the scroll depicted in Taney's right hand must have represented the opinion "in which the Devil inspired him to say — 'A Negro has no rights which a white man is bound to respect.'" When Frederick Douglass delivered a deeply political call for racial equality in his 1883 speech to celebrate the twenty-first anniversary of Washington, D.C. emancipation, the old abolitionist stalwart alluded to Taney's oft-quoted line about how African American men "had no rights which white men felt bound to respect." Douglass himself agreed that Taney "had only uttered an historical truth" about early America. But in Douglass's view, "the trouble" was that that "truth" had been "uttered for an evil purpose, and made to serve an evil purpose." "When they assumed that slavery was right," Douglass remembered, slaveholders thus "easily saw that everything inconsistent with slavery was wrong." What so many other commentators seemed willing to overlook was the intensely and controversially proslavery thrust of the *Dred Scott* decision, in whose context Taney's infamous line

must be read. Black activists in Maryland also associated Taney's career with the goals of strengthening slavery and stigmatizing African Americans. Stansbury Boyce's fierce letter to the *Baltimore Sun* opposing an interracial marriage ban asserted: "As slaves, the opinion uttered by Judge Taney that a black man had no rights that a white was bound to respect may have held good, but now as citizens . . . such distinction is invidious." Among the black political community, North and South, Taney's name remained a watchword for the sorts of racial hierarchy, inequality, and inequity that remained all too powerful across the American nation, and especially in the post-Reconstruction South. Even in Maryland, where race relations seemed far milder than deeper South, the 1880s were marked by increasing inequality and violence. Indeed by the mid-1880s, Baltimore African American leaders had organized the Mutual United Brotherhood of Liberty to fight against Baltimore African Americans' unequal public education opportunities, the lack of positions for black teachers in the city, the denial of black jury service and of black lawyers practicing in the city's courts, discrimination on modes of public conveyance, and "the frequent lynching of colored men in Maryland and other Southern states."⁴⁴

But much of white America had clearly accepted such racial inequality and had made peace with, or had even forgotten, Taney's proslavery judicial record. In the city of Baltimore, Taney was a figure who was not just accepted, but remained worthy of especial and continued veneration. In the early 1880s a citizen group, lamenting that the so-called "Monumental City" lacked a suitable monument to their adopted citizen Taney, petitioned the City Council to name a portion of the city's North Avenue "Taney Place in honor and memory of Chief Justice Taney." Within two months, the blocks had been so renamed with the hearty approval of leading Baltimoreans. A great champion of Taney's career and character, the *Baltimore Sun* even managed the next year to hold up Taney as a "model" when advocating for non-partisan judges, seemingly ignoring that Taney had reached his high post through bitter partisan controversy and in part precisely because of his intense party loyalty to President Jackson.⁴⁵

Amidst leading Baltimoreans ongoing adulation for the former chief justice, fifteen years after the unveiling of Rinehart's Taney statue in Annapolis, an exact copy was installed on Baltimore's Mount Vernon Place. The city's best-known patron of the arts, William Walters, who had financed much of the late sculptor's career in Italy, funded the casting of a replica and gifted it to the city in 1887. The unveiling itself proceeded with far less fanfare than the Annapolis events of a decade and a half prior, though this was due in no way to lack of interest in honoring Taney, who seemed to have remained as popular as ever among white Marylanders. Rather, the unveiling event became embroiled in an intraparty political squabble that rent the Baltimore City Democratic Party in the state's most strongly Democratic jurisdiction. While the monument dedication plans initially called for a grand ceremony with Democratic Mayor Ferdinand Latrobe in attendance alongside U.S. Secretary of State Thomas Bayard and Supreme Court

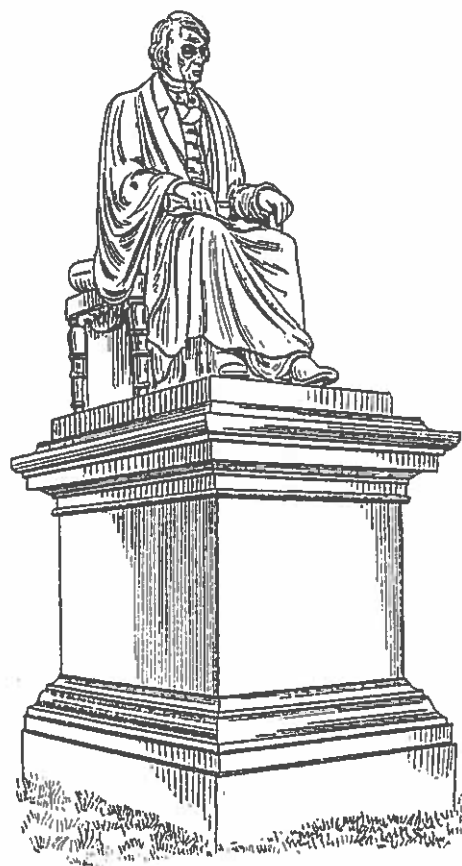


Roger Taney statue in Baltimore, recasting of Rinehart's Annapolis statue. (Daderot, July 2008.)

Chief Justice Morrison Waite, in the days just before the unveiling Latrobe withdrew in protest against the selection of Severn Teackle Wallis to once again deliver a Taney sculpture dedication keynote address. During Latrobe's previous mayoral campaign, Wallis had been a leading spokesman for the Independent or reform wing of the city's Democratic Party, which had joined forces with local Republicans and nearly unseated

the dominant Democratic machine. Latrobe, still miffed, refused to share a platform with Wallis, which in turn left Walters irate that his event was being snubbed by the mayor. Walters thus scrapped the original ceremony scheduled for November 10, and a more restrained affair was held instead on November 12.⁴⁶

The controversy between Latrobe and Wallis (and Walters) that had preceded the unveiling was reflective of the previous few years of political conflict in Baltimore (little of which had significantly benefitted the city's black community). Wallis became one of the leading spokesmen of a reform faction that opposed regular Democrats' support for increased corporate taxes and property reassessment and assailed the regulars as dominated by corrupt party bosses (like longtime city court clerk Isaac Freeman Rasin and his Howard County ally U.S. Senator Arthur Pue Gorman). The reformers ran their own candidates as early as the mid-1870s and helped lead the fusion Democrats and the Citizens' Ticket in 1883 and a similar pro-reform alliance with city Republicans in the heated fall 1887 mayoral contest that preceded the Baltimore monument unveiling. But when it came to celebrating and valorizing Taney, both regular Democrats and good-government reformers like Wallis were equally effusive. Mayor Latrobe, for example, despite the controversy over his decision not to formally participate in the planned ceremony, went out of his way in a message to the City Council to show reverence for Taney, "one of the great men of the country," and for the statue as "an ornament and an honor to our city." Latrobe ultimately decided to attend the more modest unveiling as a spectator to "testify his respect to the memory of Taney" and "his high appreciation of the noble gift made by Mr. Walters." No matter the ongoing political conflicts in the Democratic ranks, thirty years after *Dred Scott*, white Marylanders could still put aside their differences and come together to honor the notorious decision's author. Even Baltimore's Republican newspaper, notwithstanding its tendency to support black voting rights, lauded Walters's "handsome" donation, and ran praiseworthy letters, including one reader's poem honoring Walters's "fit monument of Justice" to the "cultured jurist."⁴⁷



CHIEF JUSTICE ROGER B. TANEY.

Contemporary sketch of Roger Taney statue in Baltimore, "Recasting of Rinehart's Annapolis Statue." (Baltimore American, November 12, 1887.)

The afternoon ceremony on Saturday November 12, 1887 was ultimately attended by a large crowd, including various "prominent citizens," among them numerous officeholders, Baltimore's Catholic cardinal, and "many ladies." With less fanfare or formality than originally envisioned, nine-year-old Roger Brooke Taney Anderson pulled a drawstring to reveal his great grandfather's likeness in a near-exact duplicate of the statue installed in Annapolis in 1872. With "clear, delightful weather" all the next day and evening, a great many more Baltimoreans streamed past the new installation to gaze admiringly at the lifelike sculpture of the *Dred Scott* decision's author.⁴⁸

The story of these efforts to memorialize Roger Taney in Annapolis, Baltimore, and Washington D.C. are emblematic of how the memory-making process reflected a particular political impulse that reached beyond the former Confederacy and worked to reframe the conflicts over slavery and race that had precipitated the crisis of the Union. The fact that opponents of Reconstruction, Republicanism, and racial equality went to such great lengths to commemorate Taney and to rebuke those who criticized his ruling in *Dred Scott* underscores the degree to which postbellum commemorations of the Civil War era served to honor and rehabilitate the proslavery cause.

Because many Marylanders had fought long and hard before, during, and after the Civil War, not just on battlefields, but also in courtrooms and legislative halls, for the proslavery and racist project that had animated so many southern secessionists, they readily embraced public commemorations of Roger Taney that consciously undermined the radical potential of Union victory. By reexamining debates over memorials to lighting-rod antebellum figures like Taney, we can better appreciate the extent to which many white Americans in the postbellum decades endorsed, and many more elided or forgot, the proslavery demands that had rent the Union. That these sorts of memorials, including those furnished at considerable public expense, were supported so heartily, emphatically, and widely among white Marylanders and overlooked, accepted, or even honored by most white Americans elsewhere provides clear evidence of the state's and nation's hardening racial climate. In that America, over the dissent of only a handful of increasingly marginalized white radicals and disfranchised African Americans, Taney's sins could be forgiven by most and openly celebrated by many. And from a modern perspective, those who endeavored to absolve Taney of the obvious racism of the *Dred Scott* decision seem to strike a similar chord with, and perhaps foreshadow, the twenty-first century's so-called "colorblind racism" which rejects overt bigotry while tolerating or defending racially biased institutions that consistently produce racially disparate outcomes.

Today's current reconsideration of the Taney statues is thus long overdue, but in the process of reviewing and perhaps removing these sculptures, we must be careful not to forget why, after his death, so many Americans so proudly honored him. Revisiting *that* history too will teach crucially important lessons about the lingering legacies of the proslavery, anti-egalitarian legal tradition and cultural climate that Taney's judicial work had so powerfully reinforced.

NOTES

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1. David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass: The Belknap Press of Harvard University Press, 2001); William Alan Blair, *Cities of the Dead: Contesting the Memory of the Civil War in the South, 1865–1914* (Chapel Hill: University of North Carolina Press, 2004), builds on Blight by further examining how partisan politics shaped both white and black Civil War commemorations in Virginia during the decades after Appomattox; Caroline Janney's differentiation between the concepts of "reunion" and "reconciliation" shares many of Blight's conclusions but presents a more contested picture of the national memory-making process in final third of the nineteenth century. Caroline E. Janney, *Remembering the Civil War: Reunion and the Limits of Reconciliation* (Chapel Hill: University of North Carolina Press, 2013). For some other important examples of scholarship on Civil War memory-making and the South's "lost cause," see Charles Reagan Wilson, *Baptized in Blood: The Religion of the Lost Cause* (Second edition, Athens: University of Georgia Press, 2009); Anne E. Marshall, *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Border State* (Chapel Hill: University of North Carolina Press, 2010); and various essays in *The Myth of the Lost Cause and Civil War History*, ed. Gary W. Gallagher (Bloomington: Indiana University Press, 2000), especially Alan T. Nolan, "The Anatomy of the Myth," 11–34; Richard Fausset and Alan Blinder, "Era Ends as South Carolina Lowers Confederate Flag," *New York Times*, July 10, 2015.
2. This July 9, 2015 press conference can be found under the title "Governor Larry Hogan's Position on Confederate Symbols" on youtube.com.
3. For more on this commission, see baltimoreplanning.wix.com/monumentcommission, accessed July 21, 2016; The Washington monument height listed above is an approximation. The monument officially stands at 178 feet and 8 inches, see the Mount Vernon Place Conservancy, mvpconservancy.org, accessed July 21, 2016.
4. In April 2015, the death of twenty-five-year-old African American man Freddie Gray from a spinal cord injury sustained while in police custody touched off weeks of heated protests, whose peak was marked by a night of arson and property destruction concentrated in the West Baltimore neighborhood where Gray had resided. This unrest, also labeled riots by some and an uprising by others, seemed to amplify public concern over the racial implications of Baltimore's Confederate monuments and Taney statue; Luke Broadwater, "Baltimore City commission recommends removal of two Confederate monuments," *Baltimore Sun* (hereinafter cited *Sun*), January 14, 2016; Michael Dresser, "Bill calls for Roger Taney statue to be removed from Maryland State House grounds," *Sun*, February 24, 2016. It is worth noting that another plan for the Annapolis Taney statue has gained growing popular support. This proposal, championed by Annapolis architect Chip Bohl, would rotate the Taney statue ninety degrees and install a new sculpture of a standing Frederick Douglass facing the seated Taney. For more on this proposal, see Phil Davis, "Frederick Douglass' descendant backs bid for statue on State House grounds," *Annapolis Capital Gazette*, February 24, 2017 and Bohl's website, frederickdouglass-robertaney.com, accessed April 10, 2017; For the text of the new plaque, see the "Roger Brooke Taney Monument" page on the commission's website, baltimoreplanningwixsite.com, accessed April 10, 2017; For an article noting

- the Taney statue question as one among many outstanding issues Rawlings-Blake passed on to Mayor Pugh, see Luke Broadwater, "Catherine Pugh inherits issues left unresolved by Baltimore Mayor Stephanie Rawlings-Blake," *Sun*, December 5, 2016; On Pugh's more recent response, see Broadwater, "Pugh to explore removing Confederate monuments in Baltimore," *Sun*, May 28, 2017.
5. See note 1 above for some examples; For example, see Kirk Savage, *Standing Soldiers, Kneeling Slaves: Race, War, and Monument in Nineteenth-Century America* (Princeton: Princeton University Press, 1997); One exception is Thomas J. Brown, "The Monumental Legacy of Calhoun," in *The Memory of the Civil War in American Culture*, ed. Alice Fahs and Joan Waugh (Chapel Hill: University of North Carolina Press, 2004), 130–56.
 6. Blight, *Race and Reunion*.
 7. Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law & Politics* (New York: Oxford University Press, 1978), 226–34; Paul Finkelman, "'Hooted Down the Page of History: Reconsidering the Greatness of Chief Justice Taney,'" *Journal of Supreme Court History* 19 (December 1994), 83–102; Timothy S. Huebner, "Roger B. Taney and the Slavery Issue: Looking beyond—and before—*Dred Scott*," *Journal of American History* 97 (June 2010), 17–38; Austin Allen, *Origins of the Dred Scott Case: Jacksonian Jurisprudence and the Supreme Court, 1837–1857* (Athens: University of Georgia Press, 2006). Allen's erudite analysis of the intellectual underpinnings of Taney's and his courtmates' jurisprudence sheds new light on how the desire to preserve corporations' ability to access federal courts through diversity jurisdiction as quasi-citizens influenced the majority's approach to the rejection of Scott's right to file suit in federal court. Allen, however, is not fully convincing in suggesting that precedents the Court had established practically necessitated precisely the ruling Taney issued.
 8. The classic work on the *Dred Scott* case is Fehrenbacher, *Dred Scott Case*; Countervailing perspectives are offered in Allen, *Origins*, and in Marchk A. Graber, *Dred Scott and the Problem of Constitutional Evil* (New York: Cambridge University Press, 2006). Graber argues forcefully, but I believe not entirely convincingly, that Taney's decision represented a more plausibly accurate reading of the law, Constitution, and American history than the interpretations proffered by his antislavery critics; On how Democratic Party political maneuvering shaped the timing, and possibly the content, of Taney's decision see Michael Todd Landis, *Northern Men with Southern Loyalties: The Democratic Party and the Sectional Crisis* (Ithaca, NY: Cornell University Press, 2014), 166–70.
 9. *Sun*, October 15, 1864.
 10. Huebner, "Roger B. Taney and the Slavery Issue," offers an excellent analysis that elucidates the ambiguity of Taney's views on slavery over the course of his life. Huebner gives due credit to Taney's seemingly genuine ambivalence about slavery through the mid-1820s, while also clearly highlighting Taney's profoundly proslavery record as a Democratic politician and Supreme Court justice in the second half of his life.
 11. *Sun*, December 8, 1864; *New-York Times*, October 14, 21, 1864; *Notice of the death of Chief Justice Taney: in the Circuit Court of the United States for the First Circuit* (Boston: Wright and Potter, Printers, 1864), 4–10; After Curtis published his dissent in *Dred Scott v. Sandford*, an embittered Taney refused to share his written opinion with Curtis, who feared, perhaps correctly, that Taney had delayed its release so that he could augment the oral decision he had read from the bench in ways that would more effectively counter Curtis's dissent without giving him an opportunity to reply. An extended and testy exchange, in which Taney's communications conveyed increasing disdain for his junior colleague precipitated Curtis's resignation from the high court in September 1857. Fehrenbacher, *Dred Scott Case*, 314–21.
 12. *New-York Times*, October 14, 1864.

13. *Washington Chronicle*, quoted in *Baltimore American and Commercial Advertiser*, October 14, 1864; *Ibid.*, October 18, 1864.
14. *Boston Liberator*, October 21, 1864; *New York Independent*, October 20, 1864; *The Unjust Judge: A Memorial of Roger Brooke Taney, Late Chief Justice of the United States* (New York: Baker & Godwin Printers, 1865), quotes from 43, 5, 65, 68; There has been some debate over who wrote this blistering pamphlet. Walker Lewis, "The Unjust Judge—Who Wrote it?" *The American Bar Association Journal* 50 (October 1964), 932–37, suggests that Sumner may have been the author, but David Donald, *Charles Sumner and the Rights of Man* (New York: Knopf, 1970), 193 n.8, forcefully refutes Lewis's unsubstantiated claims. Cornell University's Samuel J. May Antislavery Collection lists Republican New York state senator and Cornell University co-founder Andrew Dickson White as the author, see ebooks.library.cornell.edu/m/mayantislavery, accessed July 22, 2016.
15. Leonard L. Richards, *Who Freed the Slaves: The Fight over the Thirteenth Amendment* (Chicago: University of Chicago Press, 2015), 1, 72–73; M. Du Pays to "Editor of the Liberator," October 20, 1864, in *Liberator*, October 28, 1864.
16. *Tribune*, quoted in *New York Evangelist*, December 15, 1864; Wm. E. Matthews to William Lloyd Garrison, November 6, 1864, in *Liberator*, November 11, 1864.
17. *Congressional Globe*, 38th Congress, 2nd Session, 666.
18. *Ibid.*, 1012–13.
19. *Ibid.*
20. *Ibid.*, 1013–14.
21. *Ibid.*, 1014–15.
22. *Ibid.* 1016–17.
23. *Cleveland Daily Leader*, February 17, 1865; *Meadville Republican*, quoted in *ibid*; *New York World*, February 28, 1865.
24. *Richmond Daily Dispatch*, February 28, 1865; *Charlotte Western Democrat*, March 14, 1865; *The Old Guard, A Monthly Journal Devoted to the Principles of 1776 and 1787*, C. Chauncey Burr, ed., Volume II, 1864, New York, 114.
25. The Know Nothing, or American, Party achieved significant electoral success in several Northern and Upper South states in the mid-1850s on an anti-immigrant and anti-Catholic platform, but then rapidly disintegrated. The party won many victories in Maryland and retained its vitality, in part by appealing to pro-Union sentiment, through the end of the December ade, much longer than elsewhere. On the Know Nothing movement in Maryland, see Jean H. Baker, *Ambivalent Americans: The Know-Nothing Party in Maryland* (Baltimore: Johns Hopkins University Press, 1977).
26. On the constitutional and legislative history described in this paragraph and the one above, see Richard Paul Fuke, *Imperfect Equality: African Americans and the confines of White Racial Attitudes in Post-Emancipation Maryland* (New York: Fordham University Press, 1999), 24–25, 28–29, 32–34, 78–82, 150–61; Margaret Law Callcott, *The Negro in Maryland Politics, 1870–1912* (Baltimore: Johns Hopkins University Press, 1969), 11–18, 33–34; and Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1984), 152–56. The protest of Maryland's Republican legislators against the conduct of the 1866 election, and against the 1867 state constitution proposed afterwards can be seen in "Affairs in Maryland. Memorial from the General Assembly of Maryland, asking The immediate consideration by Congress of the condition of public affairs in that State," in *The Miscellaneous Documents of the House of Representatives for the First Session of the Fortieth Congress* (Washington: Government Printing Office, 1867), Mis. Doc. No. 27. Some of the most significant U.S. House debates over

- Maryland's "republican form of government," can be followed in *Congressional Globe*, 40th Congress, 1st Session, 415–20, and *Ibid.*, 2nd Session, 230–32.
27. *Annapolis Gazette*, January 10, 1867; *Sun*, January 10, 1867; *Frederick Union*, quoted in *Sun*, January 25, 1867.
 28. *Proceedings and Acts of the General Assembly, 1867, Archives of Maryland, Legislative Records, Proceedings, Acts and Public Documents of the General Assembly* (Annapolis: Henry A. Lucas, 1867; Annapolis: Archives of Maryland, 2000), 147–48, 171, *Archives of Maryland Online*, 133: 147–48, 171; *American and Commercial Advertiser*, February 5, 1867.
 29. *Ibid.*
 30. *Ibid.*; *Sun*, February 5, 7, 1867; *Proceedings and Acts of the General Assembly, 1867, Archives of Maryland Online*, 133: 171, 2531–32. The votes in both houses were almost, though not quite, strictly partisan. In announcing the party alignment of members of this legislature, the *Sun*, January 1, 1867, still used the designations of "radical" and "conservative," though the dissolution of the Union Party coalition had by 1867 effectively made those terms shorthand for Republican and Democrat. All voting members listed by the *Sun* as radicals voted to reject the proposed Taney statue, excepting a single "radical" senator and a single "radical" delegate, both representing Taney's adopted home and final resting place, Frederick County. The other radicals voting against the appropriation were joined by only one member listed by the *Sun* as a "conservative," Dorchester County state senator William Frazier, though Robert W. Todd, *Methodism of the Peninsula, Or, Sketches of Notable Characters and Events in the History of Methodism in the Maryland and Delaware Peninsula* (Philadelphia: Methodist Book Rooms, 1886), 110, describes Frazier as "a leading Whig, and afterward a Republican," so it's possible that the *Sun* simply mislabeled him.
 31. *Proceedings and Acts of the General Assembly, 1870, Archives of Maryland Online*, 188: 3368–69.
 32. *Sun*, January 28, 1870; Tyler's participation as a pallbearer at Taney's funeral is noted in Middletown (Md.) *Valley Register*, October 21, 1864.
 33. Samuel Tyler, LL.D., *Memoir of Roger Brooke Taney, LL.D.: Chief Justice of the Supreme Court of the United States* (Baltimore: John Murphy & Co., 1872), quotes from 360–61, 373.
 34. *New-York Tribune*, October 1, 1872.
 35. *North American Review* 116, January 1873, 194–203.
 36. *Sun*, December 11, 1872; *Anne Arundel Advertiser*, December 12, 1872; On the role of women in Confederate memorial work, see Caroline Janney, *Burying the Dead but Not the Past: Ladies Memorial Associations and the Lost Cause* (Chapel Hill: University of North Carolina Press, 2008); W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2005), Ch. 1; and Blair, *Cities of the Dead*, Ch. 4.
 37. Wallis himself would later be honored too with a Baltimore statue, erected in 1906, not far from the Baltimore Taney statue, discussed further below.
 38. *Address of Mr. S. Teackle Wallis, Chairman of the Committee, With the Reply of His Excellency, Governor Whyte, Delivered in the Senate Chamber, at Annapolis At the Unveiling of the Statue of Chief Justice Taney, December 10th, 1872*, (Baltimore: John Murphy & Co., 1872), quotes from 13–16, 18; It is worth noting that the back cover of the pamphlet version of Wallis's remarks contains numerous advertisements for works emblematic of early "Lost Cause" history and literature, including several celebrating the recently deceased Confederate general Robert E. Lee.
 39. The song, formally titled "Maryland! My Maryland!," was officially made the state song in 1939, though for years prior it had commonly been used as such, notwithstanding, or perhaps in part because of, its basis in native Baltimorean James Ryder Randall's wartime pro-secession poem, which quickly became a popular Confederate anthem. New efforts

- to revise or replace the state song picked up steam in 2015, and the Maryland State Senate passed legislation in early 2016 to replace the offending pro-Confederate verses, but the House of Delegates did not act upon the bill before the session expired, and it remains likely that the current governor Larry Hogan, who has sharply criticized efforts to alter the song, would veto any such bill that might win approval from a future legislature. The original 1939 legislation can be found at *Laws of the State of Maryland Made and Passed At the Session of the General Assembly Begun and Held in the City of Annapolis on the Fourth Day of January, 1939, and Ending on the Third Day of April, 1939* (Baltimore: King Bros., Inc., State Printers, 1939), 969–72; The most recent political maneuvering around replacing or revising the lyrics of the official state song can be followed in numerous Maryland-area newspapers from the winter of 2015–2016. For example, see Ovetta Wiggins, “Maryland’s state song is way off-key, panel says,” *Washington Post*, December 27, 2015; Michael Dresser, “Maryland Senate votes to change state song,” *Sun*, March 17, 2016, and Danielle E. Gaines, “State song bill won’t pass this year, key committee chairman says,” *Frederick News-Post*, March 30, 2016; *Sun*, December 10, 11, 1872; “Roger Brooke Taney, (sculpture).” Art Inventories Catalog, Smithsonian American Art Museum, Smithsonian Institution Research Information System (SIRIS), accessed July 19, 2016; *Anne Arundel Advertiser*, December 12, 1872; *Baltimore American and Commercial Advertiser*, December 11, 1872; *Annapolis Maryland Republican and State Capital Advertiser*, December 14, 1872.
40. *Anne Arundel Advertiser*, December 12, 1872; *Baltimore American and Commercial Advertiser*, December 11, 1872; *Maryland Republican and State Capital Advertiser*, December 14, 1872.
 41. *Sun*, December 10, 1872.
 42. *Congressional Record*, 43rd Congress, 1st Session, 77, 607, 694–95; *New York Times*, January 17, 1874; “Roger B. Taney by Augustus Saint-Gaudens (1848–1907),” Senate Art, United States Senate, www.senate.gov/artandhistory, accessed July 17, 2016; John H. Dryfhout, *The Work of Augustus Saint-Gaudens* (1982; repr., NH: University Press of New England, 2008), 80.
 43. *Indiana Sentinel*, January 17, 1874; March Abigail Dodge [pseud., Gail Hamilton], in *New York Independent*, July 2, 1874; “March Abigail Dodge (‘Gail Hamilton’),” *The Chautauquan*, October 1896, 94–95; *Austin Weekly Statesman*, February 12, 1874.
 44. Rev. J.H.A. Johnson, D.D., “The Capital of Maryland,” *Philadelphia Christian Recorder*, December 21, 1876; Frederick Douglass, quoted in *Washington Bee*, April 21, 1883; Stansbury Boyce, quoted in *Sun*, March 2, 1887; *Christian Recorder*, October 7, 1875, November 22, 1883; “Our Baltimore Letter,” March 15, 1883, in *Washington Bee*, March 17, 1883; *Ibid.*, December 29, 1888; *St. Paul Western Appeal*, April 2, 1887; W. M. Alexander, *The Brotherhood of Liberty: Or Our Day in Court, Including the Navassa Case* (Baltimore: Printing Office of J. F. Weishampel, 1891).
 45. *Sun*, November 20, 1880, January 19, 20, 25, 1881, August 9, 1882.
 46. *Washington National Republican*, November 10, 1887; *Sun*, November 10, 12, 1887; On Baltimore City being the state’s strongest Democratic constituency, see Callcott, *Negro in Maryland Politics*, 33–34.
 47. *Sun*, October 15, 17, November 3, 1883; Callcott, *Negro in Maryland Politics*, 43–50; Robert J. Brugger, *Maryland, A Middle Temperament: 1634–1980* (Baltimore: Johns Hopkins University Press, 1988), 386–89, 398–99; *Sun*, November 15, 1887; *Ibid.*, November 14, 1887; *Baltimore American*, October 17, 27, November 10, 13 1887; Poem by A. E. Lord, Mrs. Charles Lord, in *Ibid.*, November 12, 1887.
 48. *Sun*, November 14, 1887; “Roger B. Taney, (sculpture),” Art Inventories Catalog, Smithsonian American Art Museum, Smithsonian Institution Research Information System (SIRIS), accessed July 19, 2016.