

JUDGE O'DUNNE DIES AT 84 AT MAINE HOME

Colorful Lawyer And Jurist Was Contro- versial Character

Eugene O'Dunne, whose wit, wisdom and flair for controversy helped make him the most colorful judge ever to sit on the Supreme Bench of Baltimore, died in retirement yesterday at the age of 84.

He had been ill and almost totally blind since March, 1958. Death came at Ogunquit, Maine, where he and Mrs. O'Dunne had made their home since late last year.

Funeral services, to be arranged, will be held in Baltimore where he first startled the citizenry in the early 1900's as a swashbuckling young political reformer who ripped and hacked at the established Democratic machine at times, and courted it at others.

He ran for State's attorney three times—in 1911, 1915 and 1919—only to be licked by the bosses he berated.

Named To Bench In '26

Then in 1926, to the surprise of many politicians, he was appointed to the Supreme Bench by the late Gov. Albert C. Ritchie. He was elected that same year and remained in office until he reached the statutory retirement age of 70 on June 21, 1945.

In bidding him hail and farewell that day, someone said of him:

"Though aggressiveness is an essential of his nature, self-conceit is not.

"For all the violence of his opinions, this man, whom thousands have come to love, had and still has that kind of intellectual humility which only a few achieve."

In typical O'Dunne fashion, Judge O'Dunne huffed and puffed, said his retirement was forced by a constitutional "imbecility," then plunged into the private practice of the law and more controversy.

He remained active and belligerent until his last illness.

Just last year he painfully pecked out a letter on a typewriter

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he could barely see, a letter sharply critical of the "sitting judge" principle as one which "puts the judges knee-deep in politics."

The tall man with the unruly mop of snow-white hair that was once fiery red was dominated by a sense of fair play.

As a judge, he was the scourge of bookmakers and numbers writers. If he could catch them to rights, he would mete out the stiffest kind of fines and jail sentences.

But prosecuting attorneys griped at times that he was over-scrupulous in seeing to it that the gamblers got the full benefit of the law, even if he did not agree on some of its twists and turns that could give the bookies an escape-hatch.

Used Whipping-Post Law

Despite some crushingly long sentences meted out to wrongdoers, Judge O'Dunne was, at bottom, a soft-hearted man, one who would take advantage of the old law which gave him the right to sentence wife-beaters to the whipping post, then tell the sheriff to take it easy in applying the lash.

He also set himself up as a one-man committee to see to it that the civil rights of citizens were not abridged by actions of the Police Department.

Once, in exhorting members of a grand jury who refused to indict a policeman who had hit a woman in making an arrest, he thundered:

"A police officer who uses his nightstick or blackjack in effecting ordinary arrests of unarmed citizens is wholly lacking in the conception of the fundamental duties of a police officer, is devoid of personal courage and is either a coward or a bully—and probably both."

Grudges Disappeared

Though he fought with the best of them and outraged some of Baltimore's most solid citizens by his forthright utterances on diverse topics, he was no man to bear a grudge, and few bore grudges against him for very long.

For instance, he was elected president of the Baltimore City Bar Association within a few years after he called it a "spineless and supine organization."

His tactics on the bench made lawyers boil at times, but they would continue filing their cases in his court.

Some of his opinions were masterpieces of judicial literature, and some of his letters to the editor, when he disagreed with their writings, were masterpieces of ironic beard-pulling.

His relations with his fellow judges were often strained, because he would criticize them, if he thought they needed criticism, as quickly as he would a bookmaker he thought was trying to corrupt the Police Department.

Keen Student Of Law

Judge O'Dunne was reverend

circled for the aura of publicity which constantly surrounded him.

He gave an oblique answer to that criticism at a public dinner in 1934 when he declared:

"The public is entitled to know what its public servants are doing, and how they are doing it, and why they are doing it."

Father Arizona Judge

Judge O'Dunne was born June 22, 1875 in Tucson, Arizona, where his father Edmund F. Dunne (who had dropped the "O" from the family name) was a territorial judge.

The red-haired Eugene came to Baltimore as a young man and entered the University of Maryland School of Law, getting his degree in 1900.

After a fling as an explorer in South America in 1903 he returned to Baltimore and embarked upon his volatile career.

Young O'Dunne won appointment that year as an assistant State's attorney, but soon proved to be one of the biggest political "mavericks" on the Baltimore scene.

Among other things, he organized the Young Men's Democratic League which, to the annoyance of some of the bosses, proved to be a highly independent group that refused to take orders from on high.

He soon became a guiding light of the bar association he had eastigated as supine.

Some judicial reforms he proposed during that period of his career, reforms which later were enacted into law, included one abolishing minimum sentences in criminal cases, the setting up of a People's Court for the trial of petty civil cases and one leading to a reorganization of the attorney general's office.

Although he proudly bore the label of political "independent" and did not hesitate to rip away at the entrenched Democratic machine, Eugene O'Dunne, nevertheless, respected party organization, and, perhaps with tongue-in-cheek, he described himself as "old-line organization Democrat" while he was making his first run for State's attorney in 1911.

But the bosses would not "take" him then and the future judge, who had just resigned as deputy State's attorney, was beaten by the Democratic machine.

He was so used to saying so many things on so many subjects that he occasionally came a cropper.

Suffragette Trouble

In that 1911 campaign, for instance, he got into trouble with the women suffragettes when he said he believed in equal suffrage "only in spots."

The women immediately trotted out an earlier O'Dunne statement espousing their cause.

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Keen Student Of Law

Judge O'Dunne was reversed fairly frequently by the higher courts. In fact, he said once that "I'm only a stoplight on the way to the Court of Appeals."

But even his bitterest critics acknowledged he was a keen student of the law.

More of what he said and did got into the newspapers during the twenty years he was on the bench than most of the rest of the judges put together.

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The period between his unsuccessful efforts to become State's attorney and his elevation to the bench was taken up, in the usual O'Dunne manner, by public service, the practice of his profession and controversy.

He regularly startled Baltimore as he banged away at things and persons he did not like.

After a brutal robbery and murder, for instance, he called a Democratic leader "king of the underworld."

It would have been totally contrary to the O'Dunne character to let the black robe of a judge stifle his enthusiasm for saying exactly what he wanted to say.

Backs "Sass" To Policeman

So, his friends were not a bit surprised when he set forth in one of his first opinions that to "sass" a policeman was no disturbance of the public peace, albeit it was a disturbance of said policeman's mind.

Those same friends chuckled when, on the day of his retirement, Judge O'Dunne professed to have been "muzzled" during his twenty years as a jurist.

To quote him exactly:

"I've been fenced in for twenty years judicially, and somewhat muzzled in public expression; and emancipation . . . comes as a relief.

"I was always accused of being a publicity hound, and I probably plead guilty on every accusation. People ought to know the theory under which the judiciary functions—nothing sacrosanct about it, just a lot of fiction."

Two days after he stepped down from the bench he was back in court as a practicing lawyer.

Years before he left the bench, he began another phase of his career, teaching criminal law and medical jurisprudence at the University of Maryland, the Johns Hopkins Medical School and the University of Baltimore.

He gave up both his teaching duties and his active practice of law in 1953.

4 Children Survive

Judge O'Dunne was first married in 1904 to the former Miss Elise M. Reardon. They had six children, four of whom are living. That union ended in 1935 with the death of Mrs. O'Dunne at their Blue Ridge Summit (Pa.) summer home.

In 1950 Judge O'Dunne married Mrs. Helen Keep, of South Orange, N.J., and Ogunquit, Maine.

In addition to his wife, Judge O'Dunne is survived by a daughter, Mrs. John P. Winand, of Timonium; three sons, Eugene, Jr., of Washington, and Hamilton and David, who live in Baltimore. Also surviving are eleven grandchildren and five great-grandchildren.