

SPEECH OF JAMES F. SCHNEIDER
AT THE DEDICATION OF COURTROOM 400

OCTOBER 16, 1991

Ninety-five years ago, on June 15, 1896, Senator William Pinkney Whyte spoke at the cornerstone laying of this courthouse. In his speech, Senator Whyte expressed the belief that the legal profession of Baltimore should perpetuate the memory of its greatest leaders by displaying their portraits on the walls of this building, "that they may excite the rising generations of lawyers to emulate their example."

Today the history of the Baltimore bench and bar is recorded in the faces of the more than 80 portraits in our courthouse collection. Some are 150 years old, others as new as the portrait to be unveiled today which the celebrated artist Mr. Simmie Knox completed only days ago.

The portrait committee, composed of judges and lawyers, was assigned the task of selecting the portraits to be placed in Courtroom 400 after its restoration. The committee had the benefit of the expert advice of Melanie Gifford, Painting Conservator of the Walters Art Gallery, Sona Johnston, Curator of Painting and Sculpture of the Baltimore Museum of Art and Richard and Robert Harwood, father and son proprietors of the Purnell Galleries. Robert Harwood deserves special thanks for his untiring help in taking down the old paintings, coordinating their restoration and rehanging the portraits you see here today.

We began with a catalog of over 80 portraits in the collection. The artistic consultants recommended that we select only the largest portraits and then limit the number. Should the portraits be hung at eye level? No, said the experts. The portraits should be hung high, up above the marble expanse of the walls, as the building's architects must have intended. The committee was guided by the experts. The list was pared down to 12 portraits. Six of them were painted by Thomas C. Corner, one of America's greatest portrait artists of this century. The 12 portraits selected are some of the best in the entire collection from an artistic standpoint. All of the subjects portrayed in oil are historically significant.

Beginning on the south wall (to the left of the room looking from the bench), the portraits are as follows:

1. SENATOR ISIDOR RAYNER (1850 - 1912)

Isidor Rayner was the first Jewish United States Senator, serving from 1904 until his death. He had already served three terms in the House of Representatives and one term as Attorney General of Maryland. However, it is because of his extraordinary abilities as an advocate that he deserves to be included here. His dramatic defense of Admiral Winfield Scott Schley before a naval board of inquiry in 1901 brought him national attention. After Admiral Schley was acclaimed as the hero of the Battle of Santiago in the Spanish-American War, he was charged with "reprehensible conduct" by a jealous

superior. In light of the charges, Admiral Schley demanded an official inquiry. Mr. Rayner, who was then Attorney General of Maryland, took on the defense of Maryland-born Admiral Schley without charge. The three-month trial, one of the greatest in American history, resulted in a 2-1 decision against Admiral Schley, but because Admiral George Dewey, himself the hero of Manila, was the sole dissenter, the decision was widely viewed as a vindication of Admiral Schley.

The portrait of this famous man by Thomas Corner was rescued from obscurity and now stands as the first portrait in this ceremonial courtroom. It was completely restored with funds generously contributed by Senator Rayner's great nephew, Mr. Julian Adler and Mrs. Adler.

2. MAJOR GERMAN H. H. EMORY (1882 - 1918)

When this nation went to war in 1917 to "make the world safe for democracy," German Emory was among the first to enlist in the Army. He was commissioned a Captain, became a Battalion Commander in the 320th Infantry and went overseas with the 80th Division in May, 1918. A week after the Armistice ended the war on November 11, 1918, the tragic news reached Baltimore that Major Emory had been killed in action on November the first at the age of 36, leaving a widow and three young sons. His death occurred while personally leading his troops in the Argonne offensive under heavy machine gun fire.

He had been one of Baltimore's most promising young rial lawyers, the former law partner of Judges Morris A. Soper and Eli Frank, Sr., well-known and well-loved. Many members of the Bar subscribed to have this portrait painted by Thomas Corner, which depicts Major Emory attired in the uniform of his rank, holding the cap adorned with the oak cluster and wearing the distinguished service cross which he was posthumously awarded. At memorial services held in this very room in 1919, Albert C. Ritchie said of him, "We feel a solemn pride in what he was and what he did and what he would have been." Today, the passage of more than 70 years has not altered that sentiment.

This beautiful portrait was restored with funds contributed by Katherine Emory, Major Emory's daughter-in-law, widow of German H. H. Emory, Jr., and by Major Emory's son, Richard W. Emory, a distinguished member of our Bar and a decorated war veteran himself.

3. SENATOR WILLIAM PINKNEY WHYTE (1824 - 1908)

The late Isaac Lobe Straus gave this portrait by Thomas Corner to the Supreme Bench in 1923. It portrays the "Grand Old Man of Maryland" in his usual stately garb, complete with tall beaver hat, gloves and pince nez glasses. William Pinkney Whyte served at various times during his long public career as Mayor of Baltimore, Comptroller, Attorney General and Governor of Maryland and three times United States Senator. How fitting that his portrait should be here, for

it was he who suggested that portraits of great lawyers should adorn these walls! Fitting also because he joins Isidor Rayner, his Senate colleague with whom he served at the end of his life and the man in the next portrait whom he succeeded in the Senate at the beginning of his career.

The first portrait on the west wall is that of:

4. SENATOR REVERDY JOHNSON (1796 - 1876)

Had he never served as U.S. Attorney General in the administration of Zachary Taylor and twice as U.S. Senator from Maryland, Reverdy Johnson would still command a prominent place in history as a lawyer of the first rank. He argued before the Supreme Court in such important cases as Dred Scott v. Sandford, ExParte Milligan and ExParte Garland. He was counsel to President Andrew Johnson during his impeachment ordeal in 1868 and helped secure his acquittal by the slim margin of one vote in the U.S. Senate. The same year he was appointed Ambassador to the Court of St. James to negotiate a treaty for the arbitration of claims against Britain resulting from its assistance to the Confederacy during the Civil War. Reverdy Johnson's home stood on the partial site of this courthouse, on the northwest corner of Calvert and Fayette Streets, where he played host to such luminaries as Daniel Webster and Henry Clay.

This portrait of Senator Johnson portrays him in profile because he lost his left eye in an accident during target practice as a second in a duel. The sight in his right

eye also failed and by the end of his life he was almost totally blind.

5. JUDGE SHIRLEY B. JONES (1925 -)

Judge Shirley B. Jones was the first woman to serve as Assistant Attorney General of Maryland, to sit on the Orphans' Court of Baltimore City, the Circuit Court for Baltimore City and the U.S. District Court for the District of Maryland. She also holds the distinction of being the first woman ever to sit on the Maryland Court of Appeals, a milestone which occurred when she was assigned to Maryland's highest court on a temporary basis on September 15, 1965. She is also the first woman ever to sit on the United States Court of Appeals for the Fourth Circuit, which she did, according to custom, shortly after her appointment to the District Court by President Carter in 1979. Judge Jones is a native of the Eastern Shore, where she and her husband Bill now reside. She is also an alumnus of the University of Baltimore School of Law.

Judge Shirley Jones presided in this courtroom over many trials during her 18 years as a Judge of this Court. She recalls that it was in this courtroom, while conducting a jury trial in November, 1963, that she received the terrible news that President Kennedy had been assassinated.

This lifelike portrait of Judge Jones was painted by Henry Cooper in 1989 and presented by the Women's Bar Association of Maryland the following year. The portrait is

an almost identical twin to one painted by Mr. Cooper for the Federal Courthouse, except that this portrait features the Maryland state flag and seal.

6. JUDGE ELI FRANK, SR. (1874 - 1958)

One of the greatest judges who ever graced any bench, Eli Frank, Sr. was appointed to this Court by Governor Ritchie in 1922 and served until mandatory retirement at the age of 70 in 1944. A brilliant academic career at Johns Hopkins University and the University of Maryland School of Law was followed by a successful law practice and the founding of the firm known today as Frank, Bernstein, Conaway and Goldman. Judge Frank served as president of both the City and State Bar Associations. He was also a founder of the Park School, Sinai Hospital and the Associated Jewish Charities.

His portrait was painted from life by the noted artist R. McGill Mackall and was presented to the Court by his son, the late Eli Frank, Jr., the Judge's two daughters and their spouses in 1947. Mrs. Eli Frank, Jr. very graciously paid to have the portrait restored.

7. SEVERN TEACKLE WALLIS (1816 - 1894)

As you entered this Courtroom, perhaps you admired the monument in the hallway to Mr. Wallis. He is memorialized in many cultural and educational institutions in this city, including the Peabody Conservatory, Maryland Historical Society and the University of Maryland, because he served as trustee of them all. It is only proper that he be remembered

in this courthouse. In addition to being a poet, man of wit, author, orator, linguist, and statesman, he was perhaps the foremost Maryland attorney of the Nineteenth Century. He was a founder and first president of the Bar Association of Baltimore City in 1880. He was a leader of every movement for political reform of his day. He was unjustly arrested by Federal authorities as a suspected secessionist at the beginning of the Civil War and held without trial for more than a year.

This excellent portrait was painted by the American expatriate artist David Neal in 1887. It was said that "Mr. Wallis rather disliked the portrait because of its fierce expression, and said that he did not look that savage except when he looked more so." Nevertheless, if one looks closely, the hint of a smile is discernible.

This exceptionally fine portrait was restored through the generosity of Mr. Wallis' two great nieces, Ms. Lucille Wallis of Baltimore and Mrs. Norma Wallis Reid of Wilmington, Delaware, who are both with us today.

8, 9. ARTHUR W. MACHEN, SR. (1827 - 1915)

ARTHUR W. MACHEN, JR. (1877 - 1950)

Three generations of attorneys bearing the name Arthur Webster Machen have stood at the head of the bar of this city for the past century and a half. All three have served as presidents of the Bar Library, but none for a period greater than the first Arthur Machen, the bearded gentleman in the

next portrait, who held the office for thirty years. The portrait was commissioned by the Bar Library and painted by Thomas Corner in 1907 in honor of Mr. Machen's 80th birthday. All three Arthur Machens attended Harvard Law School beginning with Mr. Machen, Sr., who, as a law student, observed the famous trial of John Webster for the murder of Dr. Parkman in Boston in 1850. Every law student since then has read the charge to the jury given by Justice Shaw differentiating the degrees of homicide.

These portraits of father and son have been together in his room since 1951, when the portrait of Mr. Machen, Jr. by Thomas M. Heaton was given by the Machen family, the first such pairing of portraits in courthouse history. Both portraits have been restored through the generosity of the grandson and son of the subjects, Arthur Machen, Jr., of counsel to the law firm of Venable, Baetjer & Howard.

We turn now to the north wall of the courtroom and the portrait of:

10. CHIEF JUDGE SAMUEL KING DENNIS (1874 - 1953)

Judge Dennis was an alumnus of the Maryland Law School Class of 1903, with classmate German Emory. While serving as U.S. Attorney for Maryland, it became his sad duty to announce Major Emory's death in the Federal Court. Now the two old classmates are rejoined in this ceremonial courtroom.

Samuel K. Dennis served as the sixth Chief Judge of the Supreme Bench from 1928 until 1944. In 1940, he chaired

the committee which drafted the very first Maryland Rules of Procedure. Over the 16 years of his judgeship, he hired as bailiffs a number of law students who later established themselves as judges and lawyers of the first rank, including Judges William J. O'Donnell and John Grason Turnbull, and lawyers Henry Decker and Carl and Douglas Sharretts.

This portrait was painted by Thomas C. Corner in 1938 and depicts Judge Dennis in his judicial robes. This is noteworthy because he was the first Baltimore City judge to ever wear a robe. The City Bar Association, which had long advocated that the judges should wear robes instead of the dark suits they traditionally wore, presented Judge Dennis with a robe at his investiture in August, 1928. The portrait has not yet been restored, but it will be restored with funds contributed by Mrs. William J. O'Donnell, George L. Radcliffe, Jr., Judge George D. Solter and the law firm of Boyd, Benson & Hendrickson, the firm with which Judge Dennis associated himself after he retired from the bench.

The space next to Judge Dennis' portrait has been reserved for the new portrait which will be unveiled in a few moments.

11. CHIEF JUDGE HENRY DAVID HARLAN (1858 - 1943)

This portrait was painted by Thomas Corner in 1930 and depicts Judge Harlan in the doctoral gown he received from his alma mater, St. John's College in Annapolis. He customarily wore this robe at academic functions at the University of

Maryland School of Law, where he lectured and served as Dean and Dean Emeritus for half a century.

Judge Harlan graduated from the Law School of the University of Maryland in 1881 and seven years later was appointed Chief Judge of the Supreme Bench of Baltimore City the day before his 30th birthday, thus making him the youngest state trial judge in Maryland history. He served for 25 years and resigned at the age of 55 to become counsel to the Fidelity Trust Company. He served on the commission which supervised the construction of this courthouse and spoke at its dedication in 1900. Judge Harlan has been credited with saving this building in February, 1904, when the great fire destroyed 140 acres of downtown Baltimore. At great peril to himself, he came here and persuaded firefighters not to detonate the buildings across Saint Paul Street, for fear that the blast would break the windows and permit embers to penetrate this building. The fire ended at Saint Paul Street and this building was saved.

And now we come to the piece de resistance, the unveiling of a portrait of Justice Thurgood Marshall by the distinguished artist, Mr. Simmie Knox.

12. JUSTICE THURGOOD MARSHALL (1908 -)

The presentation of this portrait completes the list of 12 legal giants adorning this room. The portrait had to be commissioned because there were no large portraits of a black judge or lawyer in the courthouse collection. There are

portraits of Everett Waring, the first black lawyer admitted to practice in Maryland in 1885, and of Clarence M. Mitchell, Jr., for whom this courthouse was named in 1985. However, because the size of those portraits did not match the scale of the room, they had to be ruled out. Retired Judges Solomon Baylor and Robert B. Watts undertook the project of selecting the artist to paint a portrait of Justice Thurgood Marshall. They had led and are leading a drive to raise funds for the portrait, and they urge and invite all of you to help.

Thurgood Marshall has justly been called the most influential lawyer of the twentieth century. It is true that his work in the field of human rights produced a more profound effect on American society than any other member of the legal profession in our time. That he is a Baltimorean is a source of pride to all of us. At the time the portrait was commissioned, Justice Marshall had just announced his retirement from the Supreme Court and yesterday the Senate confirmed his successor, thus rendering even more timely this tribute from the bar of his native city. Unfortunately, ill health prevents him from being with us today.

Judge Baylor and Judge Watts will now assist the artist, Mr. Knox, in the unveiling of this exquisite portrait.

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