

MSA SC 5063-2-73

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0/27/14/28

IN THE MATTER OF
HARRY B. WOLF.

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)
)
BEFORE THE
SUPREME BENCH OF BALTIMORE CITY.

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH OF BALTIMORE CITY:

The Petition of Harry B. Wolf, Respondent, respectfully shows:-

FIRST: That on September Fourteenth, Nineteen hundred and twenty-two, your Petitioner, together with a certain Walter Socolow and a certain John Keller, was presented by the Grand Jury of Baltimore City on the charge of a conspiracy to obstruct and pervert the administration of justice in connection with the prosecution of those engaged in the robbery and murder of William B. Norris, late of Baltimore City aforesaid.

SECOND: That on September Fifteenth, Nineteen hundred and twenty-two, the Executive Committee and the Grievance Committee of the Bar Association of Baltimore City preferred charges of criminal professional misconduct against the said Petitioner before your Honorable Court; and that the body and substance of said charges were identical with the accusations upon which your said Petitioner and Respondent had been presented by said Grand Jury, so that, while under accusation of a grave crime, but before indictment, the cause of this Petitioner was pre-judged and gravely jeopardized by the ex parte action of those who were not only under the most solemn professional obligations to assure to your Petitioner a fair and impartial trial, but who were, also, best advised of the prejudicial effect of their course; and this action was taken without hearing, and even without any notice to this Respondent or opportunity of denial afforded him.

THIRD: That on October Seventeenth, Nineteen hundred and twenty-two, this Petitioner was indicted with one Walter Socolow and a certain John Keller for an alleged conspiracy to obstruct and pervert the administration of justice; and that the gravamen of the indictment, and the allegations of the facts therein contained, are substantially those embraced by the charges presented to this

Honorable Court by the said Executive Committee and the Grievance Committee of the Bar Association, as will fully and at large appear by reference being had to said indictment.

FOURTH: That the allegations of criminal misconduct on the part of this Petitioner contained in the charges preferred by said Executive Committee and Grievance Committee of the said Bar Association and in the said indictment were denied, in the first instance, by the answer of this Petitioner under oath; and, in the second, by his plea of not guilty.

FIFTH: That your said Petitioner elected to be tried by the Court on the criminal charge under said indictment; and, at the conclusion of the testimony in the criminal trial and before the verdict therein, it was agreed by the Executive Committee and the Grievance Committee of said Bar Association and this Petitioner that the said charges brought for disbarment be heard and determined upon the testimony taken in the trial under the indictment aforesaid.

SIXTH: That the home of this Petitioner was a sanctuary to said Socolow, and all communications between them privileged, under the immemorial obligation of a lawyer to keep secret what passed between him and those seeking his counsel, and that this paramount duty obtains when the lawyer declines the retainer as well as when he accepted the client's offer of employment; and that this Petitioner was merely fulfilling a most elementary duty of his profession in not betraying Socolow, whom he did advise to surrender to the authorities.

SEVENTH: That the evidence relied upon to convict this Petitioner of crime is one and the same with that upon which his disbarment is sought, so that it is manifest that the ^{alleged} criminal charge of conspiracy to obstruct and pervert the administration of justice is the real ground for this Petitioner's disbarment; and that the issue of fact is identical in the criminal case and in the disbarment action.

EIGHTH: That not only is the issue of fact the same, but also the rule of evidence in the criminal trial that the traverser should not be found guilty on the testimony of a ^{alleged} co-con-

#3.

spirator, unless there be corroboration in matters material to the question of guilt, is alike the rule in disbarment proceedings, and it is a necessary consequence that the disbarment proceedings should follow and depend upon the final outcome of the criminal charge.

NINTH: That this Petitioner and Respondent was tried and convicted before five of the members of this Honorable Court, and his motion for a new trial on the ground of insufficient evidence to convict is now pending before this Honorable Court; and, if the motion be denied, this Petitioner and Respondent will appeal from the judgment in the criminal case and take, without delay, such other action as may be necessary for the sole purpose of having his innocence ultimately established.

TENTH: That if the evidence on which this Petitioner and Respondent was tried were sufficient to justify a verdict of guilty, he freely admits that he must bear the punishment of his crime, and that he should be either suspended or disbarred from practising law before your Honorable Court, as may be deemed just under all the circumstances; but, if he be guiltless, then he should be neither convicted, nor suspended or disbarred.

ELEVENTH: That your Petitioner/^{has and} will suffer a grave and obvious wrong and injustice if the disbarment proceedings, involving the same issue of fact as in the criminal case, be heard forthwith; but your Petitioner believes, and is advised, that it is not proper for him to practice his profession within the jurisdiction of your Honorable Court until the question of his guilt or innocence be finally adjudicated, and until that time your Petitioner will not so practice law.

TWELFTH: That to grant the stay asked would be, in view of the familiar newspaper propoganda against this Respondent, in accordance with every sentiment of fair play and well recognized principles of law nowhere better expressed than by the Court of Appeals of Maryland in Fountain versus State of Maryland, 135 Md. 76, where it was said of the accused at pages 83, 84, -

"It was his undoubted right to raise such an issue of fact and to have it determined by the verdict of a jury under circumstances which would enable it to exercise its independent judgment. He was entitled to have the verdict represent solely the effect of the evidence and not the influence of popular sentiment. In order that the defense interposed might be impartially considered, it was necessary that the jurors should have the opportunity to calmly weigh the evidence without having their minds distracted and dominated by undue manifestations of public hostility against the prisoner."

And as evidence of the part played in the criminal trial and now carried on your Petitioner submits herewith as part hereof newspaper clippings from the editorial columns of the "Baltimore Sun" of November 7th; of the "Baltimore American" of November 7th; of the "Baltimore News" of November 10th, and of the news column of the "Baltimore Sun" of November 5th, and of the statement of the State's Attorney of Baltimore City published in the "Baltimore News" of November 6th. wherein the State's Attorney succinctly summed up the effect of the newspaper propoganda against this Respondent, and stated

"Without publicity it is probably a fact that a conviction in this case never would have been secured. As the people's servant I know, and at this time am anxious to state, that the value of this service thus rendered cannot well be over-estimated."

The exhibits so submitted are marked respectively Exhibits A, B, C, D and E.

WHEREFORE your Petitioner respectfully prays that your Honorable Court may suspend and stay all further proceedings to disbar him until it be finally determined if he be guilty or innocent of the crime of which he has been convicted; and he requests that, if such stay be granted, your Honorable Court will make it a condition thereof that this Respondent shall not meanwhile practice his profession within Baltimore City.

And as in duty bound, this Petitioner will ever pray.

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Chas. A. Johnson
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Waldemar
Smith - Dennis
 Attorneys for Harry B. Wolf.

Harry B. Wolf
 Petitioner.

THE BALTIMORE NEWS

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This Has Not Been A Matter Of Fuss And Feathers

There is some little gossip going about of a sort that tends to show a non-realization of the seriousness of the act of which Harry B. Wolf was found guilty.

He was convicted of conspiracy to aid four murderers to escape punishment. He was convicted, furthermore, of advancing that conspiracy by means of the intimate connections he had established with certain members of the police force.

When half the Supreme Bench sat at his trial, it was because the Bench knew the importance of the case—and the importance of the case rested not in the fact that Wolf was a wealthy, prominent figure at the Baltimore Bar, but in the fact that here was the manifestation of the working of a powerful system to defeat justice.

At one end of Wolf's system stood the lawyer; at the other, approachable or amenable or stupid members of the police force. The object of Wolf's trial was to find a deterrent to such machinations for the obstruction of the law by the law's own officers.

If the public believes Wolf's disbarment on a non-criminal charge suffices for him, after he has been found guilty of a criminal charge, and if it concedes that retirement on pensions suffices for the officers who had dealings with him, then we must agree to wait for some other case before finding the deterrent sought and, by the record of this case, imperatively needed.

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BALTIMORE, TUESDAY, NOV. 7, 1922.

A NEW WARNING AGAINST THE flu comes on the heels of so many previous warnings that one is at first inclined to disregard it, either because the cry of "wolf" has been heard so often as to lose its frightfulness or because there is no point in trying to avoid the disease that is always at hand. But of course precautions against influenza are worth while. There is no sense in contracting even a mild form of the disease when mere avoidance of other sufferers would have prevented the infection; and prompt treatment of a case, once it is started, is calculated to reduce the danger which accompanies the disease. The climate of Baltimore, too, is one which encourages the generous use of fresh air and sunshine, and these two gifts of nature are of no small help to the human system in its battle with respiratory troubles; and if the incidence of influenza makes open windows and wholesome walks more popular, it will not have been in vain. We are not trying to apologize for the flu. It is an indefensible disease and a dangerous one, but precautions against it are not altogether unpleasant.

EMPLOYMENT CONDITIONS throughout the country improved greatly during the month of October, according to a report of the Department of Labor, and thereby give added point to the appeals of certain industrial leaders for more lenient restrictions with regard to immigration. There is, it is claimed or will soon be a serious shortage of common labor. One fact that bears on this situation is that in the year ended June 30 last there came to this country 32,724 immigrants classified as "laborers," while during the same period 100,058 "laborers" left America. In other words, the labor supply of the country was reduced by 67,334 in one year. This emigration of labor is serious. Whether it justifies special attempts to attract new laborers to these shores is a question which has been answered differently by different people; but it is certain that the condition which now exists should be studied with the welfare of the whole country in mind rather than solely from the point of view of those industrialists who desire to tap a supply of cheap labor.

FALLING EXPORTS. In its analysis of the slump which overtook America's foreign trade in the fiscal year ending last June, the Department of Commerce has a good deal that is justifiable to say about "general world depression." It has, unfortunately, nothing at all to say about the baneful effects of the Emergency Tariff act in contributing to this slump, unless the statement that the value of agricultural exports was little more than half that of the preceding year can be taken as such an admission. One could hardly expect Mr. Hoover to criticize the Administration on the results of an emergency tariff which has been superseded by the much more disastrous Fordney-McCumber law. But some of the explanations offered by his department are so thin that we wonder what evasion the Administration will be able to put forward next year to excuse the further trade decline certain to be produced by the present tariff law.

The simple facts given by the Department of Commerce are the most illuminating part of its survey. They show the decline during the last fiscal year in millions of dollars to have been as follows:

	Imports	Exports	Favorable Balance
1921.....	3,854	5,515	2,662
1922.....	2,808	3,771	1,163

Analyzing these figures the department rightly concludes that the tendency toward a smaller trade balance is a healthy sign. But it completely overlooks the fact that this balancing is being secured only by strangling our export even more than our import. This loss of foreign markets, due to the inability of our foreign buyers to buy from us when they can sell to us will, of course, be much more pronounced under the prohibitive tariff now in operation.

There is phraseology so misleading as to appear inspired in the statement that the above figures show "a steady increase in the ratio of imports to exports." What they actually reveal is a cataclysmic fall in exports so pronounced that it is overtaking even the sharp fall in imports caused by the rigid protectionist policy of the present Administration.

The same anxiety to put a favorable construction on unfavorable facts is evident in the department's analysis of particular features of our dwindling foreign trade. Thus decreasing exports of raw cotton are attributed chiefly to short production. Was there ever a more obvious confusion of cause and effect! Contracted exports did not follow, but preceded the cotton slump. With a tariff in operation far more drastic than that which brought about this decline, the Department of Commerce can only face the future with the pious hope of strengthening of employ-

ment in our home industries will increase home consumption in agricultural products."

Most interesting is the admission that our balance of trade with tropical countries, meaning South America, is against us to the extent of \$500,000,000. Compare that admission with a story in THE SUN of September 23, relating British expectations of gain from our new tariff. "British exporters," this said, "say they already have regained nearly all the South American trade they lost to America during the war. They think the tariff will give renewed impetus to their progress on that continent."

A true analysis of our foreign trade for the fiscal year ending last June is an illuminating preface to the story which will appear in the Fordney-McCumber tariff a year in operation.

VOTE.
We believe that the thousands of voters who failed to register in Baltimore this year now regret very deeply their self-disenfranchisement. They stand today like outsiders looking in at a scene in which they are deeply interested, but in which they can take no part, with regard to which they have tied their own hands.

These unenrolled voters may be pitied as well as condemned. But the registered voters who do not cast their ballots today deserve even greater reproach as lacking in public spirit and sense of civic responsibility. The unregistered cannot repent. They have shut the doors against themselves for this year by their negligence or indifference. The registered will have no excuse for their delinquency if they deliberately refuse to take part in today's decision.

It will be a public misfortune if the election in Baltimore and the State today should be decided by popular apathy rather than by popular conviction. A victory for either side due to the indifference of a large percentage of voters will tend to discourage all believers in democratic theories of government, and to encourage political cynics, reactionaries and the machine forces that fatten on the failure of so-called "good citizens" to do their duty.

Make voting the first and most imperative business of the day. Let that take precedence of everything else. Let it be a matter of conscience to vote. Or, if you have no conscience, let it be a matter of fear lest the other fellow with no conscience may put something over on you.

Whether you vote right or wrong, Get into the fight; don't stand aloof like a spineless or brainless creature. The very wicked will vote like the devil, and the very good will vote like angels. The political bourgeoisie shouldn't let these extremist classes put them to shame.

Vote today for the man and things that you honestly think best. Or at least give yourself the human satisfaction of hitting some head with your ballot shillalah.

THE WOLF VERDICT.

Whatever technical legal opinion may be as to the verdict of the court of five judges of the Supreme Bench in the case of the member of the bar whom they have solemnly adjudged to be guilty of conspiracy to obstruct justice, there cannot be the slightest doubt that their decision represents the overwhelming sentiment of the people of this city. It is essentially a community judgment and not merely a court judgment. For once, at least, the popular mind and the judicial mind are in accord.

There can be no doubt that public feeling has exercised a tremendous pressure in this and all the other cases growing out of the Norris murder. Rarely before in the history of this city have the people of Baltimore been so shocked, so horrified, so aroused as by the brutal crime of August 18. The intense moral reaction to it was ascribable not merely to the cold-blooded circumstances of the murder, to the high character of the victim, to the unusual ferocity of the assailant, but to the far-reaching implications of the tragedy as the case was developed from day to day. As these developments came, it seemed clear that the blow of the murderous gang was, in effect, aimed not only at Mr. Norris, but at the safety of the whole community; that it was the logical outgrowth of underworld affiliations with the upper world and with persons and agencies connected with the administration of justice. The great majority of people grew to feel that they faced a crisis of gravity and danger; that a fundamental issue of civilization was involved; that a conflict between government by law and government by the criminal and crooked elements of society must be fought to a finish; that it presented not simply the tragedy of an individual, but the majesty of law and the supremacy of civic decency and honesty, and the security of the general public.

The case thus became, in truth and fact, and not merely in name, that of the State of Maryland and the city of Baltimore against all who were brought to bar for trial. The prosecution consequently represented every respectable and law-abiding household in Maryland, and was followed with profound and personal interest in every section of the State. The detailed testimony was studied almost as carefully by readers of the newspapers as by the lawyers for the State and the defense. Rarely if ever before in Maryland has so large a jury of the people been unofficially impaneled in a case of this character. And the court verdict in every instance, it is safe to assert, has been the verdict of the outside public, except, perhaps, that the latter was sterner and more severe.

The police and the State's Attorney's office responded finely to the community demand for the vindication of law and for the dethronement of any king or kings of the underworld who might be connected with the conditions in which this crime was hatched. The force of public indignation may have quickened them into unusual activity, but the fact remains that the actual criminals were soon hunted down by the police, and that none of those accused has escaped the skill, energy and zeal of Mr. Leach and his associates. They have made a record in these proceedings that deserves recognition and praise. Mr. Leach, es-

pecially, has rendered notable service, and in the trial of Wolf showed himself the equal of some of the best lawyers in the State. His summing up against Wolf is conceded to have been particularly strong and able. He is to be congratulated for coming out of an unusually difficult series of legal struggles with flying colors in every encounter.

The testimony in the Wolf trial was a mass of contradictions. It was, to a very large extent, a battle of liars. To find the truth in all that perjured or discredited testimony the court was obliged to weigh carefully all the inherent probabilities. It was an exceedingly delicate task, and the members of the court gave it the most careful and deliberate consideration. We believe, as we have already said, that their verdict reflects the preponderating public verdict, that it would not have been reached had it not been based on logical and legal grounds, and that it is not in any sense a case of throwing a victim to the lions of popular sentiment.

Whatever be the result of Wolf's appeal, a virtual victory all along the line has been scored for law and morality. This tragic chapter in our municipal life has almost reached its end. But much still remains to be done in the way of safeguarding our future from the evil conditions and influences that made possible the existence and long immunity of such gangmen as are now safely lodged behind prison walls.

A STUPID LIE.

The lie in politics is nearly as old as the serpent, and nearly always it hurts the cause it champions more than it helps it. Therefore it is not astonishing that the Ku Kluxers, or bigots of the same brand, should attempt to get votes for Senator France by placing in Annapolis and Anne Arundel county with the false statement that "Bruce is a Catholic. Vote for the Protestants."

Mr. Bruce is an Episcopalian. But what do either religious fanatics or tricky politicians care for the truth? It is Senator France, however, and not Mr. Bruce who should worry because of this stupid lie. It will probably add several thousand to Mr. Bruce's vote. What fools campaign liars are! From Burchard, with his "rum, Romanism and rebellion," to the Annapolis asses, they have always contrived to get their candidates in wrong.

IS CUPID SHOOTING A POISONED ARROW?

The ex-Emperor of Germany has been "a king of shreds and patches" for nearly four years, and it would be difficult to say whether he is now regarded with more contempt or detestation in his own country. Stripped of the power and pagantry which were his when Germany seemed about to dominate the world, he has shrunk into a very small and ignoble figure in the eyes of many former friends as well as foes. Whatever may have been his personal share in the conflict in which so many human beings perished, his punishment is, in a way, more severe than that of the Czar of Russia. The latter's agony passed quickly, at least. To the ex-German Emperor has come something like the fate of Tantalus. Close to the scenes of his old glory and grandeur, he must spend his remaining years in futile regrets, in vain longings, in continued reminders of the completeness and abjectness of his fall. From the lofty rôle of partnership with divinity, he has become the object of almost universal ridicule. Divested of his stage properties, many consider him too small even for scorn. Could fate have devised a more lingering and exquisite form of wretchedness?

It is not unnatural under the circumstances that he should have lured a partner into his cage, nor is it extraordinary that he should have found a woman willing to share his mock majesty. His bridal trap was cunningly baited to catch the feminine imagination of friends of the old empire.

As to William himself, he is no more to be criticized for marrying a second time than any other fool old man. He has not the strength and nobility of character to meet his disaster alone. He tries to recoup a small measure of happiness through the aid of a woman. Many another man has made the same experiment, and the affair, whether it end in ban or blessing, is his own. Possibly destiny is relenting a little in the ex-Kaiser's case. Or, perhaps, it is adjusting another instrument of torture to the rack on which he is stretched.

SUNBEAMS.

—It isn't true patriotism unless it can cheer madly as a national deficit passes by.

—We wonder at times if Henry Ford could take over prohibition and make a success of it.

—Almost any man who keeps three cars and ten servants can tell you what a living wage is.

—Whether the Filipino is capable of self-government will depend wholly upon the extent of his oil fields.

—One nice thing about psychology as a topic of conversation is that the other fellow doesn't know anything about it, either.

What You Are To The Clothing Salesman.

From the Kansas City Star.
Do you know what you are in the eyes of the clothing salesman? You may conceive yourself to be a tired business man, a retired capitalist, a leader in your profession, an honest workman, a prominent citizen, a gentleman and scholar or our leading bootlegger. But to him you are none of these. He sizes you up at once and classifies you as one of the "fats" or one of the "slims," one of the "shorts" or one of the "longs," one of the "regulars" or one of the "stubs." I have long known of this complimentary classification in the lingo of the trade, but I was a bit surprised this morning to find a clothing advertisement thus frankly listing us.

An Open Question.

From the Houston Post.
George Beban, the actor-producer, denies that he ever said that 80 per cent of our movie actresses are beautiful but dumb; thus leaving it an open question what is really the matter with 80 cent of our movie actresses.

The Baltimore American

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TUESDAY, NOVEMBER 7, 1922.

Harry B. Wolf's Conviction

Harry B. Wolf has been convicted of conspiracy to obstruct justice. However prominent a figure he has been in criminal practice in Baltimore city, whatever his wealth, the conviction of Harry B. Wolf, the man, means very little. He was powerful; he had powerful friends. His position was such that his indictment and trial on any serious charge at all would have constituted a *cause celebre*; but the case would have been merely the counterpart of thousands that have been written into the records of personal guilt.

From August 25 on this paper pursued a course regarding Harry B. Wolf that it never would or could have pursued against any man as an individual. It was not the man, it was an institution typified by Wolf, whose prosecution we were demanding. Everybody knows, if only by instinct, that the lawyer's title is sometimes made use of to cover devices and activities, not for the protection of the innocent from conviction, but for the protection of the guilty from punishment. Every city that investigates crime conditions finds one condition to be the activity of the criminal lawyer whose efforts to effect the escape of the criminal the courts seem wholly unable to combat. There is so much that is done in the way of putting legal methods to perverted use. There is much, perhaps, even exceeding the legalistic in amount, that goes on under cover that one knows is being done without knowing how, that one cannot put one's finger upon, yet the results of which are shown every day in the failure of justice to reach some manifest evildoer. The practice of criminal law can be honest and legitimate, and the clean criminal lawyer is a necessity. There is another sort of criminal law that lies in the twilight zone between the legalistic balking of justice and outright support and protection, if not actual encouragement, of criminality. It was that that The American sought to reach, and from August 25 on it had reason to believe that in Harry B. Wolf it had found its embodiment.

The courts have justified the course followed. Whether Mr. Wolf's prosecution would have been attempted had this paper and The News not kept steadily before the public, but without exaggeration or direct accusation, the facts that constituted a *prima facie* case against him, we do not know. But that publicity did make prosecution possible, for without it one can hardly believe that Mr. Leach would have been able to keep his hands on young Keller for two months. The evidence in this trial showed every intention on Mr. Wolf's part to get him out of custody at the earliest possible moment. Publicity, too, tore Mr. Wolf loose from anchors he had emplaced, apparently within the Police Department itself, and certainly on other strong holding grounds. But that publicity was not aimed at the man; it was aimed at the pernicious thing he stood for and which had to have anchors out in police and politics to flourish.

We get in the trial a pretty full picture of the unscrupulous criminal lawyer. We find him so in touch with crime at large that the detective anxious for promotion instinctively and hopefully turns to him for a friendly tip as to where to look for a particular group of felons. We find him telling the murderer Socolow that he ought not to have murdered anybody—that he himself would have loaned him a couple of hundred dollars if he was hard up; such are his intimacies with the class from which he draws his clients. We find a politician, with information pertaining to the Norris murder, turning to

Wolf to find out what he should do with it; a fair presumption being that he was in doubt as to whether the lawyer would want it given to the police or for his own use, or, if it were given to the police at all, where it could be turned in to Mr. Wolf's best professional advantage. We find him, rather than the police, turned to for first-hand information by a newspaper; and we find him feeding the reporters of that paper for three days with stories of the imbecility of the police in suspecting the murder to have been done by the Socolows whom he would so willingly have helped out with a loan; it was an outside job. And we find the paper his unwitting tool in spreading those stories to the public and shaking the confidence of the police in their own clues.

And that is just a glimpse; a glimpse through one little hole torn in the great dark curtain by one crime. Another crime, the hole would have been in some other part of the curtain, a different bit of the stage would have appeared, other *dramatis personae* would have taken the roles of the Levertons and Hammerslas and Kellers and Socolows. But one picture or another, what's the odds? the whole is the powerful criminal lawyer running his tentacles out through the machinery of the law to obstruct justice; an ally for professional gain of crime.

Wolf is not the only man of that sort. Every city has one like him, and every city has, perhaps, a score of emulators of the prototype. In all the work of the State prosecutor's office none is more difficult than this, of their detection and pursuit through to conviction. Let a police administration be as honest and persevering as it may, how is it to prevent the detective off duty from wandering to his friend, the criminal lawyer's house, in search of the tip that will win him promotion and passing, perhaps, the return tips of what is known about the cases of the lawyer's own clients? In everything else, as in that, the thing operates secretly, silently, leaving no traces that seem worth following.

But to follow them is the one way of reaching the thing and killing it; and that is the way pursued by the officers of justice in this city. Baltimore has succeeded in doing what other cities have longed and failed to do. To every man, from the Chief Judge of the Supreme Bench through to the humblest official who had a hand in extracting from the shadowy clues against Mr. Wolf the mass of solid facts, making up in number what they missed in individual importance, that rendered any line of defense that Mr. Wolf might take untenable, this community owes sincere thanks.

Crime surveys innumerable might be had; but in this assertion and proof that the law cannot be beaten and isn't going to be beaten, the greatest blow possible has already been delivered.

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John Keller Promised Immunity By Leach, Attorney Lake Says

Reported To Have Considered Repudiating Confession Involving Wolf—Wants To Return To School—Youthful Ganster Offered Four Positions Upon His Release.

Despite the silence of Robert F. Leach, Jr., State's Attorney, concerning the ultimate disposal of the conspiracy charges against John Keller, 17-year-old "tip-off" boy in the William B. Norris murder case, Lewis W. Lake, Keller's counsel, let it be understood that before he testified Keller had been promised immunity by the State's Attorney. Keller is jointly charged with Harry B. Wolf, criminal lawyer, and Walter Socolow, actual slayer of Mr. Norris, with conspiracy to defeat justice.

"I can't discuss what will eventually become of Keller," Mr. Leach said.

Lake Declares Him Immune.

Mr. Lake was more concise. He said Keller, by turning State's evidence in the Wolf trial, automatically became immune from punishment for his part in the alleged conspiracy. He noted that Mr. Leach had promised to secure a position for Keller following the trials of principals and accessories in the Norris murder and had promised Keller every support.

Mr. Lake during the Wolf trial, Mr. Lake, the State's Attorney said, had assisted the State in every way and had not attempted to interfere with the State's handling of his client. Mr. Lake was retained the Friday before Wolf's trial to defend Keller by Mrs. Rose Keller, the boy's mother. She is said to be ill because of the strain of the past few weeks.

Reconsidered Confession.

It became known yesterday that Keller at late as last Thursday was undecided whether to protect Wolf and repudiate his confession of the visit to Wolf's house or to continue at State's witness. Herbert R. O'Connor, Assistant State's Attorney, visited the boy

at the Central Police Station last Thursday afternoon. He found Keller sitting thoughtfully on the side of his cot. For a long time after Mr. O'Connor's entry into the room the boy did not speak.

"Are all the judges straight?" he finally asked Mr. O'Connor. "Can they be reached?"

When Mr. O'Connor told the boy of the integrity of the bench, Keller then explained his question. Had he seen the least loophole in the bench, or known of any sympathy for Wolf by any of the judges, he is declared to have told Mr. O'Connor, he would have protected him, calling his own confession "a pack of lies."

Mr. Leach said yesterday that four prominent business men have taken an interest in the boy. They have offered to employ him when he is released and to assist him until he becomes 21 years old. These men now are negotiating with Mr. Leach. The choice will be left to Keller himself.

Three Wish To Adopt Boy.

Three women, one of them said to be socially prominent, whose names Mr. Leach will not disclose, have offered to adopt Keller. Mr. Lake said yesterday several women approached him in the courtroom on the subject, but he advised them to wait until after the trial. He was to have discussed the matter with Mrs. Keller yesterday.

Mr. Lake saw Keller yesterday afternoon about the adoption. Keller made no decision. He told Mr. Lake he wished to return to school and finish his education, protesting against being sent to St. Mary's Industrial School or the Maryland School for Boys. Keller noted that Carey, Lewis and Smith had once been at St. Mary's Industrial School, calling it the "school of criminals."

VERDICT ON WOLF... To Occupy Block DISTILLERY

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BALTIMORE

EVENING, NOVEMBER 6, 1922

WOLF FO

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A STATEMENT BY THE STATE'S
ATTORNEY

State's Attorney Robert F. Leach, Jr., who built up and prosecuted the case against Harry B. Wolf, made this statement today:

"In securing this great step toward the restoration of decent conditions in the administration of law and order, the service of The Baltimore News and The American should not be lost sight of.

"Very early in the development which led to the result just attained the management of those two papers sensed not only the importance of the situation to the entire people, but what is more important, they also sensed the difficulty of bringing to light all the facts and circumstances involved.

"Without publicity it is probably a fact that a conviction in this case never would have been secured.

"As the people's servant I know, and at this time am anxious to state, that the value of this service thus rendered cannot well be overestimated."

WILLIAM CARP ROBERT

BEFORE THE
BENCH OF BALTIMORE CITY.

IN THE MATTER OF HARRY B. WOLF.

PETITION OF HARRY B. WOLF.

Mr. Clerk,-

Please file.

J. Neal Parke
Wm. H. Robinson
Wheeler Smith
H. D. ...

Attorneys for Harry B. Wolf.

Filed
Nov. 13th 1922

IN THE MATTER OF
HARRY B. WOLF.

:
: BEFORE THE SUPREME BENCH
: OF
: BALTIMORE CITY.

A N S W E R.

To the Honorable, the Judges of Said Court:-

The Answer of Harry B. Wolf to the Petition purporting to have been filed by the Executive Committee and the Grievance Committee of the Bar Association of Baltimore City and verified by the affidavit of Edgar A. Poe, President of said Association, respectfully shows:-

FIRST: That this Respondent has no personal knowledge of most of the matters and facts stated in said Petition and sworn to as aforesaid, nor does he credit as satisfactory evidence thereof the current newspaper reports and gossip apparently relied upon by the Complainants, nor does he believe guilt should be imputed to him because this Respondent has not engaged in fruitless controversy with the press, although he welcomes the opportunity to be heard by a fair and impartial tribunal.

This Respondent proposes before your Honors to detail under oath in full every fact and incident known to him, and pertinent to this proceeding at the hearing, and he is confident that whatever may be the present attitude of the press and of the general public, neither the Court nor the body of the legal profession will ascribe any unethical conduct to this Respondent by reason of his failure to make newspaper denials, at a time when public controversy on the eve of the trial of the accused is neither respectful/nor proper to the Court from any point of view.

SECOND Specifically, this Respondent,

(A) Denies emphatically and unequivocally the allegations of the Petition in toto, wherein it is charged that John Keller, or anyone else for that matter, arranged with this Respondent by telephone (or otherwise) for a meeting and conference the said night (or for any time) at his home between this Respondent and said Socolow and Keller, or anyone else.

(B) He denies that said Socolow and Keller remained in conference with him for two hours or were harbored by him.

(C) He denies that it was his business, duty or right under the circumstances to apprehend the said Socolow or to inform the police of said Socolow's whereabouts.

(D) He emphatically denies that he ever conspired or connived directly or indirectly with either or both to perpetrate a fraud or to make an untruthful statement to the police, or any others, at any time or under any circumstances whatsoever, or that he ever heard, knew or thought of any such scheme, purpose or suggestion.

(E) This Respondent submits that the said Socolow, or anyone else desiring the services of a lawyer has a right to such service, and it necessarily follows he has the same right to seek, and, if possible, engage counsel, whether this Respondent or any other lawyer; and whether this Respondent took the said Socolow's case or not he, the said Respondent, in no event had any right to disclose any fact or incident, under the circumstances, as to Socolow or his visit.

WHEREFORE, This Respondent says he is not guilty of professional misconduct and did not, as charged, - "Knowing that Walter Socolow was charged with murder and that a warrant for his arrest had been issued", "received him at his" (the Respondent's) "house under an appointment, harboring him there for two hours or more, connived at his escape, and made no effort to communicate with the police, or to assist in any way in his apprehension or arrest"; and

This Respondent says he is not guilty of wrongdoing, and that he did not as charged "Conspire with and aided and abetted Walter

#3.

Socolow and John Keller, in attempting, by false and fraudulent statements, to interfere with the due and proper administration of justice, and to enable the said Socolow to elude punishment".

WHEREFORE, this Respondent respectfully prays that said Petition be dismissed.

AND, as in duty bound, etc.

J. W. Robinson

Samuel K. Deane

Travis Nealbaum

Gravelle Bice

} attor-
neys
for
Respondent

Harry B. Wolf
Respondent.

STATE OF MARYLAND, CITY OF BALTIMORE, TO-WIT:

I hereby certify that on this 20 day of September, in the year Nineteen hundred and twenty-two, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Harry B. Wolf and made oath in due form of law that the matters and facts stated in the foregoing Answer are true to the best of his knowledge and belief.

WITNESS my hand and notarial seal.

Gravelle Bice
Notary Public.

Before the
Supreme Bench
of
Washington City

In the matter
of
Harry B. Wolf

Answer

W. C. Clark

Chase file

Legal & Business

Waldwick

Atty for Respondent

Filed

SEP 25 1922

IN THE MATTER OF
HARRY B. WOLF.

(BEFORE THE SUPREME BENCH
(
(OF BALTIMORE CITY.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Executive Committee and the Grievance Committee of the Bar Association of Baltimore City feel it their duty to prefer charges of professional misconduct, amounting also to criminal wrong-doing against Harry B. Wolf, a member of the Baltimore Bar.

The charges grow out of the following facts, about which there would appear to be no dispute, after a careful investigation.

On Friday morning, August 18th, William B. Norris was brutally murdered and robbed, at the corner of Madison Street and Park Avenue, by a gang of five men, who escaped in an automobile bearing a Maryland License Tag numbered _____.

The next morning Harry B. Wolf assures the State authorities that he will use every effort in bringing about the arrest and conviction of the guilty parties. Several men are picked up by the police, among them James L. (Wiggles) Smith and Charles P. (Country) Carey, and held for further investigation.

On Monday, August 21st, Frank J. Allers, for whom the police were looking, surrenders himself and the next day makes a full confession, in which he states that Walter Socolow was the man who

actually killed Norris and that Hart, 'Wiggles' Smith, 'Country' Carey and himself were parties to the crime.

The confession appeared in the morning and afternoon papers of Wednesday, August 23rd, and was most prominently featured.

The City and surrounding country were scoured for Socolow and Hart, who were still at large and in hiding. Late that same afternoon, ----- (August 25rd), John Keller, aged seventeen years, who for four or five days had been supplying Socolow and Hart with food, newspapers and information and assisting them generally in escaping detection arranges with Wolf over the telephone for a meeting and conference that night at Wolf's home on Park Heights Avenue between Wolf, Socolow and himself. Socolow and Keller arrive in a cab after night-fall and remain in conference with Wolf and are harbored by him in his home for over two hours and during that time are furnished with food. It is manifest that the time was not passed in idle conversation.

Wolf had previously represented Socolow in a criminal charge and Keller was also known to him, as were Allers and Smith and Carey.

Socolow and Keller left Wolf's residence about 10 p. m. and no attempt whatsoever was made by him to apprehend them, or to inform the police of their presence or whereabouts, although Wolf subsequently admits that he was not acting as their attorney, and had previously assured the State authorities that he would co-operate fully with them.

A few minutes after the departure of the criminals, Wolf telephones Captain Leverton of the Police Department, with whom he was on most intimate terms, to be at his office the next morning at 9 O'clock as he would have some important information for him in the Norris case.

There is, however, no mention whatsoever during this telephone conversation of the recent visit of Socolow and Keller, nor is there any intimation or suggestion from Wolf that might aid the police in apprehending

a dangerous, desperate and eagerly sought after murderer whose mere remaining at large was in itself a menace to the community.

Captain Leverton, according to appointment, appears next morning, August 24th, at Wolf's office and Wolf, still keeping silent about the conference at his house the night before and knowing, of course, of Keller's intimacy with and loyalty to the murderer Socolow, and that Keller, if given an opportunity would do all in his power to break down the force of Allers' confession, which fastened the crime on Socolow, Keller's friend, turns Keller over to Leverton, ostensibly to aid the State's case and impliedly vouching for Keller's reliability, so far as his (Wolf's) actual knowledge went. Keller proceeds to tell where the money box and automobile license tag can be found - matters of absolutely no importance or benefit in the detection or future conviction of the murderer - and having thus established himself with the police authorities, informs them about his meeting on Sunday night, August 20th, two men whom he had never seen before, but could now recognize, one calling himself "Chicago" and the other "Boston", who gave him money to go with them and get out of a garage a money box and an automobile license tag, which were subsequently thrown into a pond, to which pond he leads the police and from which the articles are recovered.

The next and natural step, of course, on the part of the police is to ascertain whether Keller can identify any of the men under arrest as "Chicago" or "Boston". He fails to recognize anyone until he comes to Allers, whom he promptly proclaims to be "Chicago". He does not, however, stop there, but adds that on that same Sunday night he had overheard "Chicago" say to "Boston" - "Now is the time to put the frame-up on Socolow 'Woggles', 'Country' and Hart.

This alleged statement, if credited, completely destroyed the force of Allers' previous confession fastening the actual murder on Socolow and demolished the State's case against the parties being held for the crime. Later on Keller admits that the whole story is a lie and that it was a product of the brain of Socolow to offset Allers' confession, and that Wolf had been conferred with at his house the previous night and had put him (Keller) in communication the next morning with Leverton in order that the plot might be successfully carried through.

Keller's confession was promptly brought to the attention of Wolf by the reporters of the daily press and he was given every opportunity to make a statement in denial or explanation. None has been forthcoming except a false one, in so far as it relates to Keller, that 'he was not responsible for people who came to his office without his knowledge or consent'.

Since then the public press, by innuendo or direct assertion has charged Wolf with being a party to, if not the originator of the fraud that Keller attempted unsuccessfully to practice upon the State authorities in order to defeat the administration of justice and to prevent the punishment of those guilty of taking human life wantonly, deliberately, and in the commission of highway robbery, and yet he has continued to remain silent, although under every possible inducement to speak out and clear himself of the most serious charge that could be made against a lawyer and citizen.

Although the facts above recited should be immediately examined into by the present grand jury, either of its own motion or at the instance of the State's Attorney, the solemn duty, also

rests upon the Bar Association of Baltimore City to bring formally to the attention of the Supreme Bench the gross professional misconduct and the criminal wrong-doing of Harry B. Wolf as an Attorney at Law and a member of the Baltimore Bar, as evidenced by said facts.

We accordingly charge Harry B. Wolf as a member of the Baltimore Bar,

First:- With professional misconduct in that - knowing that Walter Socolow was charged with murder and that a warrant for his arrest had been issued - he received him at his house under an appointment, harbored him there for two hours or more, connived at his escape and made no effort to communicate with the police, or to assist in any way in his apprehension or arrest.

Second:- With criminal wrong-doing in that - he conspired with and aided and abetted Walter Socolow and John Keller, in attempting, by false and fraudulent statements, to interfere with the due and proper administration of justice, and to enable the said Socolow to elude punishment.

WHEREFORE the Executive Committee and the Grievance Committee of the Bar Association of Baltimore City pray the Court to lay a rule upon the said Harry B. Wolf requiring him to appear and answer and show cause, if any there be, on or before some day certain to be named in said rule, why his name should not be stricken

from the roll of attorneys of this Court, and he be disbarred from the practice of law in any of the Courts of Baltimore City, or why such other punishment, as to this Honorable Court may seem proper, should not be administered.

And as in duty bound, etc.

THE EXECUTIVE COMMITTEE
AND THE GRIEVANCE COMMITTEE
of the Bar Association of
Baltimore City,

By

Edgar Allan Poe
President.

STATE of MARYLAND :
: To-Wit:
CITY of BALTIMORE :

I HEREBY CERTIFY that on this 14 day of Sept 1922, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared EDGAR ALLAN POE, President of the Bar Association of Baltimore City, and made oath in due form of law that the matters and facts set forth in the foregoing Petition are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Carl M. Kaurick
Notary Public.

ORDER.

Upon the foregoing Petition and affidavit, it is ORDERED this 15 day of September, 1922, by the Supreme Bench of Baltimore City that Harry B. Wolf answer the foregoing Petition and show cause, if any there be, on or before the 25 day of September, 1922, why his name should not be stricken from the roll of attorneys of this Court, and he be disbarred from the further practice of law in the Courts of Baltimore City, or why such other punishment should not be administered to him, as may to this Court seem proper, provided a copy of said Petition and of this Order be served upon him on or before the 20 day of September, 1922.

James P. Gorter
Judge.

Charles H. Hunsley

Henry Sussay

Walter J. Dankies

H. Arthur Stump

James M. Cumber

Robert F. Stanton

Charles F. Otter

Erie Hunsley

Carroll J. Bond

BEFORE THE SUPREME BENCH OF
BALTIMORE CITY.

IN THE MATTER OF
HARRY B. WOLF.

(Yaffe) Ref. 12481 m

Filed
SEP 15 1922

Copy of the within Petition and Order of Court served on Harry B. Wolf
on the 15th day of September 1922, in presence of Maurice I. Yaffe.

Thomas F. McHally

Sherrill

IN THE MATTER
of
HARRY B. WOLF

BEFORE
THE SUPREME BENCH
OF BALTIMORE CITY

The record in the above entitled case, which by agreement of counsel is the transcript of testimony taken in the case of State of Maryland vs. Walter Socolow, John Keller and Harry B. Wolf (Docket 1922, No. 2526) in the Criminal Court of Baltimore, having been ~~thoroughly studied~~ ~~and~~ together with argument of counsel fully considered: It is now by the Supreme Bench of Baltimore City, this 27th. day of November, 1922, adjudged and ordered that the said Harry B. Wolf, heretofore admitted to practice as attorney or solicitor before the several Courts of Baltimore City, is guilty of the charges preferred against him and that therefore he be, and he is, hereby disbarred from further practice before the said Courts. And the Clerk is hereby directed to strike the name of Harry B. Wolf from the roll of attorneys of this Court.

James P. Grier
Charles H. Hensler
Henry S. Saffoy

Walter P. Dawkins
H. Arthur Stamp

Carroll J. Bond
James M. Guebler
Robert J. Stanton
Charles F. Sten
C. F. Sten

Disbarment of
Harry D. Wolf

Filed
November 28th 1922

TO THE HONORABLE, THE JUDGES OF THE

SUPREME BENCH OF BALTIMORE CITY:-

THE PETITION OF HARRY B. WOLF RESPECTFULLY

REPRESENTS:

1.- That for many years he was a member of the Bar of this Honorable Court.

2.- That on November 6, 1922, he was convicted in the Criminal Court of Baltimore of participation in a conspiracy to obstruct justice.

3.- That as a result of said conviction of said misdemeanor he was fined one hundred dollars (\$100).

4.- That as a further result of said conviction, he was disbarred from the practice of his profession.

5.- That your petitioner has bowed to the sentence of this Court.

6.- That the subsequent disbarment proceedings were based solely and exclusively upon the misdemeanor for which he was fined one hundred dollars (\$100).

7.- That your petitioner submits that he and his wife and children have been subjected to every species of humiliation (worse than death itself) by reason of his disbarment.

8.- That your petitioner has suffered enough punishment.

Your petitioner, therefore, prays that the sentence of disbarment imposed by this Honorable Court may be removed, and that he may be reinstated to membership in this Bar.

And as in duty bound, etc.,

HARRY B. WOLF
Petitioner

HARRY M. BENZINGER

SHIRLEY CARTER

JULIUS H. WYMAN

HENRY D. HARLAN

SAM K. DENNIS

RANDOLPH BARTON, JR.

CHARLES F. HARLEY

Counsel for Petitioner

November 30, 1925

To the Honorable Judges of the Supreme Bench
of Baltimore City.

Gentlemen:

In the matter of the petition for
reinstatement of Mr. Harry B. Wolf as a member of the
Bar, will you permit us to say that in our opinion he
has been sufficiently punished and that we shall be
glad, if, by your judgment, he is permitted to resume
the practice of the law in Baltimore City?

Very respectfully,

CHAS. W. HEUISLER

JAMES M. AMBLER



TO THE HONORABLE, THE JUDGES OF THE

SUPREME BENCH OF BALTIMORE CITY:-

THE PETITION OF HARRY B. WOLF RESPECTFULLY

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And as in duty bound, etc.,

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Petitioner

SHIRLEY CARTER

HENRY D. HARLAN

RANDOLPH BARTON, JR.

HARRY M. BENZINGER

JULIUS H. WYMAN

SAM K. DENNIS

CHARLES P. HARLEY

Counsel for Petitioner

November 30, 1925

To the Honorable Judges of the Supreme Bench
of Baltimore City.

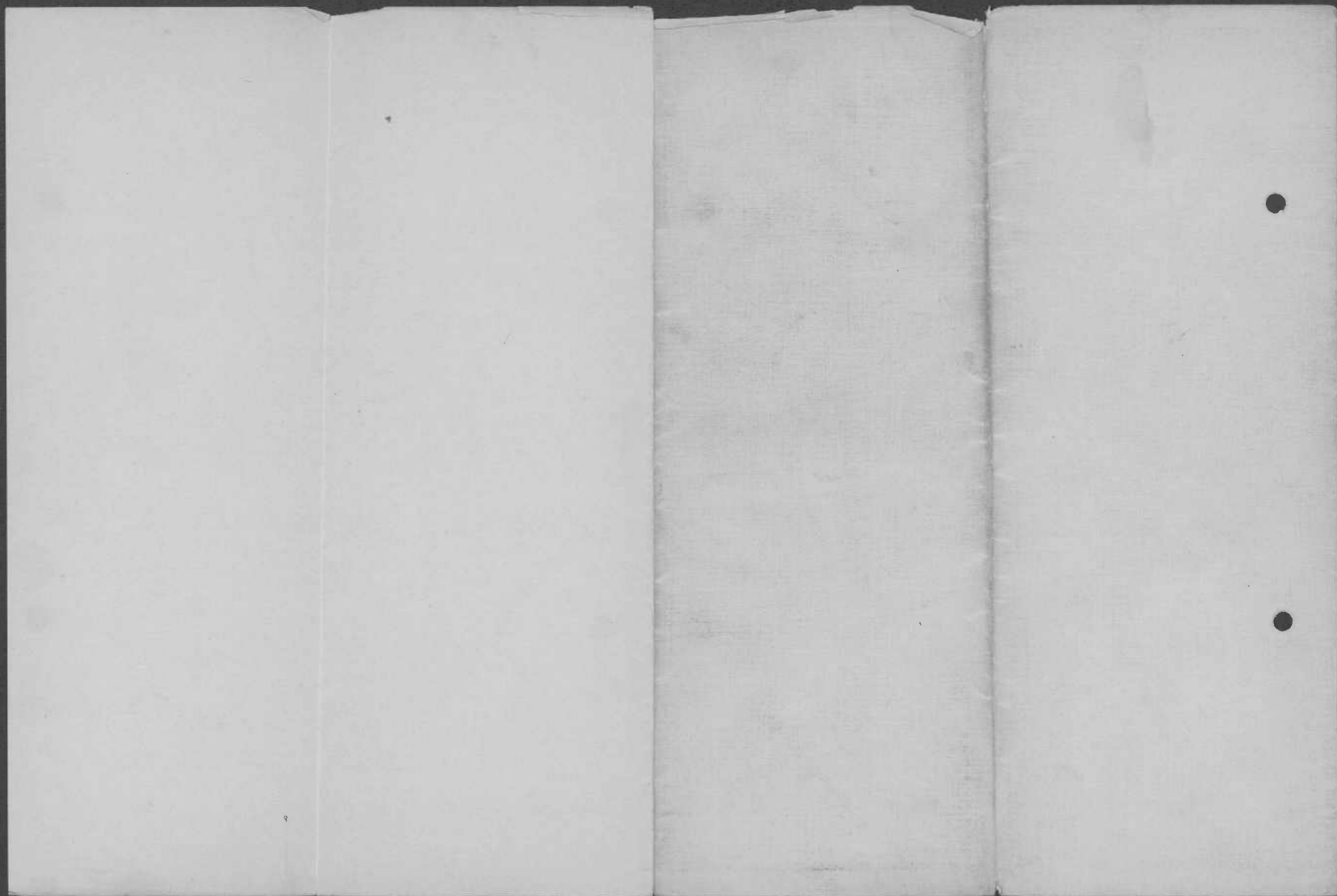
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the practice of the law in Baltimore City?

Very respectfully,

CHAS. W. HEUISLER

JAMES M. AMBLER



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3.- That as a result of said conviction of said misdemeanor he was fined one hundred dollars (\$100).

4.- That as a further result of said conviction, he was disbarred from the practice of his profession.

5.- That your petitioner has bowed to the sentence of this Court.

6.- That the subsequent disbarment proceedings were based solely and exclusively upon the misdemeanor for which he was fined one hundred dollars (\$100).

7.- That your petitioner submits that he and his wife and children have been subjected to every species of humiliation (worse than death itself) by reason of his disbarment.

8.- That your petitioner has suffered enough punishment.

Your petitioner, therefore, prays that the sentence of disbarment imposed by this Honorable Court may be removed, and that he may be reinstated to membership in this Bar.

And as in duty bound, etc.,

HARRY B. WOLF
Petitioner

HARRY M. BENZINGER

SHIRLEY CARTER

JULIUS H. WYMAN

HENRY D. HARLAN

SAM E. DENNIS

RANDOLPH BARTON, JR.

CHARLES F. HARLEY

Counsel for Petitioner

November 30, 1925

To the Honorable Judges of the Supreme Bench
of Baltimore City.

Gentlemen:

In the matter of the petition for
reinstatement of Mr. Harry B. Wolf as a member of the
Bar, will you permit us to say that in our opinion he
has been sufficiently punished and that we shall be
glad, if, by your judgment, he is permitted to resume
the practice of the law in Baltimore City?

Very respectfully,

CHAS. W. HEUISLER

JAMES M. AMBLER

BANK BOND

TO THE HONORABLE, THE JUDGES OF THE

SUPREME BENCH OF BALTIMORE CITY:-

THE PETITION OF HARRY B. WOLF RESPECTFULLY
REPRESENTS:-

1.- That for many years he was a member of the
Bar of this Honorable Court.

2.- That on November 6, 1922, he was convicted in
the Criminal Court of Baltimore of participation in a
conspiracy to obstruct justice.

3.- That as a result of said conviction of said
misdemeanor he was fined one hundred dollars (\$100).

4.- That as a further result of said conviction,
he was disbarred from the practice of his profession.

5.- That your petitioner ~~is not aware of any~~
~~intent on his part to obstruct justice,~~ but that he has bowed
to the sentence of this Court.

6.- That the subsequent disbarment proceedings
were based solely and exclusively upon the misdemeanor for
which he was fined one hundred dollars (\$100).

7.- That your petitioner submits that he and his
wife and children have been subjected to every species of
humiliation (worse than death itself) by reason of his disbar-
ment.

8.- That your petitioner has suffered enough
punishment.

Your petitioner, therefore, prays that the

sentence of disbarment imposed by this Honorable Court may be removed, and that he may be reinstated to membership in this Bar.

And as in duty bound, etc.,

Harry R. Wolf
Petitioner.

Harry M. Benzinger

Philey Carter

Julius H. Hyman

Henry D. Hartman

Samuel K. Dennis

Charles S. Harley
Counsel for Petitioner.

Charles S. Harley
Counsel for Petitioner.

November 30, 1925.

To the Honorable Judges of the Supreme Bench
of Baltimore City.

Gentlemen:

In the matter of the petition for
reinstatement of Mr. Harry B. Wolf as a member of the
Bar, will you permit us to say that in our opinion he
has been sufficiently punished and that we shall be
glad if, by your judgment, he is permitted to resume
the practice of the law in Baltimore City?

Very respectfully,

Charles W. Keiser,
James M. Bebler

Petition of
Harry D. Wolf
for reinstatement
to the Bar of the
Supreme Bench
of
Baltimore City
————— " —————

Filed DEC 18 1925

IN THE MATTER
of
HARRY B. WOLF

)

IN THE
SUPREME BENCH
OF BALTIMORE CITY.

- - - - -

RESOLVED that the Bar Association of Baltimore City
be authorized to intervene in the matter of the application of
Harry B. Wolf for reinstatement as a member of the Bar of this
Court, and to proceed in this Court as it may deem proper.

Resolution
in re.
Harry D. Wolf's
Petition for
Reinstatement

Filed Dec 21st 1925

BEFORE THE SUPREME BENCH OF BALTIMORE CITY

.....
IN THE MATTER OF THE
PETITION OF HARRY B. WOLF
FOR REINSTATEMENT TO MEMBERSHIP
IN THE BALTIMORE BAR.
.....

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH OF BALTIMORE CITY:

The Bar Association of Baltimore City protests against the granting of the application of Harry B. Wolf for reinstatement to membership in the Baltimore Bar upon the following grounds:

The crime of which he was convicted was one of the most serious which a lawyer could commit, and one which by its nature implies a peculiar unfitness to be a member of the bar, viz; that of a criminal conspiracy to enable a murderer to escape arrest, conviction, and punishment, by communicating false information to the authorities, intended to divert suspicion from the real criminals.

He was found guilty of such crime by the unanimous verdict of five Judges of the Supreme Bench; and his disbarment proceeding, as well as his motion for a new trial, was heard and unanimously decided upon the record of the evidence given at his trial, including his own testimony, by the entire Bench, to each one of whose members he was personally known, and before nearly all of whom he had practiced actively for many years. The judgment convicting him of said crime was subsequently affirmed by the Court of Appeals. All possible leniency was extended to him in the sentence imposed for such crime, in that he was sentenced to pay only a nominal fine instead of a jail or penitentiary sentence such as might have been imposed; and the reason given by the Court for such sentence was that his disbarment as an attorney would make up for the apparent insufficiency of such a sentence, in so grave a case.

His disbarment, however, was not intended, as assumed in his petition, as a punishment for wrongdoing which might be expiated by

suffering caused by such punishment; but was ordered because of his manifest unfitness, upon the entire record which was before this Bench, to be further entrusted with the office of attorney, and because of the necessity of upholding the standard of requirements to membership in the bar, as an example to others who might be tempted to deviate therefrom.

He is therefore no more fit to be a member of the Bar than he was at the time of his disbarment in 1922; and his reinstatement as a member would more than destroy the salutary effect which his conviction and disbarment have had upon the maintenance of the standards of the Bar.

Respectfully,

Bar Association of Baltimore City,

By Jesse H. Bowen
President.

Thomas Cook

Wm. H. Harbury

Raymond A. Leonard

Charles Melt. Howard
COUNSEL.

BEFORE THE SUPREME BENCH
OF
BALTIMORE CITY.

IN THE MATTER OF THE PETITION
OF HARRY B. WOLF FOR REIN-
STATEMENT TO MEMBERSHIP IN
THE BALTIMORE BAR.

ANSWER OR PROTEST OF
BAR ASSOCIATION OF BALTIMORE
CITY TO PETITION FOR REIN-
STATEMENT.

*In Clerk
Please file*

*Wm. Cash
Wm. Sharkey
Eugene Allant or
Charles H. Howard
ans. to Bar Ass
of Baltimore
Filed DEC 31 1925*

ANNOUNCEMENT OF DECISIONS

Motion
for
New Trial

In the case of the STATE OF MARYLAND vs HARRY B. WOLF, the Supreme Bench has decided that the motion for a new trial must be overruled; and an order has been signed to that effect.

Disbarment
Pro-
ceedings

The Supreme Bench has further decided that the charges laid before the Bench by the Bar Association of Baltimore against Harry B. Wolf, have in their essential parts been sustained by the evidence, and that Harry B. Wolf must consequently be disbarred from further practice as an attorney before the courts of Baltimore City; and an order has accordingly been signed to that effect.

*
*

SENTENCE

Sentence

This case of the STATE OF MARYLAND vs HARRY B. WOLF, in the Criminal Court of Baltimore City, now coming up for sentence, the judges who sat in the trial have concluded that inasmuch as the traverser has by the same transaction incurred the penalty of disbarment from the further practice of his profession, he will be sufficiently punished on the whole by that penalty and a fine of ~~1000~~ ^{Nominal \$100.-} in addition. Accordingly the sentence of the court in this case is that the traverser shall be fined the sum of ~~1000~~ \$100.-

To M

BEFORE THE SUPREME BENCH OF BALTIMORE CITY

.....

IN THE MATTER OF THE
PETITION OF HARRY B. WOLF
FOR REINSTATEMENT TO MEMBERSHIP
IN THE BALTIMORE BAR

.....

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH
OF BALTIMORE CITY:

The Bar Association of Baltimore City in pursuance of the authority given it to intervene in the above matter by resolution of the Supreme Bench of Baltimore City, protests against the granting of the application of Harry B. Wolf for reinstatement to membership in the Baltimore Bar, for the following reasons:

As stated in his petition, a similar application was heretofore filed by him and subsequently withdrawn, after protest had been filed by this Association against the granting of such application; and as, in his present petition, he asks that his former application may be taken as a part of the present one, this Association repeats the protest which it then made, which was in the following terms:

"The crime of which he was convicted was one of the most serious which a lawyer could commit, and one which by its nature implies a peculiar unfitness to be a member of the bar, viz, that of a criminal conspiracy to enable a murderer to escape arrest, conviction and punishment, by communicating false information to the authorities, intended to divert suspicion from the real criminals.

"He was found guilty of such crime by the unanimous verdict of five Judges of the Supreme Bench; and his disbar-

ment proceeding, as well as his motion for a new trial, was heard and unanimously decided upon the record of the evidence given at his trial, including his own testimony, by the entire Bench, to each one of whose members he was personally known, and before nearly all of whom he had practiced actively for many years. The judgment convicting him of said crime was subsequently affirmed by the Court of Appeals. All possible leniency was extended to him in the sentence imposed for such crime, in that he was sentenced to pay only a nominal fine instead of a jail or penitentiary sentence such as might have been imposed; and the reason given by the Court for such sentence was that his disbarment as an attorney would make up for the apparent insufficiency of such a sentence, in so grave a case.

"His disbarment, however, was not intended, as assumed in his petition, as a punishment for wrongdoing which might be expiated by suffering caused by such punishment; but was ordered because of his manifest unfitness, upon the entire record which was before this Bench, to be further entrusted with the office of attorney, and because of the necessity of upholding the standard of requirements to membership in the bar, as an example to others who might be tempted to deviate therefrom.

"He is therefore no more fit to be a member of the Bar than he was at the time of his disbarment in 1922; and his reinstatement as a member would more than destroy the salutary effect which his conviction and disbarment have had upon the maintenance of the standards of the Bar."

His present application alleges, as an additional reason for his reinstatement, that he was not aware of any intent on his part to violate the law at the time of his conviction. As the crime of which he was convicted was of the nature above stated, and one which necessarily involved the

element of a criminal intent, any ignorance on his part that such action was a violation of the law, would be of itself an additional reason why he should not hold the office of a member of this Bar.

For the reasons stated in its former protest, and ~~quoted~~ ^{repeated} above, and for the additional reason disclosed by his present application, this Association therefore protests against his reinstatement.

Respectfully,

Bar Association of Baltimore City

By *George W. Hill*
President.

Vernon Cook

Ernest Allan 1952

Wm. Marbury

Charles M. Howard
COUNSEL.

7

BEFORE
THE SUPREME BENCH
OF
BALTIMORE CITY

IN THE MATTER OF THE
PETITION OF HARRY B. WOLF
FOR REINSTATEMENT TO MEMBERSHIP
IN THE BALTIMORE BAR.

Protest of Bar Association
of Baltimore City against rein-
statement.

*Mr Little, Clerk
Please file
Vernon Cook
Edgar Allan Poe
Wm L. Mumby
Charles McH. Howard
Council
for Bar Association*

*Filed
Jan'y 9th 1929*

WHEREAS, heretofore, to wit, on the 12th day of January in the year 1926, a resolution was duly passed by this Commission, opposing the reinstatement at the Bar of Harry B. Wolf, and approving the action of the Bar Association of Baltimore City in opposing such reinstatement; and

WHEREAS, at that time, a copy of said Resolution was sent to the Bar Association of Baltimore City and to the Supreme Bench of Baltimore City; and

WHEREAS, on December 13, 1928, the said Harry B. Wolf filed another petition before the Supreme Bench of Baltimore City, asking for reinstatement as a member of the Bar; and

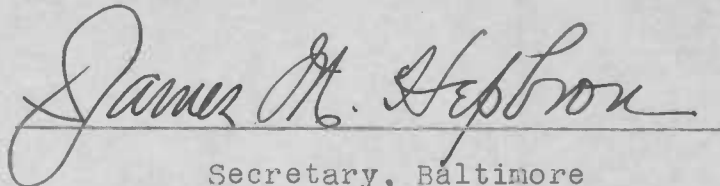
WHEREAS, at a meeting of this Commission held on the 17th day of December in the year 1928 James M. Hepbron, Managing Director of this Commission, was directed to make a full report regarding Harry B. Wolf to this Commission, which report has been made, approved and duly filed; and

WHEREAS, this Commission was originally formed as a result of the murder of William B. Norris on August 18, 1922, and of the criminal activities then prevalent in the City of Baltimore;

NOW, THEREFORE, BE IT RESOLVED: that the Baltimore Criminal Justice Commission, representing twenty-two of the business, civic and professional organizations of Baltimore City, hereby opposes the reinstatement to the Bar of Baltimore City of Harry B. Wolf and requests that the matter be finally set at rest by an order of dismissal.

BE IT FURTHER RESOLVED: (1) That a copy of this resolution be sent to the Bar Association of Baltimore City; and (2) that an application be filed, on behalf of this Commission, with the Supreme Bench of Baltimore City for leave to intervene in the case in which the present application for reinstatement filed by Harry B. Wolf is now pending.

I HEREBY CERTIFY that the foregoing is a copy of a resolution passed by the Baltimore Criminal Justice Commission at its meeting of Directors held on the 9th day of January, in the year 1929.



Secretary, Baltimore
Criminal Justice
Commission

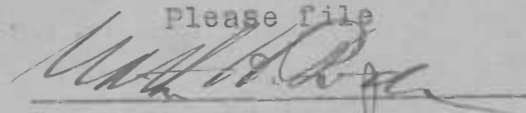
BEFORE THE SUPREME BENCH
OF BALTIMORE CITY

IN THE MATTER
OF THE PETITION OF HARRY B.
WOLF FOR REINSTATEMENT TO
MEMBERSHIP IN THE BALTIMORE
BAR, FILED DECEMBER 13, 1928

EXHIBIT A
FILED WITH PETITION OF
BALTIMORE CRIMINAL JUSTICE
COMMISSION.

Mr. Clerk:

Please file



Attorneys for Petitioner

*Filed
Jan'y 11th 1929*

TO THE HONORABLE, THE JUDGES OF THE
SUPREME BENCH OF BALTIMORE CITY:

The PETITION of Harry B. Wolf respectfully
represents:

That he heretofore filed his application for rein-
statement for membership in the Baltimore Bar, and he now de-
sires to withdraw said application for reinstatement.

WHEREFORE he prays your Honors to pass an order per-
mitting him to withdraw said application heretofore filed, said
withdrawal to be without prejudice.

And as in duty, etc.,

Harry M. Blazinger
Julius F. Fryman
Phirley Carter

Le Dennis
Charles F. Harley
Attorneys for Petitioner

Upon the foregoing petition, it is by the Supreme
Bench of Baltimore City, ORDERED this *6th* day of *February*,
1926, that leave be granted to said Harry B. Wolf to ~~withdraw~~ *dismiss*
his petition for reinstatement; and it is further ORDERED that
said ~~withdrawal~~ *dismissal* of the petition filed by said Harry B. Wolf
shall be without prejudice.

Henry Daffy
Robert F. Dun
Joseph N. Newman
Robert J. Stanton
George F. Tolson
Chas. H. ...
Superior

2
PETITION of HARRY B. WOLF

to withdraw application

for reinstatement, and

Order of Court

Filed

Feb. 6th 1926

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH
OF BALTIMORE CITY:

The PETITION of Harry B. Wolf respectfully
represents:

1. That for many years he was a member of the Bar of this Honorable Court.
2. That on November 6, 1922, he was convicted in the Criminal Court of a misdemeanor, and as a result of said conviction he was fined one hundred dollars and disbarred from the practice of his profession.
3. That your petitioner filed an application for reinstatement as a member of the Bar, but upon leave of this Court was allowed to withdraw his petition for reinstatement heretofore filed, and prays that the same may be taken as a part of this, his petition for reinstatement as a member of this Court.
4. That your petitioner was not aware of any intent on his part to violate the law at the time of his conviction and he has always lived up to the standards of morality and honesty.

Your petitioner therefore prays that the sentence of disbarment imposed by this Honorable Court may be removed, and that he be reinstated to membership in this Bar.

And as in duty, etc.,

Samuel J. Fisher
Harry M. Benjamin
Julius H. Ryan
James S. Stanley
Lawrence H. Perkins
Counsel for Petitioner

Harry B. Wolf
Petitioner

Harry B. Wolf,
Petition for
Reinstatement
as a member of
The Baltimore Bar.

Filed DEC 13 1928

MSA

SC

5063-2-73

folder 2 of 2

0/27/14/29

IN THE MATTER OF THE PETITION OF ; BEFORE THE
HARRY B. WOLF ;
FOR REINSTATEMENT TO MEMBERSHIP ; SUPREME BENCH OF
IN THE BALTIMORE BAR FILED ;
DECEMBER 13, 1928 ; BALTIMORE CITY

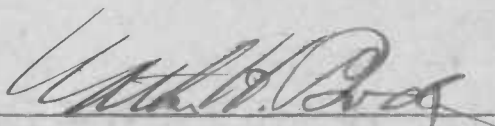
THE PETITION of The Baltimore Criminal Justice Com-
mission respectfully shows:

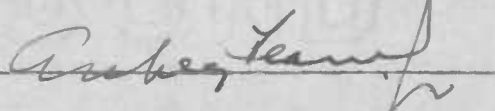
1. That your Petitioner is a corporation duly incor-
porated under the laws of the State of Maryland, the objects and
purposes for which your Petitioner was formed being to promote and
secure an intelligent and efficient administration of criminal
justice in Baltimore City, through constructive and helpful co-op-
eration with all officers and tribunals charged with the adminis-
tration thereof.

2. That at a meeting of the Directors of your Petition-
er duly called and held in the City of Baltimore, on the 9th day of
January, in the year 1928, a report regarding the activities of
Harry B. Wolf having been made to the Directors of your Petitioner,
and having been duly approved, and said Directors being of the
opinion that the reinstatement to the Baltimore Bar of the said
Harry B. Wolf would have a harmful effect on the efficient adminis-
tration of criminal justice in Baltimore City, a resolution was
duly passed opposing the reinstatement to the Bar of Baltimore City
of the said Harry B. Wolf and directing that an application be
filed on behalf of your Petitioner before this Honorable Court for
leave to intervene in the case in which the present application for
reinstatement filed by Harry B. Wolf is now pending; and a duly cer-
tified copy of said resolution is filed herewith, marked Petition-
er's Exhibit A.

3. That thereafter the attorneys signing this petition, both being directors of your Petitioner, were authorized and directed to file an application for leave to intervene, as hereinbefore referred to.

WHEREFORE, your Petitioner prays that an appropriate order be passed in the premises.

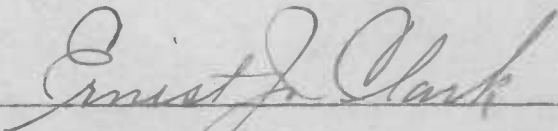





Attorneys for Petitioner,
Baltimore Criminal Justice
Commission.

STATE OF MARYLAND,
CITY OF BALTIMORE, TO WIT:

I, ERNEST J. CLARK, President of The Baltimore Criminal Justice Commission, the Petitioner described in the foregoing Petition, do hereby make solemn oath that the statements of fact therein contained are true, according to the best of my knowledge, information and belief.



SUBSCRIBED AND SWORN TO before me this *Tenth*
day of January, in the year 1929.



Notary Public

BEFORE THE SUPREME BENCH
OF BALTIMORE CITY

IN THE MATTER OF
THE PETITION
OF
HARRY B. WOLF
FOR REINSTATEMENT
TO MEMBERSHIP IN THE
BALTIMORE BAR,

FILED DECEMBER 13, 1928

PETITION OF
BALTIMORE CRIMINAL JUSTICE
COMMISSION.

Mr. Clerk:

Please file

Walter H. Buck
Curley Stewart

Attorneys for Petitioner

LAW OFFICES OF
WALTER H. BUCK
609 UNION TRUST BUILDING
BALTIMORE

FILED

January 11th 1929

THE DAILY RECORD CO., BALTIMORE, MD.

In the Matter of
the Petition of
Harry B. Wolf
for reinstatement
to membership in
the Baltimore Bar

Before the
Supreme Bench
of
Baltimore City

An order of the Supreme Bench
of Baltimore City has been passed
this second day of February 1929
denying the petition of the Baltimore
Criminal Justice Commission to
intervene in the above case.

I hereby dissent from said order.

Joseph N. Uleman

Before the
Supreme Bench of
Baltimore City

In re
Petition of
Harry B. Wolf.

Order of Dissent

In Clerk -

Please file

Joseph N. Wilson

In the Supreme
Bench of Balti-
more City

The application of the Baltimore Crime Commission to intervene in the matter of the petition of Harry B. Wolf for reinstatement as a member of the Bar of this Court was read and considered.

It is the sense of the Court that all of the evidence bearing on this inquiry herein may be adequately brought to the attention of the Court through the medium of the Bar Association now already a party to these proceedings. There are already two parties to these proceedings and all evidence properly admissible on either side may be adequately presented to the Court through the medium of counsel already representing the respective parties before the Court.

The application for leave to intervene is, therefore, hereby denied this second day of February, 1929.

H. Arthur Stump

Walter P. Danker
Robert F. Starke

Charles F. Stein

Richard

Walter Young

George A. Salton

Albert J. Stevens

Public Commission
Intervention denied

Re. H. D. Wolf.

Filed
February 2nd 1919

In the Matter of)	(Before the
The Application of)	(Supreme Bench
Harry B. Wolf)	(of
For Reinstatement as a)	(Baltimore City
Member of the Baltimore Bar)	(

DISSENTING OPINION

This Court filed an order herein on February 2, 1929, from which order I filed a notation of my dissent. Said order denied the Petition of the Baltimore Criminal Justice Commission to be made a party to these proceedings.

1. - The Baltimore Criminal Justice Commission is a quasi-public corporation of proven respectability, integrity, and public usefulness. It has a special interest in the subject matter generally inherent in this case, -- the administration of criminal justice in Baltimore. Its directorate includes leaders in civic affairs; its counsel in this case are among the leaders of the Bar, -- one of them a former president of the local Bar Association.
2. - The Petition of the Criminal Justice Commission indicates that the Commission may have sources of evidence and certainly does have a point of view which bear upon the merits of this case in a special manner which may differ from that represented either by counsel for the Petitioner (Mr. Harry B. Wolf) or by counsel for the Bar Association. Implicit in the petition of the Commission is the idea that the public has an interest in the manner of the administration of Crim-

inal Justice; and that such interest may require the consideration of this case from an angle and with possible ramifications which ~~will~~^{may} not be presented by either or both of the parties now on the record.

3. - The distinction adverted to above is subtle and may not be altogether convincing. It may be well said that the interest of the Bar Association comprehends not only the integrity of the bar but the welfare of the public. Yet, to anybody familiar with the forensic method it is evident that precisely such subtle shadings of difference in view-point are often productive of wide divergences in presentation. Hence, the suggestion in the majority opinion (or order) of this Court does not seem to me to be valid.
4. - The Supreme Court of the United States is an example of a Court which, in recent years, has welcomed, in cases charged with a public interest, the participation of representatives of the public. The Supreme Bench of Baltimore has, by its order in this case, denied such participation in a case the importance of which should make the Bench avid to secure all the light which can be had from every possible respectable source.

These are the reasons for my dissent.

Joseph N. Ullman

Before the Supreme Bench of Balti-
more City

In the Matter of
The Application of
Harry B. Wolf
For Reinstatement as a
Member of the Baltimore Bar

DISSENTING OPINION

Mr. Clerk:

Please file.

Joseph N. Hewan
JUDGE

Filed

FEB 6 1929

Mailed
to all
Council of Record.

Supreme Bench
of
Baltimore City

February 14th., 1929,

Dear Sir:-

The Supreme Bench has directed me to notify
you that the case **IN THE MATTER OF HARRY B. WOLF**
will be heard Monday, February 18th., 1929, at 10.00
A. M. in the Court-room of the Supreme Bench.
Room #301.

Yours very truly

Stephen C. Little
Clerk.

First English Lutheran Church

MARTIN LUTHER ENDERS, D. D., PASTOR



PARSONAGE

NORTH CHARLES AT 39TH STREETS

PHONE UNIVERSITY 0463

BALTIMORE, Feb. 24 1929

To the Members of
The Supreme Bench of Baltimore City
Baltimore - Md.

Gentlemen -

Entirely unsolicited may
I speak a word in behalf of Mr.
Harry Wolf who seeks re-instatement
in the Baltimore Bar.

As a pastor in the state of Maryland
for nearly thirty years and having
some knowledge of this matter, may

I venture to say that it seems
to me that for the sake of the
man himself, his family and
connections, that justice has

First English Lutheran Church

MARTIN LUTHER ENDERS, D. D., PASTOR



PARSONAGE

NORTH CHARLES AT 39TH STREETS

PHONE UNIVERSITY 0463

BALTIMORE, _____ 192

certainly been satisfied and at this
time justice, with all propriety, could
be tempered with mercy.

Please believe me when I say that this
letter is written entirely from my own
feelings in this matter.

With personal regards - I am -

Yours sincerely

M. L. Enders -

Rev. M. L. Eiders.

Letter in favor of
H. B. Wolf.

Filed 25, Feb'y 1929

IN THE MATTER OF THE
PETITION OF
HARRY B. WOLF.

IN THE SUPREME BENCH
OF BALTIMORE CITY.

This matter coming on for hearing, the arguments of counsel for the respective parties were heard, on being submitted, the proceedings were by this Court read and considered,

It is thereupon this 25th day of February, 1929, ORDERED by the Supreme Bench of Baltimore City that the application of said Harry B. Wolf for reinstatement as a member of the Bar of the Supreme Bench of Baltimore ^{city} be and the same is hereby denied, and the said petition and the same is hereby dismissed.

N. Arthur Stump,
acting Chief Judge.

Walter J. Dawson,

Robert J. Stanton

Charles F. Stein

in absentia

Hubert Young

George A. Salts

Joseph N. Newman

Albert J. Brown

In the Supreme
Bench of Balti-
more City

In the matter of
the petition of
Harry J. Wolf
for reinstatement
as a mem-
ber of Bar of
the Supreme
Bench of Balti-
more City

Order

Filed

February 25th 1929

IN THE MATTER OF
THE PETITION OF
HARRY B. WOLF

*
*
*
*

BEFORE THE
SUPREME BENCH OF
BALTIMORE CITY

* * * * *

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH OF BALTIMORE CITY:

The petition of Harry B. Wolf respectfully represents:-

1. Your Petitioner is a citizen and resident of Baltimore City, State of Maryland, being now fifty-nine years of age and having resided in said City and State all his life.
2. In the year 1901 your Petitioner was admitted to the Bar of this Honorable Court and he continued to be a member of and a practitioner at said Bar until the year 1922. On November 6, 1922, he was convicted in the Criminal Court of Baltimore City of a misdemeanor and as a result thereof he was fined One Hundred Dollars (\$100.00). Following said conviction, he was disbarred from practice by this Honorable Bench.
3. By the provisions of Chapter 370 of the Acts of the Assembly of Maryland of the year 1937, there was added to Article 10, of the Code of General Laws of Maryland, a new section, titled Section 12 and providing as follows:

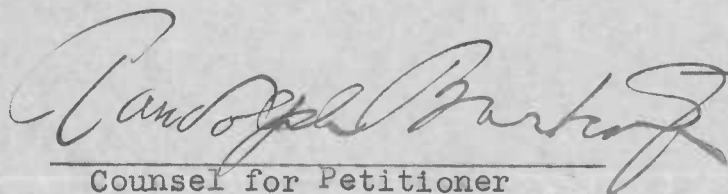
"12. Any attorney heretofore or hereafter suspended or disbarred from the practice of his profession in this State because of the conviction of any misdemeanor, who may have been or may hereafter be pardoned for such misdemeanor by the Governor of this State, shall, upon application to the Court which issued the order of suspension or disbarment, be entitled to be reinstated as a member of the Bar in good standing; provided the Court, to which said application may be addressed, shall be satisfied that during the period of his suspension or disbarment he has not violated the provisions of Section 11 of this Article, and that he is otherwise worthy of reinstatement. The provisions of this Article relating to hearing and appeal in proceedings for suspension and disbarment shall be applicable to proceedings for reinstatement under this section."
4. Your Petitioner now represents that on the 10th day of July, 1935, the then Governor of Maryland issued and granted your Petitioner a full and complete pardon for the aforesaid misdemeanor

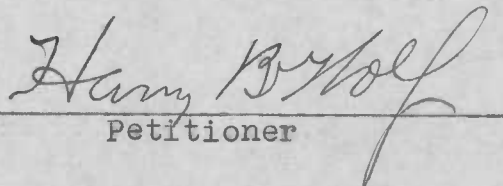
and in accordance with the provisions of the aforesaid Section 12 of Article 10, your Petitioner now respectfully prays that he shall be reinstated as a member of this Bar in good standing.

5. Your Petitioner further represents that during the period of his disbarment, he has not in any respect violated any of the provisions of Section 11 of said Article 10 and that he is otherwise worthy of reinstatement.

WHEREFORE your Petitioner respectfully prays that the sentence of disbarment imposed by this Honorable Bench may be removed and that he may be reinstated to membership in this Bar.

AND as in duty, etc.


Counsel for Petitioner


Petitioner

BEFORE THE SUPREME BENCH OF
BALTIMORE CITY

IN THE MATTER OF THE
PETITION OF
HARRY B. WOLF

PETITION FOR REINSTATEMENT

Mr. Clerk:

Please file.

Randolph Barkley
Counsel for Petitioner

BARTON, WILMER, BRAMBLE, ADDISON & SEMANS
ATTORNEYS AT LAW
806 MERCANTILE TRUST BLDG.
BALTIMORE, MD.

Filed Nov. 2, 1939

IN THE MATTER OF : BEFORE THE
THE PETITION OF : SUPREME BENCH
HARRY B. WOLF : OF BALTIMORE CITY

.....

TO THE HONORABLE, THE JUDGES OF THE SUPREME BENCH
OF BALTIMORE CITY:

The Bar Association of Baltimore City, in pursuance of the request of the Supreme Bench that counsel be designated to represent it in the above matter, having designated or appointed the undersigned counsel for that purpose, respectfully protests against the granting of this, the third application of said petitioner for reinstatement to membership in the Baltimore Bar; upon the following grounds and for the following reasons:

Protestant begs to refer to its protests heretofore filed to said two previous applications, which are on file among the records of this Court, and without here repeating the grounds against reinstatement which are therein set forth, prays that the same may be considered in connection with the present application as fully as if the same were repeated and set forth in full, and submits that they are equally true and applicable with respect to the petition now filed. It also begs to refer, in connection with said objections and its present protest, to the record of the original disbarment proceeding and of the evidence upon which such disbarment was ordered, all of which is on file in said original disbarment proceeding before the Judges of this Court.

The only new ground alleged in the present petition as entitling the Petitioner to reinstatement, is that in July 1935 Petitioner procured from the Governor a pardon for the misdemeanor of which he was convicted in the Criminal Court of Baltimore City in 1922, and that by an Act of the General Assembly of 1937 (Chapter 370 of said Acts), it has been provided that any attorney heretofore disbarred from practice because of the conviction of any misdemeanor, who might then have been or might thereafter

be pardoned for such misdemeanor by the Governor, shall upon application be entitled to be reinstated as a member in good standing, provided the Court shall be satisfied that during the period of his disbarment he has not violated the provisions of Section 11 (as enacted by Acts of 1929, Chapter 370) of Article 10 of the Code (prohibiting disbarred or suspended attorneys from practicing law during their disbarment or suspension), and that he is otherwise worthy of reinstatement.

Protestant respectfully submits that the effect of said statute is at most to entitle a disbarred attorney who has been disbarred solely upon the ground of conviction of a misdemeanor, who has been pardoned, and who applies for reinstatement, to have his application considered as if he had not been convicted of such misdemeanor; and that the true intent of said statute was not to provide that an attorney disbarred upon evidence of gross misconduct who may have been also convicted of a misdemeanor for all or part of such misconduct, should upon receiving a pardon, be entitled to reinstatement merely because of such pardon, provided that the Court should find that he has not practiced law since his disbarment, and has otherwise so conducted himself as to be worthy of reinstatement; irrespective of such special unfitness as the evidence upon which he was disbarred may have shown for being a member of the Bar of this Court.

And Protestant respectfully submits that if the statute were to be given a different construction, as one intended to compel this Court in such cases to reinstate a former member of its bar, that then such statute would be unconstitutional and void, as an unwarranted invasion of the Judicial Department, by the Legislature and Executive.

As will readily appear by reference to the original disbarment proceedings, Petitioner was not disbarred merely because he had been convicted of a misdemeanor, but because the en-

tire Bench found from the evidence upon which the charges of professional misconduct against him had been heard, that such charges of gross misconduct as a member of the Bar had been sustained. The fact that by agreement the charges upon which his disbarment was sought, were heard by this Bench upon the record of the evidence taken in the criminal proceeding against him which was tried before five members of the Bench sitting in the Criminal Court, did not render the judgment of the entire Bench disbaring him, a disbarment because he had been convicted of a misdemeanor, within the terms of said statute.

This will further appear by a bill to amend said section, which was passed by the last Legislature, manifestly as a part of the extraordinarily persistent efforts which have been made to procure the reinstatement of the Petitioner, but which was vetoed by the Governor (Acts 1939, Ch. 316). This bill proposed to add following the words "because of the conviction of any misdemeanor," the words "or upon evidence resulting in such a conviction"; and to substitute for the words "and that he is otherwise worthy of reinstatement," the words "and his conduct has been otherwise creditable."

This protestant therefore respectfully submits that the reasons advanced in its protests against the two former applications for reinstatement made by Petitioner are still applicable to his present petition, and with equal force.

If however this Honorable Court should be of the opinion that the only question left for its determination by said statute is whether or not during the period since his disbarment (and the statute contains no requirement as to how short or how long such period may have been) Petitioner has not practiced law, and has behaved himself in such manner that his subsequent conduct shows no sufficient reason or ground why he is not worthy of reinstatement, then it is respectfully submitted that Petitioner

should be required to establish by evidence his general allegations in that respect, and should be required to give a sufficient account of said matters, under oath, and subject to cross-examination.

Respectfully submitted,

BAR ASSOCIATION OF BALTIMORE CITY,

By Robert J. Jance
President.

Ben J. D. Cross

Charles Melt Howard

Frederick J. Singler

Raymond S. Williams
Counsel.

BEFORE THE
SUPREME BENCH
OF BALTIMORE CITY

IN THE MATTER OF THE PETITION

OF

HARRY B. WOLF

PROTEST OF BAR ASSOCIATION OF
BALTIMORE CITY

Filed Nov. 28, 1939

(NOTE.) This memorandum was dictated by me at the luncheon recess hour, Friday Jan 5th, on the completion of Mr Singley's argument, he being the third speaker for the Bar Association.

It was transcribed and handed to me just before the completion of Mr Bartons reply argument. It was intended to be subject to any change the argument of Mr Howard or Mr Bartons reply might occasion. It was not found necessary to make any change. It was accordingly read to the Bench and filed with the acting Chief Judge at the executive session Friday afternoon, Jan 5.

SUPREME BENCH OF BALTIMORE CITY

January 5, 1940.

IN THE MATTER OF PETITION
OF HARRY B. WOLF, FOR REINSTATEMENT
AT THE BAR

EUGENE O'DUNNE§ J:

In the impressive argument made by Mr. Singley, of counsel for the Bar Association, he repeatedly stressed and emphasized the fact that in the action of this Bench on previous applications of the Petitioner, the orders were unanimously, and that not one Judge at any time had ever filed any dissent to break the unanimity of the Bench procedure.

In executive session, we of the Bench know that oftentimes for the mere appearance of uniformity, minority judges not only failed to dissent, but oftentimes signed the actual orders, the passage of which they have vigorously fought in executive session.

In view of the argument ^{Today} of Mr. Singley, and such ~~implica-~~ tions as may follow from action of that character, I am constrained to formally file my dissent to the overruling of the present petition which I think ought to be granted and that the Petitioner ought to be reinstated.

It is not necessary for me to travel from Dan to Beersheba as to the history resulting in his disbarment in November 1922.

I am willing to assume that on the record then before the Court, that he was rightly convicted and justly sentenced by wise, humane, and conscientious Judges.

The charge was conspiracy to obstruct justice, as to misleading the Police as to evidence in the then notorious murder case in which Norris was the victim and in which the Petitioner was not counsel. The sentence of the Court was a fine of \$100. The distinction between that and a parole is but slight in character. It is argued that the sentence was imposed because of the fact of disbarment which had already been passed, and that it must not be regarded as an inconsistency on behalf of the trial Court as applied to the evidence. Be that as it may, even if it be regarded as an apparent inconsistency, it would not be the only inconsistency in connection with the then trial of that case.

In the pleadings of the Bar Association and in the argument of counsel for the Bar Association, much of the sinister activity of the witness Keller was attributed to the Petitioner Wolf. Keller was a half-wit crook of the first water, who later recanted his testimony and became in effect a self-confessed perjurer, and subsequently did other sentences for commission of new crimes. The nature and character of this witness was not fully revealed on the charge of the petitioner on the original conspiracy charge, and all he could do at that time was to deny under oath the things attributed to him by Keller.

All of that was way back in 1922, and it is not the function

of this Court at this time on these proceedings to in any wise review the merits of that trial.

In July 1935, as the pleadings and the testimony show, a full pardon was granted by the Governor of Maryland to the present Petitioner.

It is suggested in the pleadings of the Bar Association counsel and further emphasized by artful implication in the argument of counsel for the Bar Association, particularly in Mr. Singley's argument, that the Petitioner Wolf was responsible for the introduction or passage of the Act of 1937 and for the vetoed Act of 1939. The evidence before the Bench, however, uncontradicted in character as it is, is to the effect that the 1937 Act was introduced by a member from Howard County, for a case in his Circuit, but Mr. Singley says in argument that the member in that Circuit whom the bill would fit is dead. He fails to give or suggest any date of death or who the individual was. The testimony of the petitioner Wolf is to the effect that he had nothing to do with the introduction of the bill, but that after hearing of its introduction and thinking that it might be helpful to his own aspirations, he naturally furthered the passage of it by encouraging any friends of his who spoke to him on the subject to further its passage, and it might well be assumed that he even went further than that to encourage its passage.

The Petitioner was disbarred in November 1922, upon the record submitted of the testimony in the Criminal Court in the conspiracy to obstruct charge, on which he was convicted.

Since that time he has paid a terrible and disproportionate penalty, not only in monetary loss, but far greater, in mental anguish,

indescribable in character.

On the testimony now before us at this hearing, he stands wrecked today in finances, in health, and in spirit. He has some \$250,000 financial obligations, which the banks are carrying, and their officers are here testifying before us, unequivocally in character, as to their faith in his integrity and his veracity.

He has a wife and family, with two sons at the Bar, both in active practice and in partnership, the one until lately an Assistant City Solicitor. The Petitioner himself is getting along in years, having come to the Bar in 1901. As a result, no doubt, of what he has gone through in the last 18 years, he stands before us today partly paralyzed, blind in one eye, wrecked in fortune, but full of spirit and hope and clinging tenaciously to the desire to lift the stigma of the 1922 disbarment, not only for his own sake, but for the sake of posterity and especially for his two sons at the Bar, and for a third in the medical profession, and a fourth whose career is as yet unfixed.

Here is where I raise my Ebenezer, and these are the "stones of help" on which it is predicated, if I may quote from what I think is the book of Samuel. Petitioner was convicted in 1922 of a conspiracy to obstruct the orderly administration of justice in the Norris murder case, in which he was not of counsel, and which murder of Norris made the whole town see red.

It was a day when there was laxity in public justice. The efficient administration of the Criminal law had broken down in our community, and the Courts of our City can not now escape their full share of the responsibility for the conditions that then obtained.

Neither can this Supreme Bench, which at all times had the authority to assign to the Criminal Court such number of Judges as were necessary for the efficient enforcement of the criminal law. There were at that time some 2500 untried Criminal cases congesting the dockets in the Criminal Court. I speak from personal knowledge of the times, and from a vivid recollection of deplorable conditions then obtaining. Men languished in jail for six months on murder charges, while they anxiously awaited trial. I was counsel in one such case at the time. I had petitioned the Judge of the Criminal Court for his right to a speedy trial under the Constitution and was told in effect to get in line and wait my turn on the docket of 2500 untried cases. When that murder charge finally came to hearing, it was shown that due to the inefficiency of policing, and because of the stupidity of station house magistrates, the defendant was "inadvertently" charged with the crime of murder in the first degree because he had interceded at the police call box, as to why the officer was arresting a friend of his the officer then had in charge, and this was considered by the Police officer as interfering with the orderly administration of justice and he was booked at the station house on the charge of murder. Of course, when the case finally came to trial he was promptly released, with neither an apology nor restitution for the six months incarceration.

As previously stated the Norris murder case in 1922 made the town see red, and it took the blood of a Norris to awaken a somnolent Supreme Bench, which when thus awakened, opened as many as five parts of the Criminal Court for the trial of the congested docket of 2500 criminal cases, which were then promptly dispatched,

and from that time to this, to the Honor and credit of this Bench and to the then and ^{Subsequent} present State's Attorneys, has ^{since} been kept ^{the docket} clear as perhaps no criminal docket in any city of our size in the United States.

The public press of that day made a Roman holiday of the situation, and ran rough-shod over the Courts, which failed to raise their powerful arm to curb their inroads on public justice. The then action of the public press was so brazen in character that it was well calculated to hinder and impede the orderly administration of public justice. It was a far worse offender in that respect than the charge that was made against the Petitioner Harry B. Wolf. Yet, under the reign of almost lynch law, of the variety described, was he brought to trial. A fair and an impartial trial by a jury of his peers was out of the question, because the newspapers had so poisoned the public mind against the defendant Wolf that a trial by jury would have been an idle ceremony. They had already stabbed him in the back across the bar of justice, leaving gaping wounds from which he could not recover. All that time the judges assigned to preside in his trial looked complacently on, but took no action to defend or protect him from such assaults.

"Here ran Casius' dagger through, and see what a rent the envious Casca made."

At that time neither the Bar Association nor the Courts on their own initiative, or otherwise, took any step to prosecute or punish a worse form of impeding or obstructing the orderly administration of justice than the defendant Wolf himself was accused of.

It would shock the public conscience of today, as it has

been educated by the work of Judge Niles and Judge Frank in the Criminal Court in 1939, to read the files of the press in 1922, including the editorial columns. Every responsible editor and publisher of the local daily press ~~than~~ thus offending, should have been promptly sent to jail, but the Courts of that day lacked the courage, "to act as becometh a Court" -- to use the words of Lord Coke. Let those who are now interested in the question examine the press files of that day, and I say that they will have just cause to blush for the supine inactivity of the judiciary.

Under such conditions of public hysteria was the Petitioner Wolf brought to trial in the Criminal Court of Baltimore, without a jury, but before a Court of five ~~IndignXXXXXX~~ just and upright Judges. The whole atmosphere of those times was so poisoned as to prevent the verdict from being received with that universal confidence so wholesome in the administration of public justice, however fair and just such verdict may have been upon the facts as then presented.

It is not my present function to challenge the propriety of that conviction. It is a sealed book, or res adjudicata. That was 18 years ago.

Today that same defendant petitions this Bench for reinstatement. Some provisions of this sort has been ^{made} provided for in the act of 1937, and with that act on the statute books, had his petition and evidence adduced thereon not attempted to comply with the provisions of that act, it might well be argued by the Bar Association, that in view of the new provisions, compliance with its terms should be had. I think the present application of the petitioner is broad enough to stand on its own merits without reference to the Act

of '37, and is also a full compliance with the provisions of that legislative enactment.

The uncontradicted evidence shows that he has not only wholly abstained from the practice of law since disbarment in November 1922, but the overwhelming evidence, uncontradicted in character, persuades me to the belief that he has lead a blameless ^{life} in the interim. Some of the very Judges who sat in the earliest applications for reinstatement, as well as in the disbarment proceedings have, since their retirement from the Bench, subscribed as counsel for him on his applications for reinstatement.

In the present proceedings Judge Henry D. Harlan, for 30 years Chief Judge of this Bench, and now in the full vigor of his second manhood at 81, daily active in his work, appears on the witness stand, with all the implications his presence there carries with it, as the twelfth of the 32 witnesses who have testified before this Bench and in this record he is designated as the leading citizen of Baltimore, and no one will question the fact that he is "~~frank~~ fascile princeps". He testified in effect that he is proud of his friendship for Harry B. Wolf and that this is based upon his conception of the character of the Petitioner and on a knowledge of him since he was at the law school forty years ago.

To like effect is the testimony of many leaders of the Bar, including at least two former Presidents of the Bar Association, Senator Colgan and former U. S. District Attorney Robert R. Carman.

To like effect is the testimony of James U. Dennis, at our Bar since 1895, and of John W. A. Whelple, who has known the Petitioner for 38 years. Similar testimony came from leading citizens,

Mayor Jackson, Comptroller Graham, City Register Eugene Beer, City Collector Thomas Young, based on 30 years acquaintance. Similar testimony comes from officials of banks, trust companies and bonding companies, namely Clifton Winchester, Kenneth Bourne, Edgar F. Dobson, and P. D. Bowen. Editors and Business managers of newspapers have also subscribed to the same sentiment, namely, Andrew D. Bra-shears, Henry Bien, and Louis Asrael, lawyer and columnist. Clerks from the various courts of record are to like effect, Samuel W. Pattison, Charles Whiteford, William H. McElroy, Charles A. McNabb, George C. rey Lindsay, Sheriff Deegan. Also from Rabbi Israel, and Father Ayd, and Judge Lawrence from Towson, and John Elmer, ~~PRESENT~~ President of the broadcasting station, who has known him 33 years; Arthur Deute, present President of an active business competitor, gives him the highest testimonial, as a vigorous but clean cut honest rival in business, and to like effect is the testimony of the 32 witnesses before us. Against the petitioner appears no witness, merely the four lawyers named by the executive Committee of the Bar Association, not one of whom even cross examined the Petitioner when he testified at length upon the witness stand.

For all of which reasons I feel that the petitioner has earned the privilege of reinstatement, which as Mr. Singley so well says is not a matter of right, but a matter of judicial discretion.

It may be thought by some that it would seem ungracious to not subscribe to the attitude of the Bar Association as reflected by the presence and in the pleadings of the four estimable members of the Bar named by the Executive Committee to appear on their behalf at this hearing. Mr. Barton has pointed out that there has been no expression of the Bar membership upon the question involved, although he concedes that the four counsel named by the Executive Committee have the full authority of that corporation, the same as any Board of Directors would have to act for the corporation, even though they might not reflect the sentiment or even the best interests of its shareholders. They are the accredited agents of what Mr. Barton intimates is a wheel within a wheel. Mr. Singley has said in his argument that they present but one face and one front and all speak as one.

Perhaps Mr. Barton and Mr. Singley in such expression had in mind the vision of the prophet Ezekiel, who once saw wheels within wheels, "and their appearance," said the prophet, "was like the work of the sea, but the four wheels had all one likeness and the four faces looked at one, and their appearance and their work were as that of a wheel within the midst of a wheel."

The members appointed by the Bar Association Executive Committee are always performing an unpleasant duty when named to prosecute charges against brother members of the Bar, or to use their judgment in resisting the application of a petitioner for reinstatement. I think much credit is due to the members so appearing when assigned to such task. They have ^{with} performed ^{it} today, ^{and here} exhibited

the most careful preparation, the most adroit and consummate skill in presentation, and done it with the utmost fairness of a character to challenge my admiration. I am glad ~~of~~ this occasion to be able to acknowledge it, and to say that I respect and admire them for the manner of their performance of public duty, according to their conceptions.

I also join with my brother Raymond S. Williams, and his associate counsel for the Bar Association, in their salute of "hats off" to Randolph Barton, Jr., counsel for the petitioner, who, at the tender age of 68, while still wearing the youthful decoration of "jr.," has lonehandedly conducted a two-day's hearing and insists on standing on one leg in making his two arguments before this Court, while suffering with a fresh fracture of the other leg, resulting from a too vigorous cross country ride the day before this hearing was scheduled.

Angela D. Dunne Jan 5, 1940.
filed with the acting chief judge Frank

(2)

In the Matter of
the Petition of Harry B.
Wolf for reinstatement
as a member of the
Bar of Baltimore City

Concurring Opinion of
O'Dunne, J.

Filed Jan. 11, 1940

IN THE MATTER OF THE
PETITION OF HARRY B. WOLF

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)
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BEFORE
THE SUPREME BENCH OF
BALTIMORE CITY

FRANK,- J. The petition of Harry B. Wolf prays that his disbarment imposed by this Bench's order of November 27, 1922, may be removed and that he may be reinstated as a member of its Bar. At the request of the Bench, the Bar Association of Baltimore City appointed four of its members to assist the Bench in its consideration of the petition. A protest against the reinstatement as prayed was duly filed on behalf of the Association. At the hearing subsequently held, evidence was submitted and the case argued.

This Bench acknowledges its indebtedness to the Bar Association for its ready response. To the attorneys who served willingly and, by their learning, zeal and industry greatly lightened its burdens, the Bench extends its thanks.

Upon the record thus made, two and only two questions are presented to the Bench for its determination.

1. Has the Bench the power to grant the prayer of the petition and restore Wolf to the roll of membership of its bar and the bar of the other courts of the City? Or in the alternative, if such power exists, ought it ever to be exercised?

2. Given such power, is the case made out by the petition and protest and the evidence taken at the hearing of such a character as to entitle the petitioner to the relief prayed?

1. The argument against the existence of the power is based solely upon the fact that it has never heretofore been exercised in Baltimore City. It is contended that this fact leads to the conclusion that no such power exists or, if it exists, in no event should it ever ~~never~~ be exercised. It is not quite clear as to just which form the argument takes. This is not a case involving a constitutional

or statutory provision of doubtful meaning which may be resolved by resort to uniform and continuous contemporaneous construction. It involves no other than the question of the existence or propriety of the exercise of a power that has never heretofore been actually exercised. Mr. Wolf had made two previous applications to this Bench for reinstatement. One was voluntarily withdrawn. The other was denied by this Bench on its merits and not on the ground of lack of power, as to which no suggestion was ever made.

The all sufficient answer would seem to be that authorities elsewhere without dissent recognize such power and it appears to be inherent in any court that has the power to disbar. 7 C.J.S., section 41, page 814. The Act of 1937, Chapter 370, it is conceded, does not in any degree limit the powers theretofore inherent in this court, but it does seek expressly to invest in it, if that should be necessary, power to reinstate disbarred attorneys in the class of cases which it covers. Moreover, it does for the first time create the same right of appeal to the Court of Appeals in such reinstatement cases as had previously existed in proceedings for suspension and disbarment. We have in this statute, therefore, at least a declaration of the policy of this State, as voiced by its Legislature, that the power of reinstatement shall exist in cases coming within its provisions (and that includes the instant case), together with the creation for the first time of a right in such cases to appeal to the Court of Appeals.

The Records of the Bench disclose that since the date of the disbarment of Mr. Wolf (November 27, 1922), thirty-eight attorneys have been by it disbarred. It is argued that if reinstatement is ordered herein, it might conceivably have to be granted in each of these thirty-eight cases. Indeed, that number might be augmented of by including cases disbarments ordered prior to the Wolf case. It is suggested that much time and effort on the part of the Bench might thus be consumed. That may be freely conceded without furnishing a valid argument against reinstatement in this case. Each of these thirty-eight or more cases, if, when and as it arises, will be

entitled to receive, and doubtless will receive, the attention it deserves.

2. Finding the power to reinstate and concluding that in a proper situation that power should be exercised by this Bench, we pass next to a consideration of the question of whether the petitioner has made out a case for the exercise of that power.

Unless it be conceded that in every case of disbarment, the wrong involved must be of such a quality that it can never be obliterated or condoned by any subsequent course of life, however upright and exemplary, each case as it arises must be considered on its merits. As already shown, the power to reinstate disbarred attorneys has been uniformly recognized and applied. 7 C.J.S., section 41, page 814.

No court, so far as we are aware, has ever held that when an attorney is disbarred he falls "like Lucifer never to hope again." The offense for which this petitioner was disbarred was a serious one, conspiracy to defeat justice, always a grave offense, notably so when committed by a member of the bar. That is the only charge against him. If other accusations have been made, they have never been formulated and he has never been given the opportunity to meet and refute them. The charge proved against him is serious enough without more.

The only testimony in this case was that offered by the petitioner. He was not cross-examined on his own appearance on the witness stand. No countervailing evidence was offered. His own testimony stands uncontradicted and unimpeached. A large array of witnesses ~~have~~[§] appeared on behalf of the petitioner, representing many different sections of the community, including men of the highest character and responsibility. No court could be insensible to the weight and authority to which their uncontradicted and unimpeached testimony is entitled. They establish the high character, integrity and reliability of the petitioner in all that he has done since his disbarment. It would serve no useful purpose to discuss this testimony in detail. The only criticism of any of petitioner's actions or conduct since his disbarment relates to his own account of his activities in procuring and endeavoring to trade in charters of corporations bearing names of whiskeys of reputation prior to National Prohibition. In the

course of an equity case tried before the writer several years ago, he was disposed to regard as rather sinister the petitioner's conduct towards ^{as former} his client with respect to one such case, as testified to by the client, but Judge McLanahan (who was of counsel) has assured us that a thorough investigation made by him at the time convinced him

that Mr. Wolf's conduct had been correct in that respect. With this exception, no ^{substantiated} criticism, ~~which~~ has been levelled against his any act or omission since his disbarment.

We cannot conceive of anything more that any man in Wolf's position could have done to re-establish a blasted reputation in addition to what the uncontradicted evidence shows has been done by him. It has been said that all that has been demonstrated is that he has fully conformed to the "ethics of the market place." Concededly, that is not enough for a lawyer. But he has not been a lawyer for over seventeen years. Is the impossible to be demanded? With no opportunity to demonstrate his conduct as a lawyer (by section 11 of Article 10, he was forbidden under penalty to practice) is he to be required to show that his conduct has conformed to professional standards? We cannot so conclude.

In what has been said, we have been mindful of what we regard as an unassailable proposition. There is not here involved the question of whether or not the petitioner has been sufficiently punished for his offense. 7 C.J.S., section 41, page 814. The sole issue is whether, at this time, he is worthy of restoration of the privilege of membership of the bar, whether he is "worthy of reinstatement."

On the case made by the record, we feel that the answer to this issue should be "yes he is worthy of reinstatement," that his offense, glaring as it was, is not inextinguishable, did not irrevocably put him beyond the pale. Previous convictions, it is held, may be too remote in time to affect a witness' present credibility. Simond v. State, 127 Md. 29, 38. Nelson v. Seiler, 154 Md. 63, 68. The petitioner's exemplary conduct over a period of seventeen years has earned for him the privilege of again becoming a member of the bar of this Court.

We have reached this conclusion without invoking the provisions of the Act of 1937, Chapter 370. The evidence establishes that the petitioner has not engaged in the practice of law since his disbarment and that he was pardoned by Governor Nice for the misdemeanor of which he had been convicted. We have given no effect to this pardon, although there is high authority for according to it weight and importance in the consideration of an application for reinstatement. In re Kaufman, 245 N.Y. 423, 428, &c., 28 Columbia Law Review, 374. We have preferred to discuss and treat this matter as though that Act had never been passed, and the pardon had never been granted.

An order accordingly will be passed.

We concur in the foregoing opinion.

*George A. Satter
Eugene A. Dunne
Edwin Beckwith
J. Abram Bayler*

In the Matter of the^①
Petition of Harry B. Wolf
for reinstatement as a
member of the Bar of
Baltimore City.

Majority Opinion by
Frank, J.

J. J. Solter,

O'Dunne

Dickerson
+

Sayler,

concurring

Filed 11th January 1940

In the Matter of the Petition

of
Harry B. Wolf
for Reinstatement

Dissenting Opinion.

Before the
Supreme Bench
of
Baltimore City.

NILES, J.:

The issue raised by the application of Harry B. Wolf for reinstatement, is the following:-

Is the applicant, a lawyer convicted of conspiracy to obstruct justice by enabling a murderer to escape punishment, to be regarded as worthy to practice law because for eighteen years since such conviction he has led a respectable life?

The issue is not whether the applicant has been "punished enough"; nor is it whether the Court should exercise mercy on the same principles as those applying to probation or parole in the case of ordinary offenders. Nor is it affected by Chapter 370 of the Acts of 1937. Aside from the technical point of whether the specific words of that Act apply to the present case, the Legislature has not, in my opinion, the power to control the judgment of this Court in respect to the fitness for readmission of an attorney who has been disbarred. Nor is the question whether every disbarment is irrevocable; or whether the Court will be inconvenienced by other applications if this one is granted. The only case under consideration is the case of this particular applicant, under the particular circumstances of this case.

The pardon which the applicant has received does not wipe out the offense; it does not assume innocence, but guilt; its effect is merely to relieve the offender from the punishment inflicted by the criminal law, in this case the payment of a fine of \$100.00, which ~~has in fact now been repaid to this applicant.~~ cm

If an applicant for admission to the Bar should be found to

have been convicted of a conspiracy to obstruct justice, it is hardly conceivable that he should be regarded as meeting the standard required to be "worthy to practice law". The same considerations seem to me to apply with greater force in the case of a member of the Bar applying for reinstatement.

The evidence produced on behalf of the applicant was given by an impressive number of eminent persons, whose responsibility and integrity can not be questioned. It is to the effect that the applicant is a devoted husband and father, financially honest, personally truthful, and that, in the opinion of the witnesses, if the applicant were reinstated at the Bar, his clients could repose confidence in his fidelity to their interests, and the Court could likewise expect him to uphold the traditions and standards of the Bar. Most of the witnesses, including all of the judges and lawyers called as character witnesses, had known the applicant for many years before his conviction and disbarment. None of them mentioned the conviction or the disbarment as having had any effect on their judgment. The impression given by their testimony is that they had formed their opinions long before 1922, and that they really based their opinions on the belief that the applicant was not in truth guilty of the offense of which he was convicted and the conduct for which he was disbarred in 1922.

The question of guilt in 1922 is not now under consideration. It is not raised in these proceedings, and it could not be raised in them. Although it may be alleged that their conclusions were wrong,

certainly no question can be raised as to the competence or ability of the five judges who tried the applicant, of the whole Supreme Bench which denied his motion for a new trial, or of the Court of Appeals which sustained his conviction. It is also true that the character of the witness Keller, one of the principal witnesses in the proceedings of 1922, and whose testimony is now attacked as false (although not formally in these proceedings), appeared clearly in the record of the case in the Criminal Court of Baltimore, and must have been considered by all of the judges who sat in ^{the case} ~~it~~. Etn

The application must, therefore, be considered not upon the basis of the applicant's innocence, but of his guilt, and also in the light of the fact that the same Court which convicted him, imposed a small fine, in view of the fact that disbarment constituted a part of the penalty.

The offense of which the applicant was guilty is not an ordinary misdemeanor which might be committed by anyone. It is not to be classed with such misdemeanors as assault, violation of the liquor laws or of the gambling laws or the motor vehicle laws. It is more serious than financial irregularity, great or small, which has always been regarded as ground for disbarment, and which has ^{in this state} never [^] been regarded as expiated by the subsequent financial honesty of the offender so as to entitle him to reinstatement. Obstructing justice by conspiracy to protect a murderer seems to me to be an offense going to the very essence of a lawyer's fitness to practice law. The fact that a lawyer convicted of that offense had been, before it, a man who kept his promises and paid his debts, and that

LANCASTER BOND

after it, he continued to keep his promises and pay his debts, even for eighteen years, does not seem to me to prove his fitness to be reinstated as a member of the Bar, entitled to practice law.

The duty, however unpleasant in a case of this character, is on the court to maintain the standard required for practice before it.

I believe that there should be only one answer to the question stated above, and that that answer is that the applicant should not be reinstated.

Jan. 11, 1940

Wm. H. Thib

We Concur in the above opinion

Joseph N. Helman
J. Leroy W. Lavacher

(3)

In the Matter of
the Petition of Harry
B. Wolf for reinstatement
as a member of the
Bar of Baltimore City.

Dissenting Opinion
by Tilles, J.

J. J. Ulman
McLanahan

Concurring

Filed January 11, 1940

IN THE MATTER OF THE PETITION
OF HARRY B. WOLF

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:
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BEFORE THE SUPREME BENCH
OF BALTIMORE CITY

The Petition of Harry B. Wolf for removal of the judgment of Disbarment heretofore passed against him, and for reinstatement as a member of the Bar of Baltimore City, coming on to be heard upon his Petition and the answer of the Bar Association of Baltimore City thereto, testimony was taken, the Solicitors for the Petitioner and for the Bar Association of Baltimore City having been heard, and the matter having been submitted, after due and careful consideration, it is this *eleventh* day of *January*, 1940, ORDERED by the Supreme Bench of Baltimore City that the said Petitioner be, and he is hereby reinstated as a member of the Bar of Baltimore City.

C. Frank

George A. Dolan

Eugene O. Dunne

Thomas McLeods

Edwin Dickerson

J. Allen Saylor

Howell Hunt

44

BEFORE THE SUPREME BENCH
OF BALTIMORE CITY

In the matter of the Petition
of Harry B. Wolf for rein-
statement as a member of the
Bar of Baltimore City

ORDER

FILED

Filed January 11, 1940