

REMARKS OF GEORGE W. LIEBMANN, PRESIDENT OF THE LIBRARY COMPANY OF THE BALTIMORE BAR, ON THE OCCASION OF THE CELEBRATION OF ITS 175<sup>TH</sup> ANNIVERSARY, JUNE 24, 2015.

This is a delayed celebration. By your presence here, you affirm that lawyers and judges also have rights of peaceable assembly.

I would hope that never again will this courthouse and its federal counterpart be closed, however briefly or on whatever pretext. That did not happen in 1968 and should not have happened in 2015. Comment on current events would not be usual on an occasion like this, but we who have been locked out have the right and indeed the duty to do so.

The founder of this organization made his entry into politics in 1835, when he organized a militia to suppress the Bank of Maryland riots. He was not deterred from doing so by the just grievances of the depositors, and did not give time and space to 'act out' to those who disturbed the peace. The suppression of 'acting out' is what civilization and law are all about.

Our founder, however, did not believe that disorders and their underlying grievances justified abandoning the protections of habeas corpus and the Bill of Rights. Maryland lawyers can be proud that both in 1968 and 2015 his lessons and the state constitutional provisions embodying them were respected and preventive detention avoided. As one of our Board Members, John Connolly has shown, this principle was bent but not broken.

Our disorders came after a period of months in which national officials and the media proclaimed that police brutality had racism at its root and that its elimination was 'the great civil rights cause of the twenty-first century.' Permit me to deny both these propositions. The conveyance in which Freddie Gray met his doom is known as a 'paddy wagon', in memory of the forbears of Mr. Connolly, Joe Bennett, and Judge Moylan. What happened here is what always happens when the police are asked to keep the lid on social problems and compensate for society's failures.

The great civil rights cause of our time is the massive unemployment of male youth and the role of the prison system as their largest employer. When the Governor of Vermont decries a heroin epidemic and the Governor of Indiana one based on methamphetamines, it is apparent that this is the problem of a generation, not confined to black Baltimore. When youth unemployment last soared and the underworld recruited the young, the first two measures of the New Deal, apart from the Banking Act, were the repeal of alcohol prohibition and the creation of the Civilian Conservation Corps. The government did not default in the fundamental responsibility of any civilized society, the education, employment, and socialization of its young men. I say 'young men' because as the late George Kennan unfashionably observed, women know what they were put on this earth for. The Bloods, the Crips, and the motorcycle gangs of Waco are the product of a search for companionship and purpose. It is shocking to realize that today non-feasance prevails even though a change in drug policy requires neither a constitutional amendment nor an act of Congress, but merely a re-classification of drugs by an agency under Presidential control.

Individual accountability is one thing; institutional demoralization quite another. The doubling of

Baltimore's murder rate, to the point where it equals or exceeds that of San Pedro Sula in Honduras does not seem to me 'the great civil rights cause of the twenty-first century.' Nor will the solution of this new problem yield to unwise appeals for federal interference. Nothing can cure it save adherence to first principles familiar to all of us as lawyers: that guilt is always personal, and that its fair ascertainment requires scrupulous adherence to federal and state constitutional protections, including those relating to confrontation, discovery, and venue.

Some have questioned the role of our institution in a digitized age and have sought to vandalize not only our organization but this very room. We rejoin that lawyers and libraries are the custodians of the institutional memory of society and that our purposes transcend money-making and ticket-punching. This is a place where all segments of the Bar, represented on our diverse board, can meet, do research, hear speakers on major issues and watch films about societies in crisis, gaining perspective not only on their own situations in life but the problems of our time. As for our character as a private association, we may recall the words of De Tocqueville: "An association for political, commercial or manufacturing purposes, or even for those of science and literature, is a powerful and enlightened member of the community, which cannot be disposed of at pleasure or oppressed without remonstrance, and which, by defending its own rights against the encroachments of the government, saves the common liberties of the country."

Many of us may not live to see our bi-centennial but I hope that all of you here, in whatever time is left to you, will do your part to see that it occurs.

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This event is the product of the work of our Planning Committee, and particularly of its Chair, Judge Wanda Heard, assisted by Judge Michael Reed and Howard Schulman. She will present the second half of our program.

It is my duty now to introduce our featured speaker, Judge J. Frederick Motz, who will be followed by the Maryland Bar's great historian, Judge James Schneider.

When I came to the Bar fifty years ago, my favorite among trial judges was the late Roszel C. Thomsen, who combined intellectual curiosity, scholarship, common sense, and a moral compass, giving rise to occasional expressions of righteous indignation toward those who deserved it. I have always regarded Fred Motz as his spiritual heir on the present Federal District Court, and it is my pleasure to present him now.