

A Maine Pantheon
Of
Heroes and Worthies

The first Neal W. Allen, Jr. Lecture on Maine Legal and Social History,
on the occasion of the 175th Anniversary of Statehood, March 15, 1995,
by United States Senior Circuit Judge Frank M. Coffin.

Introduction

There could not be a better time to do honor to the memory of Neal Allen than this 175th anniversary of our statehood. Stalwart friend of this Society, Neal was a gifted teacher, author, and editor who used his craft to make legal and social history come alive. May what I say live up to what he would wish.

When Tom Schulten asked me to give this lecture, I hesitated. Not being a historian, I would not be able to shed new light on some historic event, period, or person. But, I reflected, I have spent my working life in the three branches of our federal government and have felt part of an honorable Maine tradition. I could try to create a Pantheon of Maine people who have served with exceptional distinction in the legislative, executive, or judicial branches of the state or federal government. This will not be by any means a fully representative Pantheon. Maine has been blessed with artists, musicians, writers, scientists, educators, community leaders, and civil rights pioneers. But it is a start . . . and an invitation to all of you to add to the edifice. For me it has been an exciting journey into yesteryear.

You may well have in the back of your mind some questions about such an enterprise as this. The first question is probably "Why?" I think the answer is one of enlightened self interest - to restore the element of faith in ourselves and in our capacity to govern that has been missing in a time of disillusion, distrust, and cynicism. What Thomas Carlyle said applies to us: "No sadder proof can be given by a man of his own littleness than disbelief in great men." The more we understand about how much we are indebted to those who once held the stage -- for our institutions, the laws we prize, and the values we cherish -- the more highly shall we value public service and the possibility of one individual's making a difference.

A second question is "Who are heroes?" Those we seek today are human beings extraordinarily endowed with one or more socially valuable qualities, such as wisdom, courage, steadfastness, leadership, or grace. But, in addition to having such an endowment, one must also manage to be a hero, one must be in the right place and occupy the right forum at the right time. This means that Maine heroes will only seldom reach the pinnacle of acclaim of those who play their parts on the world's or the nation's stage, like a Gandhi, Churchill, or Lincoln. But even though our niche on this globe is small, the quality of heroism can be of the highest.

Another truth to keep in mind is that a hero is a human being. And some are more human than others. So, some of the glistening statues in our Pantheon have parts composed of crumbling clay. Not only do our heroes have their weaknesses, but they have their season. Often a hero's later years are but a mirror image of the heroic years. Finally, a Pantheon of heroes is incomplete without giving some recognition to the subalterns, the worthies, who with the troops in the field made great events possible.

Here, then, is my Pantheon of Heroes and Worthies. We begin with the foundation.

I. Separation and Statehood:

Founder: **William King**, 1768 - 1852.

Our first nominee is the person who provided the critical sustaining leadership in achieving Separation and Statehood -- a journey begun on this very spot, at a meeting at the First Parish Church on October 5, 1785, pursued for 35 years, and culminating in a new state whose very constitution was framed where we gather today.

The man was William King, born in Scarborough in 1768. His education was mainly in the school of practical experience -- from which he graduated with high honors. Work in a saw mill and a store soon led to ventures in lumber, a toll bridge, Maine's first cotton mill, banks, marine insurance, wharves, warehouses, shipbuilding, and trade with the West Indies, Liverpool, and New Orleans. One can understand why he was called "The Sultan of Bath."¹

He began as a Federalist but soon became a Democrat-Republican and spokesman for Maine's scruffy new arrivals, mostly squatters and religious dissenters. He was that rare politician who combines intense partisanship, pragmatic problem solving, and a gift for welding a workable consensus. From 1805 to 1821 he towered over all others.

On the partisan level, he financed and presided over the retooling of the Eastern Argus, the influential Democratic newspaper, which threw itself, lock, stock, and moveable type, into the campaign for separation and statehood. On the eve of a critical election in July, 1819, he organized a detailed get-out-the-vote campaign, utilizing committees in every county and town. Occasionally his adversaries criticized what they termed "the King variety of hard political infighting."² He was called "a great intriguer" by the Boston Repertory,³ one who lacked "political conscience" by Senator Harrison Gray Otis,⁴ and a liar by Samuel Fessenden.⁵

His flair for problem solving by strategically aimed legislation was demonstrated by his securing passage of the Betterment Act for squatters, which barred landlords from evicting them unless they were paid the fair price of improvements they had made; for religious dissenters, the Toleration Act, repealing the hated tax subsidizing Congregational ministers; and, for inhabitants of the coastal towns, repeal of the feared Coastal Law, which, on Maine's becoming a state, would have subjected its shipping to burdensome customs clearances in states south of New Hampshire.

Finally, to achieve consensus, and over the objections of many supporters, King promised Federalists one third of all appointments to be made by him. Building on the repeal of the Coastal Law and his own business friendships, he wooed and won the critical support of the mercantile interests. On being elected governor, he insisted that he be allowed to carry out his duties above the dictates of party politics.

Underlying these facets of leadership was his mystique -- what historian Ronald Banks termed "those rare attributes of leadership that made men want to please him."⁶

We must not overlook the vital center of King's support, "the Junto," a diverse and loyal group of "worthies," each of whom was a person of substance. Foremost was John Holmes, ready-witted lawyer from Alfred, sorely bested by Daniel Webster in the famous Dartmouth College case, yet a dogged and effective worker for statehood in Congress and chair of the committee that drafted our state's constitution.⁷ Albion Parris, future Chief Justice, was easy going; William Pitt Preble, another future Justice, was the opposite, his invective assuring him of no elective office. In addition there were two gifted polemicists, well employed on the Eastern Argus, Samuel Ayer and Samuel Whiting.

Finally, separation passed overwhelmingly. But that was not the end. After an agonizing period when Mainers loathed and resisted being admitted as a state so long as Missouri, admitted

at the same time, should be open to slavery, we became the twenty-third state on March 15, 1820. King was elected Governor by the Constitutional Convention, 151 to 1.

What followed was -- for King -- rueful anticlimax. He governed for one year, then, failing to achieve the passage of some tax and land purchase measures he had long urged, he resigned his post and accepted a temporary appointment to a presidential commission. He lived thirty more years, but his time of heroic activity had passed. He was to run for governor as a Whig in 1835, be ingloriously defeated, and to die insane and nearly penniless.

But for over a decade and a half he had brought to Separation and Statehood an executive vision and force that are unsurpassed in our annals.

II. Architects of Law:

Ashur Ware and Prentiss Mellen.

The threshold of statehood now crossed, the task at hand was to establish the institutions and processes that put flesh on the bones. The work we celebrate today was done by the judiciary. I want to discuss two judges, one federal and one state. Both are memorable, for different reasons.

Ashur Ware, 1782 - 1873, nephew of a respected Unitarian clergyman, was first inclined to the ministry. Then he tutored Greek at Harvard, and subsequently studied law. In 1817 he was recruited by a former fellow tutor, one of William King's famous Junto, William Pitt Preble, to lend his "brilliant pen" to King's Eastern Argus, the organ of the Maine Democracy and separation-statehood movement.⁸

Statehood came and with it the election of Ware to the post of Secretary of State. His real career started two years later when President Monroe appointed him as United States District Judge. This career was to endure for nearly half a century, 44 years. His was a most unlikely appointment. Ware had been a tutor in Greek, a partisan propagandist, a lawyer for six years with no briefs, and was an unimpressive speaker. But, as historian William Willis notes, he had learning and ability, and "fell into the right place. Or we may more properly say, being in the place, he most amply and happily qualified himself for it."⁹

The young judge's opportunity and challenge were awesome. Maine was then among the nation's leaders in shipping and maritime activity, which were governed by admiralty law. But admiralty law, as it applied to a state, hardly existed. There were few rules and no relevant decisions. The task facing Ware was to distill from the earliest times the principles and procedures into precedents that could command the respect of other nations as well as our own.

To this task, Louis Hatch adds, "Judge Ware brought a mind trained and disciplined by hard study in metaphysics and geometry, a belief in the equality of all men and a burning indignation at injustice and oppression."¹⁰ Ware's successor, Judge Fox, told of Ware's ability to go to original sources in Latin, Greek, and French, and of his diligence in pursuing even the most ancient sources in "a clear and beautiful manner."¹¹

United States District Judge Clarence Hale, speaking to the Maine Bar in 1921, summed up Ware's instincts for justice, fueled by his theological bent, the exactness of his application of legal principles stemming from his mathematical inclination, and his strong ethical nose for detecting fraud and oppression. His conclusion: "[Judge Ware] contributed more than any other American judge, yes, perhaps even more than [U.S. Supreme Court Justice] Story, -- to make Admiralty law a science."¹² The Dictionary of American Biography noted Ware's compassion for the plight of seamen and that he had done much "to raise the standard of life aboard ship."¹³

At age 84, in 1866, Ware retired, but maintained his interest in the classics and grew older gracefully, dying at age 92. Truly, his contribution to Maine and the nation's justice was on

a rarely equaled level -- a combination of an opportunity to write on a blank slate, longevity, compassion, scholarly inclination, and literary grace.

Prentiss Mellen, 1764 - 1840. Reigning over the development of state law at the beginning of statehood was Prentiss Mellen, appointed as Maine's first Chief Justice by Governor King, as the solitary Federalist on the three man Supreme Judicial Court.

He was 56 years old, 18 years older than his federal colleague Ware. Whereas Ware had a judicial life of 44 years, Mellen was to serve only 14. But they were seminal years. Unlike Ware, Mellen had 30 years of highly successful law practice behind him and had just served three years as United States Senator from Massachusetts.¹⁴ He was a courtly gentleman of the old school, cheery and optimistic¹⁵ and was devotedly collegial, valuing "professional camaraderie" highly.¹⁶

Unlike Ware, Mellen was not a major innovator. Not only was he not intellectually geared for the role but our mother Commonwealth had provided our new state with a ready-made legal edifice.¹⁷ Nevertheless, his contribution was enormous. In commentator Ellyn Ballou's words, he supplied much of "the foundation of today's state government."¹⁸ In the first volume of Maine reports he wrote 50 of the 60 opinions in which he was eligible to participate; in the second volume he wrote 74 of 84 opinions; and even the last volume containing his opinions held 55 of a total of 105.¹⁹ In a sense he was the Court, dwarfing his associates, Nathan Weston and William Pitt Preble.

As for the quality of this work, his writing was simple, his organization clear, and, like Ware, in the interest of educating the bar, he would resort to wider treatment than strictly necessary to decide a case. He showed himself receptive to changing needs, particularly in the interests of stimulating economic and industrial progress. In addition to his opinions, he made a unique contribution to the second great pillar of our law, Maine statutes. At both ends of his judicial career, he was the key figure in organizing, codifying, and simplifying our statutory structure, finally reducing 178 chapters into 12 titles.²⁰

Our first Chief Justice earned his place in our Pantheon as one who rose to the challenge of laying the foundation of Maine's third branch of government.

III. Senators in Mid-Century Turmoil:

Hannibal Hamlin and William Pitt Fessenden.

As Maine reached mid-century and approached Civil War, two figures larger than life size found themselves on the national stage, Hannibal Hamlin and William Pitt Fessenden. Both belong in our Pantheon for quite different reasons.

Hannibal Hamlin, 1808 - 1891. Although three years younger than his contemporary Fessenden, Hannibal Hamlin came to power earlier, soared higher, and endured longer. His ascendancy in politics was dramatic: a member of the Maine House at age 27, its Speaker at 28, a Congressman at 34, a Senator at 39, and Vice President at 51. Without more than a few brief intermissions, he was to occupy the Maine and national stage for 45 years.

What speaks louder than position, however, are actions that reveal character. As a new and young Speaker of the Maine House in 1837, Hamlin took the floor to fight for a bill abolishing capital punishment; as we note later, he returned to this fight a half century later.²¹ During several campaigns for the Senate, Hamlin was advised to soften his views against slavery to attract critical support, but he stood firm. On one such occasion he even withdrew as a candidate rather than change his view.

Tension over slavery built and old political alliances shattered during the following six years. By 1856 he could no longer support his own Democratic Party platform endorsement of

the Kansas-Nebraska bill, which would open up Kansas and Nebraska to slavery. In a defining moment, speaking on the floor of the Senate, Hamlin renounced his membership in the Democratic Party. A few days later, the fledgling Republican Party, convening in Philadelphia, was prepared to consider him as a compromise candidate for president, but Hamlin quickly nipped this "boom" in the bud.

In fast succession, Hamlin was elected Maine's first Republican governor, resigned immediately to become one of the first Republicans to serve in the U.S. Senate, and resigned again to be Lincoln's vice presidential partner. Carl Sandburg writes of Lincoln's openness in telling Hamlin that he would "always be willing to accept, in the very best spirit, any advice" that Hamlin gave him. In like manner, Hamlin pledged to be his friend and to give his "humble advice" as best he could.²²

Despite their continuing friendship, Hamlin, for reasons that I reveal a bit later in telling Fessenden's story, was replaced by Andrew Johnson in Lincoln's second campaign. The remainder of Hamlin's career was less eventful: defeat by Fessenden for Senate in 1865, a short period as Collector of Customs in Boston (from which he resigned in protest against President Johnson²³), an impressive twelve year tenure in the Senate as its most senior and influential member, capped by a pleasant tour of duty as Minister to Spain.

Then in 1887, when he was nearly eighty, he renewed his effort of a half century earlier to abolish capital punishment. He closed his plea to the Maine legislature with these words:

You have honored me a great many times, and in the evening of my life, when the shadows are gathering about me, grant me this; it is all I shall ever ask you. What little time I have left, brighten for me, and let me return to my home with the knowledge that I have not wholly outlived my usefulness, and have in a small measure aided the cause of humanity.²⁴

This time the plea met with success; the legislature abolished capital punishment.

Surely one with such a career and the political acumen and stamina underlying it, who could at the same time win accolades as "a man of great kindness of heart" and of "sturdy honesty,"²⁵ merits our enduring respect and affection.

William Pitt Fessenden, 1806 - 1869. Early on we may discern three qualities that sharply differentiated Fessenden from Hamlin -- a bristling personality, a Cato-like adherence to principle, and a fearsome forensic skill.

Son of a revered Federalist lawyer, Samuel Fessenden, William Pitt Fessenden came into the world with a mixed legacy. He had the advantage of family name, a Bowdoin education, and a good start in the law. But he was born out of wedlock, was taken from his mother when only a few days old, and never saw her again. For his first seven years he was in the care of his grandmother, then joined his father and his new wife -- and their rapidly increasing family. Pitt's biographer, Charles A. Jellison, attributes to his illegitimacy a gnawing lack of self-esteem that would account for his prickliness, haughtiness, and intolerance of weakness in himself and others.²⁶

When, at age 34, he went to Washington as the first Whig Congressman from the Portland district in 1840, he distinguished himself by voting against an appropriation to repair the forts in Portland Harbor, reasoning that a recent appropriation had been made and no subsequent need had been shown.

Elected to the Senate in 1854 as a Whig through the backing of Whigs, anti-slavery Democrats, and Temperance forces, Fessenden found himself in the middle of debate on Stephen A. Douglas's Kansas-Nebraska bill to extend slavery under the label of "popular sovereignty." A

Senator for hardly a week, he electrified the country in a late night speech just before the vote was taken. He reviewed the history of slavery's extension, a story, he felt, of oft repeated Southern success and Northern acquiescence. He declared that Southern threats of dissolution were mere bluster. When assured by a Senator from South Carolina that if Fessenden's sentiments prevailed, he would want dissolution "right away," Fessenden replied in emotion-charged words catching the imagination of the nation, "[D]o not delay it on my account."²⁷ This was but the first of many such exchanges. Senator Douglas, a constant adversary, shortly before his death called Fessenden, "the readiest and ablest debater" in the Senate.²⁸

The years that followed -- from the mid-fifties to the mid-sixties -- took their toll on Fessenden. As Chairman of the Senate Finance Committee and then as Secretary of the Treasury, he carried the relentless burden of financing ever increasing military operations during the Civil War. The Dictionary of American Biography recognizes him as having "earned a permanent place among American public financiers."²⁹ In his brief tenure as Secretary, in the latter half of 1864, he not only saw to fulfillment a successful bond issue, but swept corruption out of the Department.

But living in Washington did not agree with him; indeed, it is probable that he contracted malaria, from which he never fully recovered. His wife Ellen died in 1857, and Sam, one of his three sons in uniform, was killed in 1862. Although close friends knew his compassion and generosity, his disposition worsened with ill health. Irascibility, insensitivity, and intolerance became all too obvious. His biographer sees him at this period as "an essentially lonely and unhappy person."³⁰

The story of Fessenden's relations with his fellow senator, Charles Sumner of Massachusetts, is unalloyed Greek tragedy. Best of friends in the beginning, when they were often seen entering the Senate chamber arm-in-arm, they had so far cooled in their regard for each other that Fessenden by the early 1860s looked on Sumner as a hypocritical and sanctimonious bore. The nadir was reached when, during debate on Fessenden's 1864 Bank Bill, Sumner irritated Fessenden with his irrelevant and abusive oratory, and Fessenden struck back with a savage attack.

A few weeks later, as Fate would have it, the 1864 Republican National Convention was held in Baltimore. When the issue of Hamlin's renomination as Vice-President came up, it almost immediately foundered when neighboring Massachusetts failed to support him. The Machiavellian Sumner had been at work on his delegation, not because of any animus against Hamlin, but because he had reasoned that if Hamlin were left off the ticket he would run against Fessenden the following spring and secure the happy result of removing his bete noire Fessenden from the Senate. On such picayune pique did the Presidency after Lincoln's assassination depend.

If Fessenden's clash with Sumner was his lowest point, his finest hour came almost four years later, on May 16, 1868. This was the day when, after a year and a half of increasing tension between the Radical Republicans and President Johnson, the Senate was to vote on his impeachment. Fessenden had been lukewarm toward the Radical program to hamstring the President's right to remove officials and had refused to commit himself on impeachment while the House was considering the issue. While he felt that Johnson could be impeached if "general cussedness" were the issue, he noted that that was not the issue, and that, unlike his constituents, it was "I, not they, [who] have solemnly sworn to do impartial justice."³¹

Colleagues turned on him viciously, calling him a "hybrid," "pervert," "recusant," "obstructionist," and "an evil influence in the Senate."³² In Maine, mass meetings were held in Bangor, Lewiston, and Portland, demanding that he vote for conviction. Friends and supporters

deluged him with letters. To one friend he had written, "I cannot and will not violate my oath. ... I would rather be confined to planting cabbages for the remainder of my days."³³ At noon on May 16, the Senate chamber was packed with Senators, visitors, and the entire lower House. Fessenden, at the low end of the alphabet, was the first of the Republican independents to vote. John F. Kennedy in his *Profiles in Courage* wrote:

The first Republican Senator to ring out "not guilty" -- and the first of the seven to go to his grave, hounded by the merciless abuse that had dimmed all hope for reelection -- was William Pitt Fessenden of Maine.³⁴

The final count was 35-19, one short of the two-thirds necessary for conviction.

Here, then, was a hero in the purest sense of the word.

IV. A Judicial Pathfinder:

John Appleton, 1804 -- 1891.

John Appleton is an illustration of the fact that excellence in a judge is only rarely accorded the accolades given to outstanding legislators and executives. For, although his name is unknown to most Mainers, he was, in the words of David M. Gold "Maine's preeminent jurist of the nineteenth century."³⁵ Chief Justice Cornish, speaking on the occasion of the hundredth anniversary of the Maine Bar, in 1921, acknowledged that, of a stellar group of mid-century justices, it was Appleton who "made the greatest impress on the jurisprudence of the State."³⁶ The *Dictionary of American Biography* adds that "his most distinctive contribution to his times was probably as a legal reformer."³⁷

Although Appleton was a Whig and had worked against Democratic Governor Hubbard, the governor named him to the high bench in 1852. There he was to serve thirty-one years. In 1857, a few months after Chief Justice Taney's opinion in Dred Scott had riven the nation, Maine's Justice Appleton wrote an opinion taking the diametrically opposite position on the question put to the court by the Senate: are "free colored persons of African descent" resident in Maine entitled to vote under the Maine Constitution? Taney had written that when the nation was founded, public opinion had favored slavery. Appleton had the effrontery to point out that in Massachusetts and other states, blacks were considered citizens of the state at the time the Constitution was adopted and therefore were citizens of the United States and could vote. Appleton's bold assertion: had Taney known the real facts, his decision would have been different!³⁸

Appleton's major effort, ever since his lonely studies when he began his practice in the remote rural town of Sebec, had been to liberalize the ancient rules of evidence which prevented juries from hearing testimony from husbands, wives, atheists, blacks, Indians, or even the parties in the case. In 1860 he published The Rules of Evidence, collecting all his articles. He stated his credo in the preface:

All persons, without exception, who, having any of the organs of sense, can perceive, and perceiving can make known their perceptions to others, should be received and examined as witnesses.

Objections may be made to the credit, but never to the competency of witnesses.³⁹

Appleton's writings spread through the country. In particular, they were instrumental in giving blacks the right to testify in federal courts. Ironically, it was Senator Charles Sumner who in 1864, the same year that he cut down Hamlin because of his feud with Fessenden, introduced the legislation, supported by a long letter from Appleton. The bill became law and provided that in the courts of the United States "there shall be no exclusions of any witness on account of

color."⁴⁰

V. Gilded Age Giants:

James G. Blaine and Thomas Brackett Reed

Seldom has one state, particularly one of small population, so dominated large segments of national political life as Maine did in the last quarter of the nineteenth century. Samuel Eliot Morison in The Oxford History of the American People retells this story of Speaker Reed's private secretary, dating from about 1889:

John Sergeant Wise, a New York financier, was shown into the Speaker's office.

"Who's running the government, anyway?" he blustered.

"The great and the good, John, of course. Be calm!" said the Speaker in his Down-East twang, with a twinkle in his eye.

"Well the great and the good must all live in Maine, then. I come up here on business with the secretary of state -- Mr. Blaine of Maine. I call to pay my respects to the acting vice president -- Mr. Frye from Maine. I wish to consult the leader of the United States Senate -- Mr. Hale from Maine. I would talk over a tariff matter with the chairman of the ways and means committee -- Mr. Dingley from Maine. There is a naval bill in the house in which I am greatly interested -- Chairman Boutelle from Maine. I wish an addition to the public building in Richmond -- Chairman Milliken from Maine. And here I am in the august presence of the great speaker of the greatest parliamentary body in the world -- Mr. Reed from Maine!

"Yes, John, the great, and the good -- and the wise. The country is safe."

And out they went, laughing, to lunch with the Chief Justice of the United States -- Mr. Fuller from Maine.⁴¹

Of this galaxy we deal with the stars of greatest magnitude -- Reed and Blaine. First, Blaine, nine years the elder.

James G. Blaine, 1830 - 1895. For most of the years Mark Twain called "The Gilded Age," James G. Blaine of Maine bestrode the stages of state and national affairs like a colossus.⁴² From 1858 to 1892 the offices he held ran the gamut from state legislator and house speaker to member, then Speaker of the national House of Representatives, Senator, Presidential candidate and Secretary of State. One of the most complex of men, he was both adored as "The Plumed Knight" by supporters and reviled as "The Continental Liar" by his opponents; a charismatic public persona as well as an intensely private family man; affectionate with his friends and ever ready to do battle with foes; dedicated to lifelong public service yet not averse to profiting from it.⁴³

Blaine's place in the popular mind fits Antony's words as he came to bury Caesar:

The evil that men do lives after them,
The good is oft interred with their bones[.]⁴⁴

Well known are the tales of Blaine's involvement with railroads and his profiting therefrom through lucrative commissions on bond sales and unpaid loans, and, worse, his efforts to conceal his relationships.⁴⁵ He was not alone; there were not a few public servants who, favoring the causes of industry, felt entitled to some of the rewards.⁴⁶ But Blaine seemed to be a lightning rod; in his case criticism and caricature reached a crescendo in his campaign for the Presidency in 1884 against Cleveland. Despite carrying this baggage, Blaine might have won but for the gratuitous reference, by a bigoted clergyman supporter, to the Democrats as the party of "rum,

Romanism, and rebellion."⁴⁷

Unfortunately, and unfairly, public memory goes no farther. Yet, Blaine's finest and most overlooked hours were yet to come. In a brief interlude in 1881 under Garfield and from 1889 to 1892 under Harrison, Blaine served with distinction as Secretary of State. Unlike earlier Secretaries, he came with a clear and aggressive policy of Pan-Americanism.⁴⁸ This was to be "the most fruitful part of his career," his foreign policy exerting a "permanent influence on American life."⁴⁹

In the few months of 1881 before Garfield's assassination Blaine had developed his vision of reciprocity in trade in the Americas as the complement of protection, with the proviso that peace must first be achieved among warring nations in South America.⁵⁰ A call was issued for a Peace Congress. But this, too, was a victim of the assassin's bullet and was canceled. When, eight years later, Blaine resumed the reins as Secretary of State under Harrison, he reinvigorated the entire movement and saw his dreams come to fruition in October of 1889 when delegates of eighteen nations met in Washington and elected him presiding officer.⁵¹

Blaine's welcoming speech has not been outdone even by President Kennedy's launching of the Alliance for Progress. He called upon the delegates to show to the world a conference in which all shall meet together on terms of absolute equality; a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance; a conference, in fine, which will seek nothing, propose nothing, endure nothing that is not, in the general sense of all the delegates, timely and wise and peaceful.⁵²

The immediate results of the twenty week conference was the establishment of the Bureau of American Republics, of new steamship lines between North and South America, surveys for railroad systems and international banks, and treaties of reciprocity and arbitration.⁵³ Blaine found Congress slow to grasp the idea of reciprocity, being willing to place whole categories of goods on duty-free lists without bargaining for reciprocal concessions. He finally had to settle for less than he envisaged. But the reciprocity clause he salvaged in the McKinley Tariff brought forth this ungrudging endorsement of the Frankfort Zeitung, Germany's leading commercial publication: "[The clause has] proven its eminent wisdom most brilliantly. . . .[it] brings Mr. Blaine's great Pan-American scheme nearer realization. . . .the victory of the United States is therefore the victory of the poor man."⁵⁴

And so, 105 years ago, Blaine articulated the concepts and laid the institutional foundations of hemispheric cooperation, the international arbitration of disputes, and reciprocal trade. For this overlooked but far-reaching legacy during his finest hour we may be unashamedly grateful.

Thomas Brackett Reed, 1839 - 1902. Perhaps the largest person in Maine's public life was Thomas Brackett Reed, state legislator, attorney general, member of the U.S. House of Representatives for 23 years and its most outstanding Speaker. Six foot two inches in height, two hundred and seventy-five pounds, looming bald dome above cherubic face, ample jowls, and the buttress of a comfortable double chin, eyes under arched brows that quickly took one's measure, and, in his younger and middle years, a drooping walrus mustache -- altogether a formidable

fortress of a man.⁵⁵

And in the non-physical aspects of his being just as large and formidable. Indeed, although he was not without outstanding accomplishments, his unique claim to our Pantheon rests on the character and manner he brought to public life. He combined the congeniality of Hamlin, the shrewdness of Blaine, and the debating skill and devotion to principle of Fessenden.

Reed, in the jargon of today, was "a class act." He spoke with a slow drawl, with few gestures, the words coming out effortlessly in perfect order, his powerful voice reaching every corner of the great chamber of the House. He had mastered the art of speaking briefly, packing everything relevant into a five minute speech. His quick wit would strike hard but stanch the blood with a poultice of humor. To one sanctimonious colleague who said he would rather be right than President, Reed answered that he was in no danger of being either. To Teddy Roosevelt he once said, "What I specially admire about you, Theodore, is your enthusiasm at having discovered the Ten Commandments."⁵⁶ Senator Lodge called him not only "the most effective debater that I have ever seen or heard," but added, "in my opinion there never has been a greater or more perfectly equipped leader in any parliamentary body in any period."⁵⁷

Underlying his impressive armor of technique and manner were deeply held convictions. As we might expect from a Republican leader of those times, Reed believed in a protective tariff, sound money, internal improvements, and laissez faire. But one finds unexpected his continuing concern over the denial of the vote to negroes and "the scorn with which the negro is treated [--] a blunder [which] keeps him down and the scorner also";⁵⁸ his scathing attack on the "sweet solicitude" invoked to deny women equality of political rights;⁵⁹ his derision at attempts to encroach on Indian lands under "the handsome phrase 'the march of civilization'";⁶⁰ and, as a young state legislator, his lethal rebuttal to certain divines who urged capital punishment as "the revealed will of God," saying that, since picking up sticks on the Sabbath had anciently been, because of "peculiar circumstances," a capital offense, it and some thirty other long buried offenses should by the same logic merit the death penalty.⁶¹

Reed's convictions were demonstrated by more than words. As a young man of 29, just recently elected to the state legislature, he stoutly defended Senator Fessenden for his reviled vote against the impeachment of President Johnson. It is hard to imagine a young politician today taking such a risk. Perhaps the apogee of Reed's Speakership came at its inception when he boldly moved to change the rule by which members could avoid being counted for a quorum if they merely kept quiet. This "voting quorum" rule enabled a minority to throw sand in the legislative gears by filibustering through interminable quorum calls. Reed threw the House into a prolonged frenzy by his "counting quorum" -- simply counting members who were present. Reed foresaw the storm but was prepared to resign in the event that his ruling was not affirmed on appeal to the whole House. But he prevailed and, as his biographer Samuel McCall wrote, "Thus was established the most important landmark in the parliamentary practice of the House."⁶²

The final measure of the man was taken when the Sandwich Islands (our Hawaii) were annexed, and the Spanish-American War (a war he steadfastly opposed) resulted not only in the acquisition of Puerto Rico but the Philippines, which he found in increasing measure to contradict our fundamental concept of self-governance. Although elected to a twelfth term and sure to be chosen Speaker again, his conscience told him, "I cannot now do this thing."⁶³ In a farewell "thank you" to his constituents, he wrote:

Office as a "ribbon to stick to your coat" is worth nobody's consideration.
Office as opportunity is worth all consideration. That opportunity you have given me, untrammelled, in the fullest and simplest manner, and I return you sincerest

thanks.⁶⁴

Truly, a man for our season as well as his.

VI. Our Century

As we come to our own century, time and limited historical perspective force me to telescope our discussion. But, as we shall see, the 20th century is not lacking for stars.

The early years **John A. Peters**, Associate Justice for ten years and Chief Justice for seventeen, was regarded as one of the clearest and most graceful writers of opinions. Equipped with a keen insight into people and their motivations, he always asked of an opinion, "Will it work?"⁶⁵ Apart from his professional eminence, he bequeathed to us a persona well worth remembering. A contemporary called him "the finest combination of head and heart the people of this state have ever known."⁶⁶ And today Maine's court historian, Justice Herbert Silsby II, is of the opinion that "[H]is wit and charm set the highest tone and public regard for the Court was never higher."⁶⁷ Finally, as Justice Silsby has written, a judge who has both a pudding named for him and an oak tree planted for him must be special.⁶⁸

William R. Pattangall, Chief Justice in the thirties, is perhaps our only nominee who served in all three branches of state government - as legislator, Mayor and Attorney General, and Justice. Known for his devastating wit, his finest hour may have been at the Democratic National Convention in 1924 where he eloquently urged that the party platform pledge its opposition to efforts of the Ku Klux Klan to violate the civic rights of any citizen because of race or religion. His opponent, seeking a muddier plank, was the party's old standard bearer, William Jennings Bryan. Of a total vote of over 1000, Pattangall's amendment lost by only one vote.⁶⁹

For governors, first and foremost, we must recognize one whose fame was 19th century, although he lived until 1914 -- **General Joshua L. Chamberlain**. Beginning as classics teacher at Bowdoin, and ending as Governor, then President of Bowdoin, he is revered as the survivor of over twenty Civil War battles and a Congressional Medal of Honor winner for his inspired defense of Little Round Top. Then there is **Percival Baxter** who, though governor from 1921 to 1925, occupies a cherished place in our hearts chiefly because of his far-seeing generosity in giving us Baxter State Park with its magnificent Katahdin and in fueling Maine's continuing concern for our wilderness.

From Mid-Century. As we reflect on the past decades in which so many of us have lived, I suspect there are few names on which we could all agree. But there are a few. I begin with **Senator Margaret Chase Smith**, whose record of steady dedication to duty and rugged independence of spirit reached the summit of sense, courage, and eloquence in her Declaration of Conscience challenge to Senator McCarthy:

I think it is high time for the United States Senate and its members to do some soul-searching. Those of us who shout the loudest about Americanism in making character assassinations are all too frequently those who . . . ignore some of the basic principles of Americanism -- the right to criticize; the right to hold unpopular beliefs; the right to protest; the right of independent thought.⁷⁰

I think I may, with equal confidence, include my own friend and partner in politics, **Edmund S. Muskie**, Governor, Senator, and Secretary of State. As candidate and Governor, he was the prime mover in bringing the benefits of two-party competition to state government; as Senator, the pioneer in national legislation for clean water and clean air; and, as Secretary of State, the epitome of steadfastness in orchestrating and presiding over the resolution of the Iran hostage crisis. Finally, since we have been considering Senators, although we know not what the future may hold, we know that **George Mitchell** has already carved out a place in history as a

masterful majority leader of the United States Senate.

While treading into the field of recent governors may be risky, twenty years have passed since the eight year tenure of **Kenneth Curtis**. Looking back, and recognizing that prior administrations had paved the way, and that strategic Republican assistance was indispensable, we still may marvel at the steps taken during this governorship: a personal and corporate income tax that made possible increased support for education and other vital services; structural reform, resulting in the reduction of some 200 agencies and departments into fifteen; and many initiatives against water and air pollution and unregulated wildlands exploitation.⁷¹

On the judicial front, I would like to name two of my contemporaries. **Edward Thaxter Gignoux** was, for most of his 31 year judicial career, beginning in 1957, the solitary federal district court judge in the district of Maine. He dispensed justice here at home, based on principle but leavened with compassion. But he was also called upon to preside at potentially inflammatory trials across the country. He earned a unique reputation as the nation's premier federal trial judge, receiving the coveted Devitt "Distinguished Service to Justice" award in 1987.

My other nominee is former Maine Chief Justice **Vincent McKusick**, happily still with us. Chief Justice of our Supreme Judicial Court from 1977 to 1992, he brought to his court not only his own high standard of scholarship, but leadership in creating mechanisms of accountability for both the judiciary and the bar; pioneering with the Court Mediation Service; and improving court facilities, small claims procedures, and the training of personnel.

* * *

We have now spanned the lifetime of our state. We began with Separation and Statehood, saw it settling down to business, felt the increasing tensions leading to turmoil and the Civil War, basked in the reflected glory of our leaders in the Gilded Age, and briefly looked in on early and mid-twentieth century personalities of note in the state.

We have seen governors meeting different challenges, ranging from the creation of a state and improving the environment to restructuring government to deal with the demands of the times. We have seen our Senators and Representatives in the nation's capital, each with his or her own vision -- some realizing that the nation could not longer coexist with slavery, one determined that a Senate would not unjustly impeach, one ahead of his time with a vision of hemispheric cooperation, another ahead of his time in forswearing colonialist expansion, another raising her lonely voice against character assassination, another fathering our national initiatives in combating pollution.

We have seen judges exercising their talents in a variety of ways, one creating a whole body of law, another establishing a court system, another leading a national law reform movement, others making a mark through their powerful personality and example, and still others confronting modern challenges with widely recognized distinction.

It is my hope that erecting this Pantheon of our fellow Mainers who for nearly two centuries have given themselves to making our government work justly and effectively will serve several purposes, all tending in the same direction strengthening our sense of noble tradition, our sense of continuity and, at bottom, our sense of community. Given a livelier sense of community in these times when the forces of fractionating, alienating, and isolating seem so strong, we can hope for a rebirth of civic culture built on the foundation of civic virtue. Being old fashioned in this way may prove to be our greatest strength as we face our future.

pp. 3-6 William King

¹ All factual data, unless otherwise noted, are taken from Ronald F. Banks, Maine Becomes a State (Portland: Maine Historical Society 1973). Quotations are always referenced.

² Id. at 70.

³ Id. at 54.

⁴ Id. at 90.

⁵ Id. at 142.

⁶ Id. at 204.

⁷ William Willis, A History of the Law, The Courts and The Lawyers of Maine, 274-289 (Portland: Bailey & Noyes 1863).

pp. 7-9 Ashur Ware

⁸ Banks, supra note 1, at 117.

⁹ Willis, supra note 7, at 64.

¹⁰ Louis C. Hatch, Maine A History 895 (Somersworth, NH: New Hampshire Publishing Company 1974) (1919).

¹¹ Id.

¹² Clarence Hale, A Century of the Federal Courts in Maine, in 22 Maine State Bar Association, The First Century of the Bench and Bar of Maine, 1820-1920, 92.

¹³ Vol. 10, Pt. 1, at 446.

pp. 9-10 Prentiss Mellen

¹⁴ All factual data, unless otherwise noted, are taken from Ellyn C. Ballou, Prentiss Mellen, Maine's First Chief Justice: A Legal Biography, 28 Me. L. Rev. 2 (1977). Quotations are always referenced.

¹⁵ Leslie C. Cornish, A Century of The Supreme Judicial Court of Maine, in Maine State Bar Association, The First Century of the Bench and Bar of Maine, 1820-1920, 118.

¹⁶ Ballou, supra note 14, at 385.

¹⁷ L. Kinvin Wroth, The Maine Connection: Massachusetts Justice Downeast, 1620-1820, in The History of Law in Massachusetts: The Supreme Judicial Court, 1692-1992, 204-205 (Osgood ed., Supreme Judicial Court Historical Society 1992).

¹⁸ Ballou, supra note 14, at 318.

¹⁹ Willis, supra note 7, at 168.

²⁰ Willis, supra note 7, at 169; Hatch, supra note 10, at 392; Ballou, supra note 14, at 367, n. 287 citing Silsby, History of Statutory Law in the State of Maine, Vol. 1 Me. Rev. Stat. Ann. 3, 6-76 (1969).

pp. 11-13 Hannibal Hamlin

²¹ All factual data, unless otherwise noted, are taken from Hatch, supra note 10, 353, 398-399. Quotations are always referenced.

²² Carl Sandburg, Abraham Lincoln, The Prairie Years and The War Years 219 (One-Volume ed., NY: Harcourt, Brace and Company 1954).

²³ Dictionary of American Biography, Vol. 4, Pt. 2., at 196, 197.

²⁴ Hatch, supra note 10, at 339.

²⁵ Id. at 338-339.

pp. 13-17 William Pitt Fessenden

²⁶ All factual data, unless otherwise noted are taken from Charles A. Jellison, Fessenden of Maine (NY: Syracuse University Press 1962). Quotations are always referenced.

²⁷ Jellison, supra note 26, at 73-77.

²⁸ Id. at 95.

²⁹ Vol. 3, Pt. 2, at 348-349.

³⁰ Jellison, supra note 26, at 29.

³¹ Dictionary of American Biography, supra note 29, at 350.

³² Jellison, supra note 26, 222-224.

³³ Id. at 233.

³⁴ John F. Kennedy, Profiles in Courage 146 (NY: Harper & Brothers 1956).

pp. 17-19 John Appleton

³⁵ David M. Gold, John Appleton and the Practice of Law in 19th Century Maine, 1 Maine Bar Journal 3, May 1986, 138.

³⁶ Cornish, supra note 15, at 138.

³⁷ Vol. 1, Pt. 1, at 329.

³⁸ David M. Gold, Chief Justice John Appleton, 18 Maine Historical Society Quarterly 4, Spring 1979, 207-208.

³⁹ Id. at 205.

⁴⁰ Id. at 208.

pp. 19-23 James G. Blaine

⁴¹ Samuel Eliot Morison, The Oxford History of the American People 741 (NY: Oxford University Press 1965).

⁴² H. Draper Hunt, The "Plumed Knight" at Home: An Intimate Sketch of James G. Blaine, 28 Maine Historical Society Quarterly 1, Summer 1988, 25.

⁴³ Id. at 2, 10; Hatch, supra note 10, at 548, 554, 555.

⁴⁴ William Shakespeare, Julius Caesar, III, ii, ll. 81-82.

⁴⁵ Hunt, supra note 42, at 16.

⁴⁶ Morison, supra note 41, at 731.

⁴⁷ Id. at 739.

⁴⁸ Hatch, supra note 10, at 47.

⁴⁹ Dictionary of American Biography, Vol. 1, Pt. 2, at 326.

⁵⁰ Gail Hamilton (Mary Abigail Dodge), Biography of James G. Blaine 505 (Norwich, Conn: The Henry Bill Publishing Company 1895).

⁵¹ Id. at 677.

⁵² Id. at 678-679.

⁵³ Id. at 680-681.

⁵⁴ Id. at 691.

pp. 23-26 Thomas Brackett Reed

⁵⁵ All factual data, unless otherwise noted, are taken from Samuel W. McCall, The Life of Thomas B. Reed (Boston: Houghton Mifflin Company 1914). Quotations are always referenced.

⁵⁶ Hatch, supra note 10, at 646.

⁵⁷ McCall, supra note 55, at 250.

⁵⁸ Id. at 271.

⁵⁹ Id. at 101.

⁶⁰ Id. at 78.

⁶¹ Id. at 36-37.

⁶² Id. at 171.

⁶³ Id. at 238.

⁶⁴ Id. at 238-39.

pp. 26-30 Our Century

⁶⁵ Herbert T. Silsby II, "Chief Justice John A. Peters," Maine Bar Bulletin, Vol. 5, No. 6 (Nov. 1971), p. 19.

⁶⁶ Id., Vol. 6, No. 1 (Jan. 1972), p. 7.

⁶⁷ Letter to author from Herbert Silsby, Jan. 15, 1995.

⁶⁸ Silsby, n. 65, supra, at 19.

⁶⁹ Raymond Fellows and Edward J. Conquest, compilers, William Robinson Pattangall of Maine, Lawyer, Judge and Politician (1954), 40-45.

⁷⁰ Sarah Goodyear, A Singular Act of Courage, 41 Down East 6, January 1995, at 28, 31.

⁷¹ Kermit Lipez, Kenneth Curtis of Maine: Profile of a Governor (Brunswick, ME: Harpswell Press 1974).