

**[Remarks by President Mike Miller on the occasion of the presentation of *First Citizen Awards* to Judge Robert C. Murphy and Judge Robert F. Sweeney, 11 a.m., Thursday, January 18, 1996]**

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Members of the Senate,

Distinguished Guests,

Over the past four years, with the help of the State Archives, we have begun what I hope will be a long-standing tradition for the Senate: the presentation of the *First Citizen Award* to members of this body, past and present, and to Marylanders, native and adopted, who have served our great state with distinction. To be a *First Citizen* is to be a dedicated and effective participant in the process of making government work for the benefit of all.

Here to tell us more about the historical importance of Charles Carroll of Carrollton and the significance of the *First Citizen Award* is Dr. Edward C. Papenfuse, Archivist of the State of

Maryland.

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## Dr. Papenfuse:

[remarks by Dr. Papenfuse]

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## President Miller:

In honor of those public and private citizens who have so effectively emulated the career of Charles Carroll of Carrollton, and who have carried on the tradition of public service that he so well exemplified, it is my great pleasure to make this year's *First Citizen Award* to two people, who have dedicated their lives to making government and the courts work for the benefit of all.

As a token of our appreciation, each honoree will receive a handsomely boxed volume like this one, containing Charles Carroll of Carrollton's *First Citizen* essays.

Both of our honorees hold distinguished firsts in state government. While not the first Chief Judge of the Court of Appeals, the Honorable Robert C. Murphy was the first Chief Judge of the Court of Special Appeals to which he was appointed in 1967. Judge Robert F. Sweeney is the first and only person to hold the position of Chief Judge of the District Court to which he was appointed in 1971. Both might not have held office at all if it had not been for Charles Carroll of Carrollton who was instrumental in restoring the rights of

Roman Catholics in Maryland to hold office and to practice law. They also share another common kinship with Carroll. Both are Irish by descent, have an Irish sense of humor, and, some might say, even have an Irish temperament.

In 1776, in a Declaration of Rights in part drafted by Charles Carroll of Carrollton, the citizens of Maryland proclaimed that:

*The independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people.*

We could not have chosen two more independent and upright judges to honor today.

Let me first call upon Judge Robert F. Sweeney, Chief Judge of the District Court of Maryland, to join me.

## **Judge Robert F. Sweeney:**

For nearly twenty-five years, Judge Sweeney has presided with distinction over the District Court of Maryland. Previously, he had been a Magistrate for the old Housing Court of Baltimore City, and served in the Attorney General's Office, first as Assistant, then as Deputy Attorney General of Maryland. His years before his appointment to the bench were particularly stressful ones for our state, ones in which he played a major role in defusing controversy and helping to keep government on an even keel. Once on the bench, he distinguished himself as a capable, hard working, tireless administrator with a keen sense of humor and justice.

Judge Sweeney, it is with great pleasure and pride that I present you with this token of our appreciation, the *First Citizen Award* of the Maryland Senate.

*[Judge Sweeney responds; returns to his seat.]*

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## Judge Robert C. Murphy:

I now would like to ask Judge Robert C. Murphy, Chief Judge of the Court of Appeals to join me here.

In October 1978, on the 200th Anniversary of the appointment of the first Court of Appeals under the Maryland Constitution of 1776, the then Chief Justice of the Supreme Court of the United States dedicated a restored volume of Reporters Notes which contains an apt observation drawn from COMMON SENSE by Thomas Paine: *In America the law is king, for as in absolute governments the king is law, so in free countries the law is king, and there ought to be no other.* Under the Constitution of Maryland, we Senators help create the laws, but it is left to the courts to interpret them and to remind us when we have gone beyond the bounds of what the Constitution allows. In Maryland, we are fortunate to have a strong, ably organized and administered court system, thanks in large measure to Bob Murphy.

In a few moments we will join the other house in joint session to hear Judge Murphy on the State of the Judiciary.

His speeches have been models of economy of words and sound advice, even if we do not always follow his

suggestions.

During his tenure as Chief Judge, Bob Murphy has brought order and efficiency to the administration of justice to a degree that has no peer among the other 49 states. He has worked tirelessly on behalf of the court system, reminding us of the need for adequate staff and resources to keep the wheels of justice rolling. He is the honest broker, the clear and articulate advocate of judicial administration in our state. His legacy to us will be less of words than of deeds as he has led Maryland out of the era of courthouse politics into the computer age.

His accomplishments to date are too many to begin listing this morning and would require a computer of its own. Indeed, he will have his opportunity to respond to us shortly in a more formal setting.

It is with great pleasure and with great admiration that, on behalf of the Senate of Maryland, I present you with the *First Citizen Award*

*[Judge Murphy responds]*

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*[on to next order of business]*

**[Remarks by Dr. Edward C.  
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President Miller, Members of the Senate, ladies and gentlemen

**On Being a *First Citizen***

*First Citizen* is the name by which Charles Carroll of Carrollton chose to sign several articles published in the *Maryland Gazette* beginning in February 1773. Carroll, legally a non-citizen who could neither vote nor hold office because he was a Roman Catholic, wrote in response to an unsigned article by the best known lawyer of his day, Daniel Dulany. Dulany held appointed office under Lord Baltimore and did not believe the General Assembly had the right to question or set the fees he charged for his services to the public. In those days public officials generally were not on salary and had to live off the fees they collected.

Dulany tried to argue that the existing constitution worked well and ought not to be changed. He asserted that all of the important issues of what government was and ought to be had been settled years before in the Glorious Revolution of 1688. In that year the English monarchy was made subject to a Bill of Rights and the advice of Parliament. From that point on, with the singular exception of the Colonies right to resist Parliamentary taxation without representation, according to Dulany, Maryland had the best government it could ever have. To make his point, he created a conversation between a First Citizen and a Second Citizen. He thought he had been most persuasive, and that he had effectively demolished the arguments weakly advanced by his *First Citizen* that the Maryland Legislature should have the right to determine what fees public officials could charge for their services. Daniel Dulany soon found he was wrong. A 36 year-old Roman Catholic who could not vote, and could not hold office under the Constitution Dulany so loudly defended, took up the part of *First Citizen* and wrote a response that put Dulany on the defensive. Encouraged by the first woman to be official Printer To the Colony, Ann Catherine Green, who published his essay as *First Citizen* in the February 4, 1773 issue of the *Maryland Gazette*, Carroll launched a crusade to expand the powers of representative government that would continue long after his death at the age of 95 in 1832. Indeed, one of Carroll's last acts as a responsible 'Citizen' was to vote for another man who would dramatically alter the face of American Politics and American Democracy, Andrew Jackson.

In his first foray into the arena of public debate, Charles

Carroll of Carrollton, as 'First Citizen' argued that public officials were answerable to the Legislature, and that the Legislature had the right, in fact the responsibility to be constantly adjusting the constitution to make it work better for the benefit of all. Dulany had met his match. He would try to answer Carroll three more times. He even assumed the fictitious name of Antilon to help people know who he was. It was unseemly in those days for opinions expressed in print to be signed by their authors, but Dulany, on the defensive, wanted to remind his readers that he had once eloquently defended them against the hated Stamp Tax. He chose 'Antilon' which combines 'anti' and an old english word for unfair taxes, but to no avail.

What began as a simple exchange of views grew into a series of eight letters in which Charles Carroll not only had the last word, he ultimately won the argument. Carroll strongly defended an independent legislature. He was among the first to advance a new concept of government that soon would sweep through the colonies like wild fire. No longer would the people of America allow themselves to be ruled arbitrarily from abroad. While extolling traditional community rights and liberties, Carroll launched a call for a radical restructuring of government based on the advice and consent of the people. Although not yet fully articulated in the First Citizen letters, Carroll was asking all citizens to think about much needed changes in the structure of government that would allow people like him "freedom of speech and thought," that would prevent office holders from having seats in the Legislature, and that would ensure that taxation could not be imposed by anyone not subject to the laws passed by



the Legislature.

To Charles Carroll of Carrollton, the Constitution was not something fixed somewhere in the distant past, consisting of principles not to be altered, changed or improved upon, but was, rather, a set of guidelines to be written down, debated, and tested by time. To Carroll and others like his cousin Charles Carroll the Barrister, Samuel Chase, and William Paca, all future members of the Maryland Senate, making government work for the good of the whole meant a thoughtful reworking of the structure of government by writing it all down, debating the results, and crafting the final product in committees separately and of the whole.

In effect Carroll as *First Citizen*, saw government much as **every** citizen should see it today, in constant need of attention and thoughtful reform.

Not only did Charles Carroll of Carrollton write as a 'First Citizen,' he, also lived his life as a *First Citizen*. With the publication of the *First Citizen* articles he launched a career of public service that would not end until his death at the age of 95.

In addition to helping draft Maryland's first Constitution and signing the Declaration of Independence in 1776, Carroll served as a member of this body from 1777 to 1801 and as its President. He also served as one of the first United States Senators from Maryland and became one of the staunchest advocates of the B & O Railroad which did so much to further the economic development of Maryland. He taught by word and by example. He was willing to put his ideas, his fortune,

and his time, on the line in favor of better, more responsive government. It is in that spirit that Senate President Mike Miller presents the *First Citizen* Awards on behalf of the Maryland Senate to individuals like Carroll, who have taken up the challenge to make government work better to the benefit of all.

- Return to President Miller's remarks