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27th Legislative District



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August 17, 2017

The Honorable Lawrence Hogan, Jr.
Office of the Governor
State House, State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

As you know, I specifically requested a public meeting to vote on the proposal regarding the removal of the statue of Justice Roger Brooke Taney as well as a number of other matters of concern to the State House Trust. This was certainly a matter of such consequence that the transparency of a public meeting and public conversation should have occurred. This was not an ordinary matter of business before the Trust. Any urgency could certainly have been accommodated by an emergency meeting and does not excuse the hidden nature of the process regarding an important matter before the State House Trust.

We all know that the inflammatory and derogatory language and holding of the Dred Scott decision created great and lasting wounds in our Country and incited rather than avoided a Civil War. And yet, many do not know that Roger Brooke Taney also served with distinction in many State and National offices. He was born in Calvert County and later moved to Frederick County where he was elected as a member of the House of Delegates and then the Maryland Senate. Taney was then elected as Attorney General of the State of Maryland. He served as Acting United States Secretary of War and also as the Attorney General for the United States where his opinion on South Carolina nullification was later used by President Lincoln as the basis to declare the secession invalid. He was appointed as Secretary of the United States Treasury, where he fought as a Jacksonian Democrat against a central Bank of America which he believed was beholden to foreign interests and had abused its powers. Taney was appointed as the first Catholic Justice and first and only Maryland Chief Justice of the United States Supreme Court and served from 1836 to 1864 under six Presidents, including Abraham Lincoln. As *The New York Times* wrote in his 1864 obituary, "Had it not been for his unfortunate Dred Scott decision, all would admit that he had through all those years, nobly sustained his high office."

Few people are aware of Taney's prior anti-slavery words and actions and that unlike George Washington who freed his slaves upon his death, Taney freed his slaves early in his life. In 1806, he married Anne Charlton Key, sister of Francis Scott Key. As described by author Timothy Huebner in an article in the *Journal of American History*, at that time "Taney entered a circle of young, reform-minded Marylanders who sought to protect free blacks from kidnapping and alleviate the harshness of slavery. Both Taney and Francis Scott Key joined an anti-kidnapping society and developed reputations for their willingness to argue cases for the benefit of slaves and free blacks." In representing an

abolitionist minister, Taney called slavery “a blot on our national character” saying that “every real lover of freedom confidently hopes that it will be effectively, though it must be gradually, wiped away.”

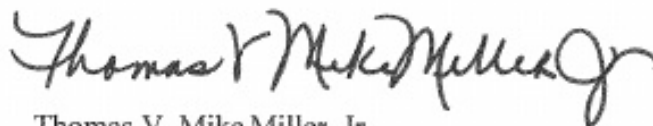
As notable as Taney’s complex history, is the history of this very discussion in Maryland which many appear to have forgotten. When we commissioned the statue to honor Justice Thurgood Marshall, it was a very public and purposeful compromise to give balance to the State House grounds recognizing our State and our Country have a flawed history. As Delegate Howard Pete Rawlings who helped to craft the compromise said, “You want people to be aware of your past and also your future. We needed Taney to stay where he was to show the dichotomy between Taney and Marshall. With Taney gone, you wouldn’t have that.”

A 2007 *Washington Post* editorial opposed removal of Taney statues at that time saying, “Memorials are meant to cause reflection and not always celebration or even respect. The Taney statues should remain but be supplemented with signs explaining the significance of Taney’s contributions to American law, warts and all. More, rather than less, education about the past is always a good thing.” Dred Scott’s descendant, Dred Scott Madison II, told *The Washington Post* at that time, “If you move it, where do you end... It’s part of American history. You can’t hide it.” I continue to agree with both of these sentiments.

Roger Brooke Taney was not a Confederate officer and he remained loyal to the Union until his death in 1864. Many historians have debated the conflicting anti-slavery words and works of Roger Brooke Taney, the Frederick County Attorney and the man who authored the Dred Scott decision. As a student of history, I personally believe as the *New York Times* opined in 1864 that “That decision itself, wrong as it was, did not spring from a corrupt or malignant heart. It came, we have the charity to believe, from a sincere desire to compose, rather than exacerbate, sectional discord. But yet it was none the less an act of supreme folly, and its shadow will ever rest on his memory.”

But regardless of one’s position on this issue, it is insulting to our citizens for the State House Trust to vote on such a matter outside of the public eye. At a minimum, debate should have been allowed and each member of the State House Trust should have been allowed the opportunity to explain our vote, as it takes place in both the Maryland Senate and the House of Delegates. We should have and continue to have public conversation about difficult issues facing our country. A full discussion of each of our reasons for supporting either removal or retention of the statue as well as the complex history of this man and our State would only have added to the public conversation and understanding. Voting on this matter by email was just plain wrong.

Sincerely,



Thomas V. Mike Miller, Jr.

cc: The Honorable Boyd Rutherford
The Honorable Michael E. Busch
Mr. Charles Edson, Chair, Maryland Historical Trust