

In Memoriam: John R. Hargrove, Sr.

Robert M. Bell

Marshall A. Levin

Harry S. Johnson

Sharon A.H. May

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>

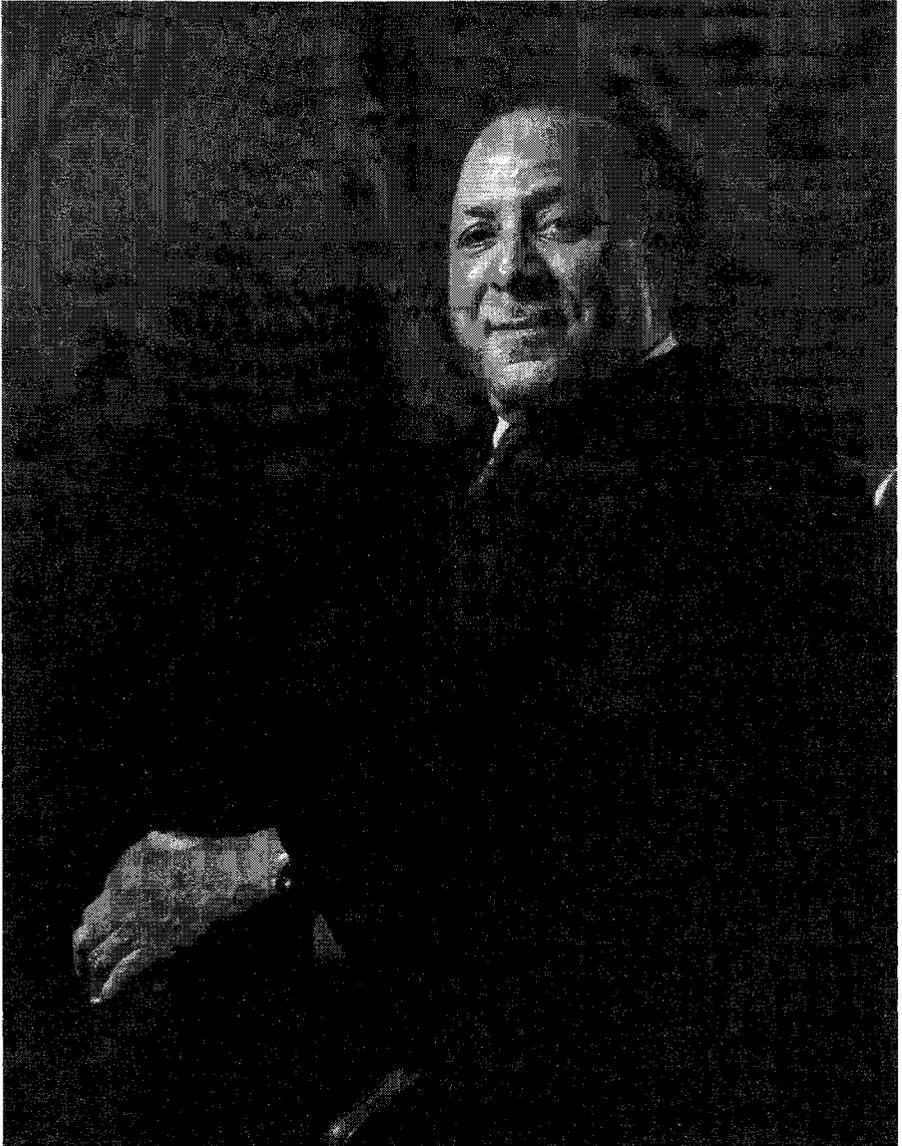


Part of the [Biography Commons](#)

Recommended Citation

Robert M. Bell, Marshall A. Levin, Harry S. Johnson, & Sharon A. May, *In Memoriam: John R. Hargrove, Sr.*, 57 Md. L. Rev. 627 (1998)
Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol57/iss3/4>

This Article is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.



JOHN R. HARGROVE, SR.

IN MEMORIAM: JOHN R. HARGROVE, SR.

ROBERT M. BELL*

On February 17, 1984, at 4:30 p.m., in the ceremonial courtroom of the Garmatz Federal Courthouse, I shared with Judge John R. Hargrove, Sr., his family, and his many friends and admirers, a most significant event, symbolizing a momentous achievement—his investiture as a judge of the Federal District Court for the District of Maryland. In fact, I was privileged to be one of his sponsors, and it was with a great deal of pleasure and honor indeed that I served in that capacity. On that day, Judge Hargrove joined his longtime friend and former state court colleague, Judge Joseph H. Howard, on that bench, becoming only the second African American to so serve. Ten years and four months later, I was afforded the opportunity, of which I again took full advantage, to share another milestone with the Judge and his family and friends. The ceremony on that occasion was in recognition of the significant achievement by the Judge in qualifying for and taking senior status, and its highlight was the unveiling and presentation of a portrait of Judge Hargrove to be hung with those of the other notable judges of the bench who served honorably and well as judges in the District of Maryland. The latter ceremony had added significance for me, and indeed for those of us whom the Judge has mentored, we were enabled to see in practice what Judge Hargrove had long preached. Judge Hargrove firmly believed, and said so with some regularity, that the baton, whether it be of service or leadership, should be passed at appropriate intervals; it was the responsibility of the mentors not simply to relinquish the baton to the mentees, but more important, to know when to do so. Although still capable of pulling the full load, Judge Hargrove recognized that it was his time to pass it along.

I made a prediction at Judge Hargrove's investiture. When commending him to the bench, I stated that the Federal District Court was receiving a bright light in Judge Hargrove and predicted that he would add a new luster and dimension to that court. I also pointed out that he was "uniquely suited and prepared" to serve on the Federal District Court Bench, it being the place where he cut his eye teeth. Unlike some who have, in recent years, been forced to apologize for such predictions and observations, I was privileged to see both

* Chief Judge, Court of Appeals of Maryland.

the prediction and the observation come to fruition. Judge Hargrove was indeed a bright light on the federal bench: He was a hard and productive worker who performed efficiently. And he did justice in the process. In short, he did add a new luster and dimension to the federal bench.

That Judge Hargrove, as predicted, added a new luster and dimension to the bench is not surprising. His background and character undergirded the prediction, for they reflected his capacity for achievement. The values he learned from his family, namely honesty, industry, persistence, the rewards of hard work, the satisfaction of self-reliance, and the need for tolerance and compassion, were early indicators that John Hargrove would be a high achiever. Those values were evident and utilized as he pursued his education, first at the Frederick Douglass Senior High School, later at Morgan State College and Howard University, and finally at the University of Maryland School of Law. These values were reinforced in Judge Hargrove's early years of practice and through association with some of the great lawyers of the day, notable among whom were eminent and pioneering African American lawyers such as W.A.C. Hughes, Court of Appeals Judge Harry A. Cole and Judge David T. Mason, formerly of the Court of Special Appeals, and former United States Attorneys Joseph Tydings and Stephen Sachs.

In truth, the foundation for Judge Hargrove's federal court service was laid as far back as 1962 with his short-lived service on the People's Court. It was strengthened in 1968 when he was appointed to the Municipal Court and his three years of service on that court. The firmness of that foundation was increased during his three-year tenure as the first administrative judge of the District Court of Maryland sitting in Baltimore City. The laying of the foundation was completed in 1984, ten years after he was appointed to the Supreme Bench of Baltimore, now the Circuit Court for Baltimore City.

John R. Hargrove was ideally suited, by intellect, by training, by experience, by temperament, and by commitment, to be a judge. Having been a judge for some seventeen years by 1984, he fit perfectly the profile prescribed by the Canons of Judicial Ethics; he was learned in the law; he was conscientious, thorough, courteous, patient, and punctual. He was also just and impartial. He never sought nor desired public praise, nor was he fearful of public clamor or criticism, and he was not influenced by extraneous factors. Judge Hargrove always gave his judicial duties the highest priority. Moreover, Judge Hargrove was a man of integrity and of flawless moral character. He had a capacity for hard work and a facility for turning out a superior

product. He enjoyed the respect of his colleagues and of the lawyers who regularly appeared before him, not to mention of his many, many friends and admirers.

But being a judge was not the sum and substance of John R. Hargrove. He accomplished far more than simply being a great judge; he succeeded at life. He and Shirley, his bride of more than forty years, raised four children, John, Jr., Stephen, Janet, and Lora, instilling in each of them the self same values that had stood the judge in such good stead over the years. Indeed, it was his family of which he was most proud and in which he took the most pleasure. Judge Hargrove never missed an opportunity to mention his children, and it did not matter whether the catalyst was a matter that was purely mundane or some accomplishment that one of them might have made or some success that one of them, and through that child, the family, enjoyed. So too did he love Shirley dearly. Though quick to reject the accusation, the pride he had in his family often was reflected in the Judge brushing away tears of joy as he shared with the family a family member's success or even when discussing such events or significant accomplishments. Never was this more evident than at the birth of one of his granddaughters, the marriage of his oldest daughter, or Lora's trial sermon.

Judge Hargrove was a kind, decent, and generous man, who was also quite personable and affable. Moreover, he had the "gift of gab"; one might say that he was the exponent of the adage, if one there be, why use two words when ten will do as well. John was also something of a teacher, but not in the usual sense. He taught principally by his example and by his works. In that sense, John adhered to the philosophy that it is better to see a sermon than to hear one. Everyone who knew him will remember that Judge Hargrove was quick to help whenever he could and usually without any ceremony. When it was not possible for him to help, he was quick to say so and to provide, where possible, an explanation as to why that was the case.

Giving advice was the Judge's *forte*, even if not his *raison d'être*. Judge Hargrove never was too busy to offer advice—indeed, he seemed to relish the opportunity to do so—when requested and sometimes even when not requested. This was most notably the case with his law clerks and his really close friends. But it also extended to other young lawyers and the neighborhood youngsters, especially his children's friends. I fell into one of the qualifying categories early in my career. As a young lawyer, I was the recipient of his advice, first respecting the possibility and desirability of a judicial career. Later, after becoming a judge, having taken his advice and having been the

beneficiary of his assistance in making my career choice a reality, I periodically received pointers on how to handle the job. Usually prefaced by the assertion that "I have been around a long time," he would declare that a particular decision was wrong, usually, or right and why, or suggest how a particular situation might have been handled. Initially, I received the advice while we were having our morning coffee. Subsequently, he worked the pointers in at lunch or during our numerous shopping trips. When he joined the federal bench and our lunches became weekly, rather than daily, events, he used the telephone more frequently for that purpose. Sometimes the pointers were solicited, sometimes not, but always they were offered with the best intentions and, more important, they generally were right on point and timely. That pattern of offering advice continued up to the time of his death. I received my last advice from John on Easter Sunday (just two days before he died) while we were having dinner in his room.

Over the years, Judge Hargrove has had a positive impact and influence on a number of other young lawyers. Nowhere is that influence more evident than in the young lawyers who served as his law clerks, in whose development the Judge played a significant role. As he did with his own children, he espoused the very values that he learned early on. In addition, Judge Hargrove was never too busy to take the time to answer their questions and indeed to just generally "talk" to them. Having had the opportunity to watch Judge Hargrove relate to and counsel young lawyers, and even law students, I always marveled at the depth of his understanding of their problems or questions and even more at the wisdom and soundness of the advice he gave them.

Will Allen Drumgoole writes of a bridge builder; John R. Hargrove could have been his model:

An old man going a lone highway
Came at the evening, cold and gray,
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim,
The swollen stream had no fears for him;
But he turned when safe on the other side,
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,
"You are wasting your strength with building here.
Your journey will end with the ending day,
You never again will pass this way.
You've crossed the chasm, deep and wide,

Why build you this bridge at eventide?"
 The builder lifted his old gray head.
 "Good friend, in the path I have come," he said,
 "There followeth after me today
 A youth whose feet must pass this way.
 The chasm that was as naught to me
 To that fair-haired youth may a pitfall be;
 He, too, must cross in the twilight dim—
 Good friend, I am building this bridge for him."¹

In any event, this is the way that I, and I suspect a generation of young lawyers, will remember Judge John R. Hargrove, always striving to make it easier for those who must follow him.

MARSHALL A. LEVIN*

Judge Hargrove was born in 1923. Judge Hargrove died in 1997.

It was my privilege to know him as an up-and-coming attorney, scrapping around the legal arena, honing his considerable legal skills in private practice for five years (1950-1955), and a later five years (1963-1968). I also knew him when he became "governmental," that is, when he was appointed Assistant United States Attorney in 1955, and, later, Deputy United States Attorney in 1957. He was the first black to be chosen as a federal prosecutor and the first to be selected as Deputy United States Attorney.

I knew him too when he became "judicial," that is, when he was appointed as a judge in the old People's Court in 1962; later, a Municipal Court judge in 1968; and then as a state District Court judge, all in Baltimore City. Here too, he was selected by Chief Judge Robert F. Sweeney as the first Administrative Judge in the newly formed District Court, a statewide court of fine repute.

But I knew him best when he served as a judge on the Supreme Bench of Baltimore City for ten years, from 1974 to 1983. We don't call it "Supreme Bench" anymore. We call it the "Circuit Court for Baltimore City." I knew him best at that juncture of his career because I too had the honor of serving on that estimable Court during those same years and, therefore, had the opportunity of relating to him at close and continued range. Indeed, our relationship took off and flourished to a considerable degree.

1. Will Allen Drumgoole, *The Bridge-Builder*, reprinted in *POEMS THAT TOUCH THE HEART* 273-74 (A.L. Alexander comp., new enlarged ed. 29th prtng. 1986).

* Associate Judge, Circuit Court for Baltimore City (Retired).

It is, therefore, appropriate perhaps that I be allowed to paint a picture of this outstanding human being. Let me describe some traits that jump to mind at once: gentle, courteous, warm, soft-spoken, and unassuming. But do not let these qualities fool you and lead you to believe that he was a Milquetoast character. Quite the contrary. Judge Hargrove was a captivating conversationalist and could cover a subject with admirable completeness and clarity. Put another way, Judge Hargrove loved to talk. But when he talked, people listened carefully because he was possessed of an uncommon ability to get to the heart of things. He could render simple that which was complex.

One of his most enduring traits was his dependability. You could count on him. This quality was present whether he was on the Bench or not. When he was on the Bench, you could be sure that he would be fair, that he would listen to you carefully, and that he would pay attention to all parties before making his decision. He would never embarrass a lawyer or a party who appeared before him, and he would always deliver an unhurried, deliberative opinion, keeping justice in mind rather than speed.

He was, thus, an ideal judge. These judicial characteristics came to the attention of society's decisionmakers because, in 1984, President Reagan appointed him to the United States District Court for the District of Maryland. He brought to this august Bench the same attributes that came naturally to him when he served on the Circuit Court for Baltimore City. Our loss on the Circuit Court was the gain of the federal court.

Judge Hargrove served on the United States District Court with great distinction and brought to bear on that court the same sterling qualities that distinguished him on the state Circuit Court. Indeed, his accession to the Federal Bench was a homecoming to him, as it marked his return to the very court where he had served so ably as a federal prosecutor. He knew intimately the workings of the federal District Court and was very well acquainted with the personnel associated with it. He once told me that he was "happy that he was going home."

To concentrate unduly on Judge Hargrove's judicial career would be to lose sight of his other stellar qualities. He was called "trail-blazer" by the press, and no wonder. He was one of the first blacks to be admitted to the once all-white Maryland Bar Association. Imagine that! Not that he was admitted as such, because, on merit, that should have been a foregone conclusion. It was noteworthy because the Association had been so craven in its exclusionary policies up to that time. He blazed trails in other ways. Naturally, his activities came to the

attention of the black community and its attorneys, particularly the younger black attorneys. It was no wonder that these attorneys sought to emulate him and strove to achieve excellence as he had done. Many names come to mind, including those of Robert M. Bell, now Chief Judge of the Maryland Court of Appeals, and Andre M. Davis, now a United States District Court judge, to name only two. It is no wonder that he was called a pioneer. His surpassing excellence was apparent, not only to the black community, however, as witnessed by the huge ecumenical turnout at his funeral at the Cathedral of Mary Our Queen on April 5, 1997. More than 400 admirers attended the funeral mass from all walks of life.

Dictionaries define a judge variously, as one who sits in judgment in a court of law, as one who passes sentence, and as a public official who hears cases for the purpose of administering justice. Justice is traditionally defined as moral rightness, equity, fairness, and uprightness before God. Judge Hargrove had all of these qualities and more. He led a beautiful life, strong in the bosom of a devoted family and constant and attentive before God. He embodied justice in the truest sense. He did not worship rigidity but rather was guided by compassion and common sense. It has been said that rigid justice is the greatest injustice, and Judge Hargrove was assiduous in avoiding the error of excessive and unbending judicial decisionmaking.

When I was asked to craft a tribute to Judge Hargrove, it truly became easy by virtue of the beautiful example of his life. As Judge Hargrove would say, "no problem."

HARRY S. JOHNSON*

Teacher and student. Father and brother. Mentor and colleague. One who sees the worst things that human beings can do to each other, yet who never loses his own humanity. It is fitting that a tribute to Judge John R. Hargrove be contained in the *Maryland Law Review*. After all, the law formed who John Hargrove was, and it allowed him to impact the lives of many, not just those who appeared in his courtrooms. John Hargrove was always teaching, by his word and by his deed.

It has often been said that actions speak louder than words. In Judge Hargrove's case, his actions are the best evidence of his character and desire to help others. My first experience with Judge Har-

* Harry S. Johnson is a 1979 graduate of the University of Maryland School of Law and is a partner at the law firm of Whiteford, Taylor & Preston, L.L.P.

grove came in 1981 when, as a second-year lawyer, I defended a not-so-complicated automobile tort case in his court. While the case itself was unremarkable, something that happened during jury deliberations has stayed with me until this day. After the jury began its deliberations, the Judge invited me into his chambers. He introduced me to his staff and complimented me on my performance. He said that, no matter what the outcome, I had acquitted myself well.

Even though I won the case, what stayed with me was the fact that this respected judge would go out of his way to compliment and encourage a neophyte lawyer. His encouragement to me did not end that day. My experience was not an isolated one, for many lawyers, young and older, have been touched by his kindness and concern.

It was not what he said that made the greatest impact. By including his staff in our conversation, he showed me that you must respect those who work with you. Without saying the words, he let me know that you are only as good as the people who surround you. His act said, to earn respect, you must show others respect.

It was through another act of kindness that I really got to know the Judge. The Judges of the Fourth Judicial Circuit hold an educational conference each year during the last week of June. Lawyers may only attend the conference by invitation of a federal judge. Seven years ago, Judge Hargrove asked if I would like to attend the conference as his invitee. From that time, my wife and I have had the pleasure of sharing time with Judge Hargrove and his family. We all looked forward to the conference as a time to wind down, have a few laughs, and enjoy the company of friends. After I became a member of the conference, Judge Hargrove invited others, widening the circle. This continues to be a prestigious conference, but it will not be the same without Judge Hargrove's stories and laughter.

While I said that his acts spoke louder than his words, that was not meant to indicate that the Judge was reluctant to speak his mind. I remember some of the stories that he told, in large part because he would tell me the same stories over and over. The Judge could talk. His son, John Jr., has inherited this talent. Seldom, however, did the Judge talk about himself. I often heard about his children, his grandchildren, law clerks, or young lawyers who had impressed him. Many of his stories brought a smile to his face. He told me, several times, of how his home became the gathering spot for the young neighborhood boys, who would play pool in his basement. He would then detail how each had gone on to become accomplished in his own regard. Most had become lawyers, doctors, or other professionals.

His pride in his extended family, all of those whom he had touched, showed with each story.

It is easy for those who have been touched by Judge Hargrove's kindness to speak well of him. Lawyers who have appeared in his courtroom describe the Judge as "fair," "courteous," "even-handed," and "impartial." These words show how the Judge treated litigants, whether he agreed with their position or ruled against them. Once again, it was his actions that spoke more loudly than any words he spoke.

You cannot do a tribute to John Hargrove without using the word "trailblazer." Many looked to the Judge as a role model, father-confessor, and advisor. An appreciation of the history of this country, and particularly the State of Maryland, gives context to the breadth of Judge Hargrove's contribution. Born in 1923, he graduated from the University of Maryland School of Law in 1950. He never let segregation deter his pursuit of excellence. In the years immediately after the Supreme Court decision in *Brown v. Board of Education*,¹ he served as an Assistant United States Attorney, and served five years as Deputy United States Attorney. This was at the same time that he could not have lunch or dinner in the restaurants in downtown Baltimore. Later, he served on every trial bench in the City of Baltimore, and presided over trials held during the riotous years of the late 1960s. In 1983, he followed Judge Joseph Howard to become the second African American appointed to the United States District Court for the District of Maryland.

Through all of this, Judge Hargrove kept his eye on the prize. Many are too young to remember how the law served to legally divide the races. The Judge lived through the days of *Griffin v. Maryland*,² when people of color were arrested for entering a private amusement park. He lived through the days of *Bell v. Maryland*,³ where sit-ins led to a change in the public accommodations laws. He lived in a state where the most famous jurist was a Chief Justice of the United States Supreme Court who authored the *Dred Scott*⁴ case, which held that Negroes were property. It may be that the discrimination he faced caused him to reject treating others with disrespect.

Whenever Judge Hargrove related a story about discrimination against him, it included his explanation of how he handled the problem. One of his favorite stories concerned the segregated restaurants

1. 347 U.S. 483 (1954).

2. 378 U.S. 130 (1964).

3. 378 U.S. 226 (1964).

4. *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1856).

in Baltimore. Since he could not eat there with his colleagues, he would bring his lunch to work. After a time, his fellow United States Attorneys also refused to eat at the restaurants. If John Hargrove could not eat with them, then they would eat with him. They all began to brown bag their lunches. Until his death, Judge Hargrove felt a great kinship with those who, by their actions, showed that he mattered as a human being.

Times have changed, so we now face different challenges. Judge Hargrove was able to go to any restaurant for lunch. He was able to see a good friend and mentee, The Honorable Robert M. Bell, become Chief Judge of the Court of Appeals of Maryland. He provided a diverse group of young men and women the opportunity to serve as his law clerks. He was able to see his progeny, both biological and legal, go forth to make their own mark. Our challenge is to keep the spirit of John R. Hargrove alive and to let it impact our acts. Without his compassion, his humility, his humor, and his humanity, we are at a loss. Yet, as a community, we are much better for the time we got to spend with John Hargrove, the time we got to learn from him. If we were listening, his lesson will continue to resonate.

SHARON A.H. MAY*

The old adage says that it is not *what* you know, but *whom*. As much as I would like to say that Judge Hargrove hired me as his law clerk because of my scholastic ability, it would not be true. When I walked in for my interview back in 1979, my face betrayed my family history. He instantly knew that I was the daughter of Charles and Charlotte Harper. Shortly after I was born (notice I did not give the year), my mother and the Judge's wife, Shirley, were on the faculty of School #160 in Cherry Hill. Although my mother formally met "John R." then, she had known about him for ages because her sister and his sister had been high school classmates. During my job interview, the Judge inquired as to the health and welfare of my various family members. That took up most of our time together. After a brief discussion of my education, current employment and accomplishments, the Judge began discussing my starting date. As I recall he never formally offered me the job, but when I left his office, we both understood that I was hired.

From the very outset, the Judge made me feel at home. He had to have known of my apprehension. The clerkship was my first job in

* Deputy State's Attorney for Baltimore City.

the legal field and what I knew about the law back then would not have filled a thimble. The Judge guided me through my duties and never berated me when my performance fell short of his expectations. I only recall two instances when he “gave me the business.” He asked me to make him some coffee once. The next day he made a point of *not* asking me. It must have occurred to him that while I may have some legal ability, I clearly had no culinary talent. The second jab was his comment after he read through some research I had done: “You had a lot of law you didn’t know what to do with.” That was his gentle way of teaching me that in the law, often saying less is more.

Courthouse gossip among the clerks back then was rampant. I heard many a tale from my fellow clerks about judicial attitudes, airs, and idiosyncracies. My contribution to the rumor mill was downright bland by comparison. I told everyone, quite truthfully, that my judge acted like a regular person. He never demanded of me anything disagreeable or peculiar. He never raised his voice in anger. As evidence of his normalcy, I quoted his views on judicial demeanor: “Some of my colleagues act as though they have the word JUDGE tattooed on their chests. Hey, we all put our pants on the same way.” That simple statement spoke volumes.

The Judge was firmly committed to helping young lawyers, especially African Americans, get started in the profession. He was in a position to offer them an opportunity and did so on a regular basis. He molded not just their legal skills but their people skills. He did not just talk about fairness, but demonstrated it routinely. He treated everyone with dignity and respect even when they did not reciprocate. The outrageous or verbose attorney, who strained the patience of all within earshot, was made genteelly but firmly to understand that enough was enough. The Judge lived the example of how to be a good jurist and a decent human being. Those of us who daily occupied the law clerks’ seats in the corner of the courtroom had only to be in his presence. We learned so much by just looking and listening.

With the pride of a father, “John R.” enjoyed each accomplishment of his clerks. I remember when my bar results were supposed to be in the mailbox. He told me to call him at home that night. He needed to know whether he should wear his celebration suit to work the next day. That was the code for asking if I had passed. He also wanted to prepare his remarks for the upcoming Thursday bench meeting. It was customary for the judges to discuss whether their law clerks had been successful. “John R.” wanted to stick out his chest and talk about the gem the legal profession had gained.

To keep in touch with the fifty-odd law clerks he had hired during his time on the state and federal bench, the Judge gave an annual Christmas party. He invited all of his non-biological children for the more than sumptuous collation and for his homemade libation. Just in case any of us had fallen upon hard times, the party guaranteed that we received at least one good meal each year. The libation was the famous eggnog, prepared with the care and precision of a scientist. Although the Judge talked about some of the ingredients used, he never revealed the actual recipe. That is just as well. Though I might have been able to add the proper ingredients, the eggnog would never taste the same. Without a doubt, the chef made the difference.

In 1994 when the Judge had his “flying up ceremony” as I dubbed it, i.e., attained senior judge status on the federal bench, I spoke on behalf of his past and present law clerks. I managed to convey their congratulations and add those special instructions given to me by some of the clerks. Before concluding my remarks, I let the Judge know what an impression he had made on me. I said then that I wanted to be just like him when I finally grow up. I still do.