

# *Arkansas Supreme Court Historical Society*

*Fall Bulletin, 2003*

The Arkansas Supreme Court Historical Society invites you to attend the “hanging” ceremony in which the Supreme Court will receive the portraits of former Associate Justice John Fogleman and former Associate Justice Steele Hays on Friday, October 24, 2003 at 9:00 a.m. in the courtroom of the Justice Building. The ceremony will be followed by several events highlighting the new historical exhibit installed at the Justice Building entitled “The Arkansas Supreme Court During the Civil War.”

## Schedule

9:00 Portrait Ceremony - Receipt of Portraits of former Associate Justices John Fogleman and Steele Hays

10:00 Lecture - “Unionism in Arkansas,” Dr. Carl H. Moneyhon, Professor of History, University of Arkansas at Little Rock (PhD, University of Chicago)

11:00 Lecture - “Reflections on the Civil War and Reconstruction in Arkansas,” Dr. Thomas A. DeBlack, Associate Professor of History, Arkansas Tech University  
(PhD, University of Arkansas)

12:00 Board of Directors Meeting, Arkansas Supreme Court Historical Society, Inc.

1:15 Dedication of the Historical Exhibit “The Arkansas Supreme Court During the Civil War”

1:45 Lecture - “The Lost Opinions of the Civil War Supreme Court,” L. Scott Stafford, Professor of Law, University of Arkansas at Little Rock (J.D., Harvard University)

All events will take place in the Supreme Court courtroom, and the public is invited. CLE credit has been applied for and is available to members of the Supreme Court Historical Society. Cost of membership is \$25.



## Peg Newton Smith Tribute

BY ASSOCIATE JUSTICE ROBERT L. BROWN - ARKANSAS SUPREME COURT

Peg Newton Smith was an Arkansas treasure. She was, first and foremost, a descendant of pioneers, the Newtons and Hempsteads to be exact, and a fountain of information and knowledge about state and local history. She was also a preservationist, a leader in virtually every organization she joined, and a member of any group that espoused a noble purpose, from the Little Rock Public Library to the Visiting Nurse Association. Not incidentally, she was also an original board member of the Supreme Court Historical Society and gave herself tirelessly to that effort as she did to every other effort in which she chose to participate. You always wanted Peg Smith on your team.

What was telling about Peg Smith – such a luminous star in her own right – was that she preferred to be known as Mrs. George Rose Smith. Why? Part of it was a natural humility. But her stated reason was that she wanted to preserve the memory of her legendary husband, Supreme Court Justice George Rose Smith, who served on the Arkansas Supreme Court for thirty-eight years. Peg Smith lore has it that it was due in large part to her natural effervescence and love for people that her husband proved to be so successful on the campaign trail.

For most people, it was Peg Smith’s exuberance that was so captivating. It made no difference whether she was leading a tour of Mt. Holly Cemetery, stopping only for sandwiches and

ice tea, or waxing eloquent on Quatie Ross, wife of Cherokee Chief John Ross. Once she gained your attention, her excitement for the issue at hand was sure to hold it.

And busy. Peg Smith was one of those people for whom you could truly say the moss never grew under her feet. A common sight in recent years was to see Peg and Mary Worthen, her longstanding partner and friend in historic preservation, joined at the hip and attending a board meeting like the Supreme Court Historical Commission, or a foundation for preservation, whether it be the Quapaw Quarter Association or the Arkansas Territorial Restoration.

And finally, there was her wonderfully offbeat sense of humor. Monsignor David LeSieur hit the right note at Peg Smith’s memorial service at Our Lady of the Holy Souls Catholic Church when he delighted the congregation with one of Peg’s favorite two-liners –

“May you always have courage to take a chance and never find frogs in your underpants.”

She will be sorely missed, by her family of course, but also by the community and state she nurtured so well for so many years. We at the Supreme Court bid a fond farewell to one of Arkansas’ greatest citizens and wish God Speed to Mrs. George Rose Smith.



## **NEW HISTORICAL SOCIETY OFFICERS ELECTED**

Officers were elected at the June 11 meeting of the Arkansas Supreme Court Society Board of Directors. Outgoing President Mort Gitelman welcomed Bill Jones, Supreme Court Reporter of Decisions and outgoing vice-president, as the new president of the Society. Professor Frances Ross of the UALR History Department was elected vice-president, and J.D. Gingerich, Director of the Administrative Office of the Courts, was reelected to the dual posts of Secretary and Treasurer.

Interest at the meeting centered on the upcoming exhibit on the Arkansas Supreme Court and the Civil War, which was prepared by Court Historian Robin Baldwin, and the related symposium, featuring guest speakers Tom DeBlack, Carl Moneyhon, and Board member Scott Stafford. “I hope that we can continue to broaden our reach in the next year with programs such as this,” Bill Jones said, referring to the October 24 event.

The June 11 Board meeting was the last one attended by Peg Smith, who took an active part in the discussions. Her last official act as a member of the Board was to second Mary Worthen’s nomination of Frances Ross as vice-president of the Society.

## AN INTERVIEW WITH COURT HISTORIAN ROBIN BALDWIN

*Society President Bill Jones sat down with Court Historian Robin Baldwin to talk about the new exhibit she created, **THE ARKANSAS SUPREME COURT AND THE CIVIL WAR**, which opens on Friday, October 24.*

**JONES:** So, Robin, how did the idea for this exhibit come about?

**BALDWIN:** Well, I think that an exhibit concerning the Civil War was something that was discussed in the earliest Society meetings I was involved in. We talked about sponsoring a series of exhibits, and the Civil War was probably one of the first suggestions made.

**JONES:** Why was that? What about the Civil War made it a relevant topic for the Arkansas Supreme Court Historical Society?

**BALDWIN:** In Arkansas, and I think probably in most southern states, when someone says history, the Civil War is the first thing that comes to mind. It's just such a part of the culture here. There are so many people who are actively interested in it; participating in reenactments, visiting state parks associated with the War, researching into their own family history to learn about their ancestors' lives during that time. Right away I thought it was a great topic for an exhibit because I thought it would bring a broader audience in to the Justice Building. It was also a natural choice for an exhibit sponsored by the Society because Professor [and previous

Society President] Scott Stafford had already done some really exciting research and writing on the subject. He had several articles published concerning the activities of the Arkansas Supreme Court during the Civil War and on the opinions they issued during that time.

**JONES:** The exhibit contains some great historic materials, including several original opinions handwritten into Supreme Court's record books from that period. Did Professor Stafford base his research on those materials?

**BALDWIN:** Yes, those big old volumes are fantastic. They are from the William H. Bowen UALR Law School / Pulaski County Law Library Special Collections. Katherine Fitzhugh, the director of the Special Collection archive, was kind enough to let us borrow those for the display. They are some of the same books that Professor Stafford used to do the research for his articles. When I originally started thinking about this exhibit, I thought about making his work the central theme of the exhibit. He made a wonderful discovery in those books. He found a number of opinions that had been issued by the Confederate Supreme Court, after the Union forces had taken Little Rock, that were never reissued in the official opinion record after the Civil War. These opinions had been lost,

forgotten about, for decades. Scott's "discovery" of them is something historians just dream about doing, finding original primary documents buried away in an archive. I guess that's why the story appealed to me so much.

**JONES:** That story did get included in the final exhibit, but it didn't end up being the central focus. That turned out to be the simultaneous existence of the two courts, the Confederate Supreme Court and the Union Supreme Court. How did that shift occur?

**BALDWIN:** I think that as the project evolved, we decided that we wanted to and could tell a bigger story, one that included the histories of the individual Justices during that period. How their personalities affected the activities of the Court. How governmental politics and military battles affected the Court. How the Civil War impacted the kinds of cases that were heard by the Court, and how those cases were decided. I think that the exhibit shows the Court as part of an ecosystem, if you will, inter-connected with all these other things going on; and the story of the two courts provides a good framework for that.

**JONES:** You said earlier that the record books in the display were loaned from the Pulaski County Law Library. Can you tell me about some of the other items that are included in the exhibit?  
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(Interview continued)

**BALDWIN:** There are two large portraits hanging at either end of the exhibit, one of Chief Justice Elbert English and one of Justice Albert Pike, that are on loan from the Arkansas Secretary of State's Office. Their historian, David Ware, has just been so helpful in all of the exhibit projects I have done. Speaking of Justice English, there are several items belonging to him that were graciously loaned to us by Society members Jim and Katherine Rice. Mr. Rice is actually a descendent of Justice English. I spent several hours at their home, looking over their "English" materials. I only wish there had been more room in the exhibit to show more of their wonderful collection. There are also pamphlets available about the Little Rock Campaign and on a Civil War heritage trail that were supplied by my friend Mark Christ, a Civil War historian who works for the Arkansas Historic Preservation Program; Mark provided editing assistance with the military history portion of the exhibit as well. And, of course, the Butler Center for Arkansas Studies, the Arkansas History Commission, and the UALR Special Collections were wonderful sources for many of the images used in the display.

**JONES:** What did you enjoy most about creating this exhibit?

**BALDWIN:** That would definitely be the day Professor Stafford and I drove down to the Old Washington State Park, in Hempstead County. We toured

both courthouses there, including the one where the Confederate Arkansas Supreme Court sat, took photographs of that courthouse for the display, and enjoyed a nice lunch in the restaurant there in the park. I would really recommend a trip down there to anyone who enjoyed our exhibit.

**JONES:** Is there anything else you would like to add?

**BALDWIN:** I just want to acknowledge Scott Stafford's role in creating the display. He wrote ninety percent of the text and did a great job telling this story. I hope everyone who reads this article will have a chance to come hear the excellent presentation he has put together to tie in with the exhibit.

