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Brandeis, Adams, Otis and the Fourth Amendment

By Gabriel Rosenthal

In Nurse's Hall of the Massachusetts State House there is a mural painted by Robert Reed. In this mural, with a young John Adams in attendance, James Otis lays out his case against the Writs of Assistance, documents and warrants from 1761 which allowed British officials to enter private residences without probable cause, an advance warning, or giving a reason. Otis would go into exhaustive detail in his five hour speech as he methodically shredded the reasoning and authority behind these particular writs and how they violated both common law and natural law. But the key point that has come down to us through Otis and Adams and Brandeis is this line; "the freedom of one's own house." This concept, reexamined and refined through the centuries would be the progenitor of the privacy laws we practice today.

The Fourth Amendment of the U. S. Constitution reads: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. In Part 1, Article XIV of the Massachusetts Constitution, these rights of searches, seizures and warrants are established in even greater detail. The Constitution of Massachusetts was written in 1779, the U.S. Constitution eight years later. John Adams, the principal author of the Massachusetts Constitution had Otis in mind when he wrote those articles. It cannot be overstated how important these parts of the constitutions were in determining the extent of personal privacy in the United States. Furthermore, these articles laid out the basic legal frameworks for when this privacy could and should be breached, its modern form being that of the legal doctrine of probable cause and the limitations in modern search warrants.

The Fourth Amendment would take its modern form thanks in great part to the efforts of Louis D. Brandeis, first as an attorney, then as a Supreme Court Justice. Brandeis was born in 1856 to immigrant parents and attended law school at Harvard College. After graduating as valedictorian of his class, Brandeis would settle in Boston, opening up a new law practice with a former schoolmate. As an attorney working in Boston, Brandeis worked on several cases pertaining to individual privacy, but it was his famous dissent as a Supreme Court Justice in 1928 that would be his masterstroke. In 1890 Brandeis had published an article called The Right to Privacy; in it, he presciently and passionately argued that recent advances in photography technology had not been properly addressed by law. This argument of technology circumventing the laws meant to protect individuals would be at the center of his dissent in Olmstead v. United States nearly thirty years later.
In Olmstead v. United States, a group of bootleggers was wiretapped by federal agents without a warrant and then used as evidence in their criminal trial. The bootleggers appealed, on the grounds that their fourth and fifth amendment rights had been violated. In a 5-4 decision the Supreme Court dismissed their appeal on the grounds that with wiretapping, per the fourth amendment: "The amendment does not forbid what was done here. There was no searching. There was no seizure." Brandeis led the dissent, and his arguments have been proven to be extremely farsighted. In his rebuttal of the court's verdict, Brandeis methodically laid out the purpose of the Fourth Amendment, explaining both the circumstances and context in which it was written and how courts in the past have stretched the protections from their humble beginnings. When the Fourth and Fifth Amendments were adopted...Force and violence were then the only means known to man by which a government could directly effect self-incrimination. It could compel the individual to testify-a compulsion effected, if need be, by torture. It could secure possession of his papers and other articles incident to his private life-a seizure effected, if need be, by breaking and entry…. But 'time works changes, brings into existence new conditions and purposes.' Subtler and more far-reaching means of invading privacy have become available to the government. Discovery and invention have made it possible for the government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet.

It was not until 1967 with Katz v. United States that warrantless wiretapping would be made illegal. And still today, the questions that James Otis, John Adams and Louis Brandeis weighed in on are more relevant than ever. These three, who never saw the digital age asked "How best can we protect personal privacy?" Inspired by Otis, codified by Adams and refined by Brandeis, the descendants of those laws that were written during their time safeguard us today in a changing world, but still holding to the spirit of "The freedom of one's own house"

Abrey [Abbredalah] Kamoo

By Bob Murphy

The role of American women serving as nurses got its greatest boost during the American Civil War. Prior to the war it was thought to be "unwomanly" to perform the tasks of caring for sick men that were not your relatives. There are dozens of firsthand accounts and diaries from women, both in the north and south, that served as nurses during the Civil War, as well as also hundreds of dissertations on the role and impact these women had on the war.
The most overlooked of these women were of African descent, the best known were Harriet Tubman (1822-1913) and Susie King Taylor (1848-1912), who were two of only five black women out of over 900 nurses that collected a pension from the government. Since most of the black women were attached to a regiment they were not recognized as having been a "nurse" since they also served as cooks and laundresses who were not eligible to receive a pension.

One overlooked nurse with a Massachusetts connection was Abbredalah [Abrey] Kamoo, born in 1815 in Tunis in Northern Africa as one of triplets. Her father, Abdallah Kaloss of Tunis, was a high-ranking official and had many connection to Europe and United States, her mother was of German decent. Among Abdallah's friends was Comrade Matthew C. Perry (1794-1858) of the United States Navy. Commander Perry was very impressed with Abrey's intelligence and convinced her father that his daughter should be educated in Germany. She went to the University of Heidelberg where she received her Doctor of Medicine degree in the mid 1830's. She dressed as a man for her four years in college since woman were not allowed to attend. She returned to Tunis for a short time and upon the advice of Comrade Perry she sailed to New Orleans in 1838 with him. There she joined her fiancée Enrique (William) Kamoo of Cairo, who she had met at the university, then a doctor in New Orleans. When they were married in 1840 Comrade Perry gave her away, and the couple would have six children though only one son lived to adulthood. Together they established a hospital for blacks in New Orleans. Around 1859 Enrique, who was a northern sympathizer, died (their last child, William, was born in early 1860). There are two accounts of his death, one claimed that after an argument about the abolition of slaves he was shot and died from his wounds, while the second claims he died of Smallpox during an epidemic of the disease.
In either case Abrey was left with their one remaining son to raise. By then the war was underway and Abrey wanted to support the northern efforts so she left her son William with trusted friends and worked her way north to join the army. Once again disguised as a man, she enlisted as "Tommy" Kamoo, and became a drummer boy. The disguise worked until she was wounded at the battle of Gettysburg and her true identity was discovered. Because of her medical background for the remainder of the war she was put to work in a field hospital as a nurse caring for black soldiers, since because of her race she was not allowed to care for white soldiers.
Following the war Abrey briefly returned to New Orleans to reunite with her son and they moved to New York where she opened a practice. In 1875 she moved to Boston where she established a dermatology practice on Hanson Street in Boston's South End. The Boston Street Directories list her as "Mrs.Abrey Kamoo physician, dermatology". She was a member of the Army Nurses Association and attend local meetings of the Massachusetts chapter.
In 1901her son William died from appendicitis at the age of 39. Abrey's health began to fail and she had several falls that further weakened her. On Sunday February 2, 1904 while attending evening services at the Peoples Temple at Berkley Street and Columbus Ave Abrey quietly died. She is buried with her son at Mount Hope Cemetery in Boston.

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Guglielmo Marconi: The Inventor of the Radio Has a Special Place in American History
by Alex Svenson

Anybody who has ever taken a trip to Wellfleet, Massachusetts probably knows of Marconi Beach. Located at the bottom of steeply sloping dunes on the white sands of Cape Cod's National Seashore, it is one of the most picturesque beaches on the East Coast of the United States. Situated atop the dunes facing out towards the ocean lies Marconi Station, which was the site of the first transatlantic wireless communication signal originating in the United States. It also contains a memorial to Guglielmo Marconi, the Italian inventor who was the engineer responsible for this innovation in telegraphic technology.

Guglielmo Marconi was born on April 25, 1874 in the city of Bologna Italy, to an aristocratic family of landowners. Throughout his childhood, Marconi never attended school, and instead was taught chemistry, physics, and math by private tutors who were hired by his father. However, he eventually became acquainted with physicist and professor Augusto Righi, who granted Marconi permission to attend lectures at the University of Bologna. There he would study science and engineering; gaining a particular interest in the works of Heinrich Hertz, the physicist who developed detectable electromagnetic radiation that would later become known as radio waves.
Inspired by the works of Hertz, Marconi began examining the idea of wireless telegraphy, where he would attempt to produce telegraphic communication without the need of the wired connection that was necessary in existent telegraphic devices. Previous inventors had already been experimenting with conduction and electromagnetic induction, but in 1895 Marconi created an innovative design consisting of a spark-producing transmitter which would send signals to a receiver connected to a metal sheet with wires. This proved to be unprecedented in its efficiency and simplicity and it was considered by many to be the first modern radio.

In 1896 the British government became interested in Marconi's work. They believed that the transmitter that Marconi constructed could be used on a much larger scale. In 1897 Marconi began building large towers, which emulated the wires from his prototype, and used a mechanically powered electric transmitter to send telegraphic signals first between England and Wales, and then between England and Ireland. In 1901 Marconi constructed a transmission station in Wellfleet, Massachusetts, which used a kerosene engine powering a 25,000 volt electrical antenna array placed atop four 210 foot towers. This station was capable of transmitting telegraphic signals that could reach across the Atlantic Ocean to Marconi's previously constructed station in Cornwall, England, which made it the first transatlantic telegraphic signal to originate in the United States. This station sent a message on January 18th, 1903 between President Theodore Roosevelt and King Edward VII the first message sent between two world leaders by radio. Marconi's advancements in technology from the late 1800s to the early 1900s were revolutionary for the time, as such wireless telegraphic technology was unprecedented. Radio proved to be crucial equipment for military, cargo, and civilian ships in order for them to communicate with one another as well as with officials in port. It also began to connect different cities and countries with one another, and increased globalization through the spread of information, news, and entertainment. Marconi's innovations also paved the way for later inventors, such as Thomas Edison and Alexander Graham Bell, both of whom brought new advancements to Marconi's telegraphic radio by experimenting with phonography and the telephone. Marconi's work changed the world, and started the modern age of communication that continued today.

Gridley J. F. Bryant
By Matthew Landon

Gridley J. F. Bryant was an engineer and architect who is well known for his many buildings around the country, especially in the New England region. He is the most commissioned architect in Boston's history, who designed houses, churches, public buildings, schools and was popular with the wealthy class. He liked projects that gave him high personal or societal value and many famous colleges, including Tufts, Bates, and Harvard, have buildings designed by him.

Gridley was born in Scituate, Massachusetts on August 29th 1816 to Maria Winship Fox and Gridley Bryant Sr. His father was an engineer who had developed the first commercial railroad in the United States and also figured out most of the details in running it. He used the railroad to move granite from Quincy to the site of the Bunker Hill Monument. Bryant studied in the local schools before moving to Maine to go to secondary school. He focused on mathematics and engineering before moving back to Massachusetts to work with his father. He also worked with local lithographers and artists to refine his skills in design.When Bryant began his career there were not many prominent architects in Boston so he self-taught himself building design and construction analysis. He also taught himself about the architectural practices of Europe, including the Second Empire style, from books although he never travelled abroad. Eventually Bryant found work under the architect Alexander Parris and honed his design skills in the Neoclassicism and Second Empire styles. His first major achievement was the design for the Broadway Savings Bank in South Boston in the early 1830's. Bryant faced stiff competition early in his career from larger architectural firms but was still able to find footing and open his own firm, Bryant and Associates, in 1837.

His firm was initially quite successful as Bryant used his many draughtsmen to quickly erect his designs and is a reason he was able to construct so many buildings. Most of his projects had to have a high value associated with them, whether personal or societal. He also used his previous study of lithography to create colored advertisements, becoming one of the first in Boston to do so. Bryant and Associates partnered with many noted architects to design multiple buildings, including the two largest courthouse complexes in Maine and Old City Hall in Boston. The Old City Hall was built in the Second Empire style, becoming one of the first in the country and paving the way for many other similarly designed public buildings. Bryant and his firm helped to lay out the gridiron street pattern of Back Bay in the 1850's while still getting many commissions from the city, such as the 1853 addition to the Massachusetts State House which was completed in 1856. The addition encapsulated the previous space and added room for a state library, while doubling the size of the State House. Today this addition no longer exists as it was demolished during Charles Brigham's 1895 extension. Bryant wouldn't always do big commissions, as his work encompassed projects in rural communities. In 1857 Bryant himself designed Hathorn Hall on the campus of Bates College, which was a net loss financially. His buildings for Harvard however were well financed and he was paid extremely well for them. In 1872 the Great Boston Fire destroyed 152 of Bryant's buildings in the city but owing to his reputation he was commissioned to rebuild 110 of them. Bryant continued to work in the area and died in Boston in 1899 at the age of 82. He was survived by his wife Louisa who put all his books and drawings in his study and then burned the house down as was stipulated in his will. Bryant is known for his elegant buildings throughout New England, many of which still stand today.