

The cover of the Georgia Bar Journal features a portrait of Charles L. Ruffin, the 51st State Bar President. He is a middle-aged man with white hair and glasses, wearing a dark suit and a red tie. He is seated in a green patterned armchair, with his hands clasped. Behind him is a dark wood-paneled wall and a framed painting of a landscape with a rainbow. The journal's title is at the top, with a scales of justice icon. The issue information is below the title.

# Georgia Bar Journal

August 2013 Volume 19 Number 1

**Charles L. Ruffin**  
**51st State Bar President**



Photo by Zach Porter Photography

by Charles L. Ruffin

# Georgia Legal Legend: U.S. Attorney General John Berrien

**T**his new fiscal year of the State Bar of Georgia marks the 50th anniversary of the unified Bar in our state, as well as the 130th anniversary of the formation of the Georgia Bar Association and the 225th anniversary of the ratification of the U.S. Constitution.

In a year of such important historical milestones, this will be a time to reflect not only on the progress of this organization over the past half-century, but of the legal profession and our justice system from the time that Gen. James Oglethorpe first set foot in Georgia—more than 40 years before our nation declared its independence.

Along the way, we will learn about numerous historical figures in Georgia's legal history, and I anticipate featuring several of them in these President's Page

articles in the coming year. Some will be more familiar names than others.

For example, until I recently visited the Robert F. Kennedy Department of Justice Building in Washington, D.C., and saw a listing of every previous U.S. attorneys general, I could not have recalled hearing of John Macpherson Berrien.

The nation's 10th attorney general and the first of three from Georgia—the others being Amos T. Akerman, who served under President Ulysses S. Grant (1870-71) and Griffin Bell, who served under President Jimmy Carter (1977-79)—Berrien was 46 years old when he was appointed by President Andrew Jackson following Jackson's election in 1828.

According to Berrien's biography in the *New Georgia*

*Encyclopedia*, written by Charles J. Johnson Jr. of Savannah, Berrien was born Aug. 23, 1781, in the Rocky Hill, N.J., home of his grandfather, who was one of New Jersey's colonial justices and a close friend of George Washington. The same house, writes Johnson, "may have served as Washington's head-

**"Berrien died in Savannah on Jan. 1, 1856, at the age of 74. The next month, Georgia's 116th county was carved out of Coffee, Irwin and Lowndes counties in South Georgia and named for him . . ."**

quarters while he wrote his farewell address to the troops.”

Berrien’s grandfather was also named John, as was his father, who served in the Revolutionary War under Lachlan McIntosh of Georgia. In the aftermath of British Gen. Cornwallis’s surrender at Yorktown, Pa., Berrien’s father moved the family to Savannah.

Young John Berrien’s education took him back north, for preparatory studies in New York, after which he attended the College of New Jersey (now Princeton University). He earned a Bachelor of Arts degree at age 15, and then read law in the office of prominent lawyer and federal judge Joseph Clay Jr.

Berrien returned to Georgia and was admitted to the Bar in 1799 at 18. He served for a time as solicitor general for the Eastern Judicial Circuit before becoming a judge in 1810. His service on the bench was interrupted by the War of 1812, when he was a captain in the Chatham Light Dragoons and later a colonel in the First Georgia Calvary.

In 1822-23, Berrien represented Chatham County in the state Senate. Prior to the 17th Amendment to the Constitution being adopted in 1913, U.S. senators were elected by their state legislatures rather than by popular vote, and the Georgia General Assembly voted to send Berrien to Washington, D.C., in 1825.

In the Senate, Berrien earned a reputation as an eloquent debater on a number of major issues of the early 19th century. He was known as the “American Cicero” for his oratorical skills and was described as “the honey-tongued Georgia youth” by none other than U.S. Supreme Court Chief Justice John Marshall—no doubt contributing to Berrien’s selection by Jackson as attorney general.

Unfortunately, Berrien’s tenure as the nation’s top lawyer met an ugly end when he found himself on the opposite side of the president amid turmoil within the cabinet over a personal matter rather than a policy dispute. Here is how historian Charles Johnson tells the story:

“... Berrien suffered a falling out with the president over the Margaret (Peggy) Eaton affair, an episode in which the wife of John C. Calhoun and other cabinet wives refused to associate with the wife of John H. Eaton, Jackson’s secretary of war. Eaton had an affair with Peggy, the daughter of a tavern keeper, while she was married; Peggy and Eaton were married following her husband’s death. Calhoun’s wife referred to Peggy as a ‘hussy,’ but Jackson was convinced that Calhoun had put his wife up to the snubbing. The president and Calhoun argued bitterly about the affair, fueling their already growing differences. The argument splintered Jackson’s cabinet, and Calhoun’s friends on it, including Berrien, were forced to resign in June 1831.”


Berrien went back to Savannah and started a private law practice with Richard Cuyler. He was once again re-elected to the U.S. Senate in 1841, where he resumed his post as chairman of the Judiciary Committee. Berrien had been a member of the Jacksonian Party during his first Senate tenure in the 1820s; he was a Whig this time around, serving until 1852. Again, it was back to Savannah, where Berrien resumed his law practice.

Princeton bestowed an honorary doctor of laws degree on Berrien, as did the University of Georgia,

which he served for 30 years as a trustee. Berrien was a co-founder of the Georgia Historical Society and served as its first president in 1839. Also, he was president of the Georgia branch of the Society of the Cincinnati, a member of the board of regents of the Smithsonian Institution and president of the American Bible Society.

Berrien was the father of 15 children, nine by his first wife, Eliza Anciaux, who died the year before he became attorney general, and six by his much-younger second wife, Eliza C. Hunter of Savannah. Berrien’s daughter Louisa married Francis S. Bartow, a lawyer, politician and military officer who was killed in the Civil War.

Berrien died in Savannah on Jan. 1, 1856, at the age of 74. The next month, Georgia’s 116th county was carved out of Coffee, Irwin and Lowndes counties in South Georgia and named for him, which was the second time that had occurred. The state of Michigan had named a Berrien County of its own in his honor 27 years earlier.

Berrien is an exemplar of the time-honored but now less frequently found combination of a devoted family man, private practitioner, public servant and involved citizen. We need to remember his example. 

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