

# DAVID JOSIAH BREWER: THE OTHER SUPREME COURT JUSTICE FROM ALBANY LAW | BY NICK CROUNSE



Justice David Josiah Brewer, Class of 1858, served on the U.S. Supreme Court from 1889 to 1910, a period of great transition as the nation shifted from its agrarian roots to an industrialized society. Throughout his tenure on the bench, he was a staunch proponent for social legislation, including protecting the rights of women, workers and immigrants.

Born on June 20, 1837, in Izmir, Turkey, where his parents ran a school, Brewer soon moved with his family to Connecticut. He attended Wesleyan University and Yale University, then read law for one year with his uncle before

enrolling at Albany Law School, where he graduated in 1858.

By the time he was appointed to the Supreme Court by President Benjamin Harrison in 1889, Justice Brewer had served on the U.S. Court of Appeals for the Eighth Circuit, the U.S.

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Circuit Court for the Eighth Circuit, the Kansas Supreme Court, and several other courts. Earlier in his career he prospected for gold, worked as the Leavenworth, Kan., city attorney, and served as superintendent of the Leavenworth school system.

Brewer served on an Albany Law School committee in 1904 to raise money for a new school building. Brewer also delivered a lecture on ethics at

Albany Law that was part of a nationally recognized series that included a lecture by President William Taft.

Justice Brewer authored the unanimous opinion in the 1908 case of *Muller v. Oregon*, in support of a law that restricted working hours for women. In other opinions, he argued passionately for the rights of marginalized Chinese and Japanese immigrants. While on the bench in Kansas, he also made history by writing one of the first judicial opinions upholding the voting rights of an African American citizen.

Brewer was on the court that voted on *Plessy v. Ferguson*, while Jackson voted on *Brown v. Board of Education*. While a family emergency kept Brewer from voting on the case, 60 years later Jackson left his hospital bed after suffering a heart attack to physically vote on the *Brown* case.

Justice Brewer passed away on March 28, 1910, one year before a young Robert H. Jackson, the next Albany Law School graduate to serve on the Supreme Court, would come to Albany to study law.

Sources for the Jackson Centennial section: "Albany In the Life Trajectory of Robert H. Jackson," *The Albany Law Review*, 2004–2005, by John Q. Barrett, Professor of Law, St. John's University School of Law; Robert H. Jackson, by Gail Jarrow, published by Calkins Creek, 2008; *The Robert H. Jackson Center*; Albany Law School records and publications. Images courtesy of the Robert H. Jackson Center and the Associated Press.