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Introduction

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AN APPRECIATION OF PROFESSOR HERBERT JOHNSON INTRODUCTION

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On October 29, 2004, the American Society for Legal History (ASLH) held a panel at its annual scholarly conference in Austin, Texas, entitled “Herbert Johnson and the Writing of American Constitutional History.” The Herbert Johnson of that title is Herbert Alan Johnson, for twenty-five years a Professor of Law and History at the University of South Carolina and, since 2002, Distinguished Professor Emeritus of Law. That ASLH panel and the papers that flowed from it are the inspiration for—and in large part, the substance of—the Symposium that follows.

To write a tribute to the life’s work of a living individual is to court trouble on many fronts. First, such a tribute risks prematurely closing the book on the honoree’s achievements, forever deflecting attention from the achievements of his or her later years.¹ Second, such an endeavor has the distinct disadvantage of subjecting the author’s conclusions to the comments (and likely the barbs) of the work’s subject. Finally, such a project must be written carefully lest it produce exaggerated rumors of its subject’s demise.

Given these potential pitfalls, it is a testament to Herb Johnson’s character and career that four leading legal historians threw caution to the wind and contributed papers to the Austin panel and this symposium. In addition to those papers, this symposium includes an essay by one of Herb’s longtime South Carolina colleagues² and a reply paper by Herb himself, responding to and commenting on the tribute papers.³ (While Herb’s words are friendly and appreciative, his gentle yet persistent engagement with the substance of the commentators’ papers might come as something of a shock for historians who are unaccustomed to having their subjects talk back to them.)

The panel in Austin and the papers published herein present a warm and fitting appreciation of Herb Johnson’s multi-faceted and overwhelmingly successful career. While each of the six papers in the symposium is interesting on its own terms, their effect is cumulative, as none attempts to be exhaustive. Professor Kent Newmyer offers a scholarly essay on the Marshall Court (“Herb Johnson’s Favorite Court”), inspired by Professor Johnson’s work and intellectual concerns.⁴ Essays by Professor Harry Scheiber and Tony Freyer interweave insightful assessments of

*Assistant Professor of Law, University of South Carolina School of Law. As an unabashed fan of Herb Johnson’s scholarly work and as the successor to many of his legal history and constitutional law courses here at the University of South Carolina School of Law, I enthusiastically took the lead role in organizing this symposium. However, this project (and a related reception at the American Society for Legal History’s 2004 annual conference) would not have been possible without the assistance and persistence of Lewis Burke, Burnele Venable Powell, Harry Scheiber, Jack Pratt, and the editors of the *South Carolina Law Review*.

1. As the papers below and the curriculum vitae that follows demonstrate, this concern is of particular relevance in the case of Professor Johnson, who has remained a startlingly productive scholar in the two and a half years since he took Emeritus status.

2. W. Lewis Burke, *Dr. Herbert Alan Johnson: Scholar, Colleague, Teacher, Mentor, and Friend*, 56 S.C. L. REV. 457 (2005).

3. Herbert A. Johnson, *Comments in Reply*, 56 S.C. L. REV. 451 (2005).

4. R. Kent Newmyer, *Some Thoughts on Herb Johnson’s Favorite Court*, 56 S.C. L. REV. 443 (2005).

Professor Johnson's scholarship with vivid snapshots of Herb Johnson the man.⁵ Professor Hamilton Bryson contributes an essay illuminating Professor Johnson's important and underappreciated work as a documentary editor.⁶ And Lewis Burke, in the only paper prepared specifically for this Law Review symposium, provides a broad overview of Herb Johnson's achievements as a colleague, teacher, and mentor.⁷

Though the focus of the papers is diverse, the picture of Herb Johnson that emerges is clear and consistent. Though a man of diverse talents, extraordinary erudition, and pitch-perfect scholarly judgment, Herb Johnson continues to impress his friends and community as much for his "integrity,"⁸ "dignity of bearing,"⁹ and "deep humanity"¹⁰ as for his professional achievements. Those characteristics are familiar to the members of the community here at the University of South Carolina School of Law and are in large part the impetus behind this symposium.

5. Harry N. Scheiber, *Herbert Johnson and the Writing of American Legal History*, 56 S.C. L. REV. 429 (2005); Tony A. Freyer, *Herbert Johnson: A Legal Historian's Work and Times*, 56 S.C. L. REV. 435 (2005).

6. W. H. Bryson, *Herbert A. Johnson, Editor*, 56 S.C. L. REV. 441 (2005).

7. Burke, *supra* note 2.

8. Scheiber, *supra* note 5, at 429.

9. *Id.* at 430.

10. Freyer, *supra* note 5, at 435.