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145 Brattle St., Cambridge, Mass.

November 28, 1897.

To Dr. Elliott Coues,

Washington, D.C.-

My dear Dr. Coues:-

In reply to your recent letter I will say that the outcome of the Shufeldt case disappoints rather than surprises me. It is true that up to within a short time of the meeting I had supposed that the sentiment for expulsion would be practically unanimous and I even feared that the case might be rushed through with unbecoming haste and Dr. Shufeldt denied an opportunity for a fair hearing. Accordingly I wrote to Dr. Allen urging the necessity of guarding against this and certain others possible dangers and giving him permission to show this letter to the Council, which perhaps he did.

At the eleventh hour, however, rumors of a growing opposition to expulsion reached me, prompting the letter to you in which I suggested the point about the Audubon family.

Of course you will understand that up to the time when it was definitely decided that I could not attend the meeting my official position obliged me to exercise the greatest caution in respect to what I said or wrote but there can be no longer any impropriety in admitting that while I took every precaution to ensure a fair and dignified consideration of the case I was from the first strongly in favor of expulsion. Had I attended the meeting I should have spoken and, if the

opportunity had occurred, voted on that side of the question. I agree with you in thinking that the final action of the Union was a mistake—not only of principle but even of policy, for I believe that the case came within our jurisdiction, that the grounds for expulsion were sufficient, and that the risk we ran was less than that which we have now incurred. There is much truth in what you wrote me to the effect that Dr. Shufeldt may prove to be more dangerous as a member than he could have been as an outsider—provided of course that his expulsion could have been accomplished on technically just grounds.

But beyond this point our views diverge. It does not seem to me to have been either right or wise after deciding that the Union had no jurisdiction to add, to the formal motion to that effect, a statement that "the Union has evidence to show that the charges \*\*\* are substantially true as alleged". What would be thought of a judge who should say, "This court has no jurisdiction in the present case but I have looked over the evidence and I am convinced that the prisoner is guilty"? Yet obviously the action of the Union was scarcely less extreme. By "no jurisdiction" I suppose the Union must have meant that the nature of the charges was such that we had no right to take up the case. If we had not this right what business had we to examine the evidence—still more to pass our verdict on it?

Presumably the underlying motive was to back up you and Dr. Merriam. If so the principle was right enough for inasmuch as the case was made up with the knowledge—and to a large extent the approval,

expressed or implied--of most of the leading members of the Union that body was under moral obligations to stand by you both at the last and to do it handsomely. But the matter should have been handled in some other way--as for example by passing a resolution expressing its thanks to you and to Dr. Merriam for the service which you had rendered in bringing the matter to its attention, its appreciation of the arduous and self-sacrificing character of your labors, in collecting the evidence, and its regret at finding that the existence of certain precedents affecting apparently similar cases necessitated the conclusion that Dr. Shufeldt's acts, however disgraceful, were not of a nature to warrant his expulsion from a purely scientific society. It seems to me that such a resolution would have put the case more clearly and accurately and that it would have constituted a more fitting acknowledgment of the really great obligations which the Union is under to you and to Dr. Merriam.

Your motion, adopted by the Council on Nov. 10th, also seems to me to have been a rather grave mistake. If the Union could find no good or sufficient cause for expelling Dr. Shufeldt what right had its Council to pass and record a formal vote directing the Editors of the Auk to decline anything and everything that he may offer them for publication regardless of its intrinsic interest or value? Does it not seem a little like persecution to thus treat a man who remains one of our Active Members and whose standing as an ornithologist has not as yet been impaired--or even questioned? Suppose he were to find a re-

markable fossil bird with two heads and eight legs or were to hit upon and elaborate a new law as interesting and important as that of evolution! In such a case should we not make ourselves simply ridiculous by refusing to publish his discovery merely because he is a man with whom we cannot continue to maintain close personal relations? I confess I should have voted against this motion even if it had been made after Dr. Shufeldt had been expelled. It would have been much better to have a simple understanding that all contributions from him which did not relate to matters of exceptional importance were to be declined.

Of course it is much easier, now that the battle is over, to suggest what might or should have been done than it was to think dispassionately and act wisely during the heat of the fray. Probably, too, the views which are above expressed are not now of any particular value or interest to you or to any one else. But I wanted you to know how the matter strikes me and I have ventured to tell you this with entire frankness.

Very sincerely

William Brewster.

Brewster - William

Nov. 28, 1898,

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