

FRANK G. CLEMENT

MEMORIAL RESOLUTION

Right after Frank Clement's death last month, a critic suggested that only future historians could really assess his record of public service. If he meant that no assessment now could be impartial, perhaps he was right: least of all could anyone get an impartial assessment from the members of this committee who practiced law with him.

So we attempt no assessment. Frank Clement's acts in his public life and as a lawyer will continue to speak more meaningfully of him than anything we might say.

It was interesting to us to recall one particular time, almost seven years ago: December 7, 1962--many of you were there--when he spoke to our association at our annual banquet. He had just been re-elected governor, but had not yet started to serve his new term.

Here, in his words, are some of the things he proposed:

1. Adequate compensation for judges.
2. The creation of the office of executive secretary to the Supreme Court.
3. Giving the chief justice the power to assign judges to alleviate congestion and delay in the disposition of litigation.
4. Providing law clerks for the judges of the Supreme Court.
5. The enactment of the Uniform Commercial Code.
6. The creation of a special law revision commission.

You might say that these proposals were a unilateral commitment to the members of the Nashville bar: without consideration, as a lawyer might say, because the proposals were first made at our December meeting: after the election, not before.

It was typical of him that once he had determined these these were things which ought to be done, he went to work and got legislative action on every one of them in the 1963 Assembly. During that term of his office he took particular pleasure in signing the Acts by which our Fifth and Sixth Circuit Court came into existence.

Governor Clement appointed more judges than any governor in Tennessee history. Not one of those appointments was made without careful consultation with lawyers. Many of you have voted in advisory bar referendums held at his request.

It was no accident that in his years as governor Frank Clement had such a prodigious impact upon the particular world in which we lawyers live.

After all, he grew up in a home where he learned that practicing law and holding public office were two of the highest callings to which a young man might aspire, and where both were a family tradition. In the Clement family there was no such thing as a generation gap.

Undoubtedly, Governor Clement's most painful obligation was the ultimate decision he had to make in the case of every man condemned to die. During his early years as governor a number were executed. He visited every one of those men at the prison, some of them several times. Not once was the penalty imposed until the prisoner had acknowledged to him, face to face, that he was indeed guilty of the crime for which he had been sentenced.

Few people knew how he agonized over those cases. One man who was executed had six children. Frank Clement would remember this at Christmas, and more than once he saw to it personally that on Christmas morning those children were not forgotten.

Those of us who were associated with him over the years remember countless times when his irrepressible good spirits and enthusiasm would catch fire and spread. His encouragement was not reserved for his law partners or for his political associates: there was never the prisoner so low; there was never the client so hopeless or poor; there was never the former political friend so errant that he couldn't attract Frank Clement's immediate sympathy and interest for whatever his problem might be.

Of course there were those who opposed him politically, who at one time or another had denounced him: some would call them his political enemies. It was interesting to see how many of them, in time, became his friends. His door was always open to them, and sometimes he would literally forget what they had said or done against him.

May I read a few more words from his remarks to our association that December night seven years ago?

Some twenty-one years ago a young man from Dickson County not yet out of law school passed his bar exam and joined your ranks--Frank Goad Clement, attorney at law.

Twenty-one years have brought a lot to me--some heartaches, some disappointments, many anxious moments, and more than my share of good fortune.

But the main thing those years have brought--the thing I treasure most--are the friends like you who have indeed been my brothers at the bar--more than friends or brothers, though--teachers, who by the examples of your own lives have taught me what integrity, what character, what honor mean.

What man couldn't learn how and when to stand and fight from Seth Walker or Lindsey Davis?

What man couldn't learn the necessity of hard work and thorough preparation after one day in Judge Langford's court?

What man couldn't learn that justice is more than the letter of the law from Judge Gilbert and Judge Hart?

I count myself most fortunate and most honored to have learned from you and to be one of you.

May we say now, governor, in behalf of all of us who had the matchless privilege of being associated with you: it is we who were fortunate.

Douglas Fisher

Val Sanford

Grant Smith