

## Memoriam: Justice Tom C. Clark (1976 Tazewell Taylor Visiting Professor)

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JUSTICE TOM C. CLARK

# MEMORIAM

## JUSTICE TOM C. CLARK

In the three phases of his public life, before, during, and after his service on the Supreme Court of the United States, Tom Clark's interests and capacities for positively influencing the administration of justice progressively broadened, and the program of the Marshall-Wythe School of Law was the unique beneficiary of much of the work in the third phase.

From the pioneer project on post-conviction processes<sup>1</sup> conducted at this school when Clark was the first Director of the Federal Judicial Center until the spring of 1977 when he acted as presiding judge at the annual Invitational Moot Court Competition—a function he had discharged every year since the competition began—Justice Clark characteristically devoted himself to effective involvement in whatever he did. He was never content to be merely a titular leader or participant.

A permanent result of his all-out activity, which manifestly demonstrates the continuing benefits he bestowed on the Marshall-Wythe School of Law, is the headquarters building for the National Center for State Courts which will be dedicated next spring at the International Conference on the Judiciary ("Williamsburg II"). The concept of the National Center grew from the first National Conference held in Williamsburg under the working chairmanship of Justice Clark—who headed the sponsoring committee, personally signed and wrote notes on hundreds of letters of invitation to the meeting in 1971, and prevailed upon Chief Justice Warren E. Burger to address the meeting and make the historic proposal for a National Center.

It was entirely fitting that one of the first Tazewell Taylor Visiting Professorships, the "judge's chair" at Marshall-Wythe, should have been filled by Justice Clark in the spring of 1976. His strenuous discharge of those duties, flying into Williamsburg regularly from wherever he was sitting—and he is the only Justice to have sat in all eleven federal judicial circuits—to lecture in a variety of courses, was

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1. *State Post-Conviction Remedies and Federal Habeas Corpus*, 12 WM. & MARY L. REV. 147 (1970).

totally typical. John Frank has described one of Clark's characteristically energetic schedules:

On the morning of Saturday, August 10, 1963, Justice Clark arrived in Chicago for the annual meeting of the American Bar Association. At 12 noon he attended a luncheon of the National Conference of State Trial Judges. At 2:15 he gave a formal speech, carefully prepared for the occasion, to the National Conference of Municipal Court Judges. At 3:00 in the afternoon he left the hotel at which these affairs took place and proceeded to the twelfth floor of a building on North State Street to tape a program for the *Chicago Sun-Times*. . . . From 5 to 7 he was at a cocktail party given by an outstanding American Bar leader, Mr. Walter P. Armstrong. At 7, in still another part of Chicago, he attended a dinner given by the Chicago and Illinois State Bars for the Board of Governors of the American Bar Association. Somehow, in the course of these movements, he had gotten into a tuxedo.<sup>2</sup>

After describing a comparable sequence of activities for the Sunday, Monday, Tuesday, and Wednesday following, Frank stated:

In short, in four and one-half days of what could otherwise have been vacation, on matters entirely self-assigned because of his own judgment on their value, Clark had 32 scheduled engagements . . . . He made several substantial speeches, each involving careful preparatory work by him. He visited with hundreds of persons from all over the country, an astonishingly large number of whom he knew. Over and over again, he asked what each locality was doing to make the legal system better serve its people. Over and over again, he encouraged, he committed, he cheered along.<sup>3</sup>

This coast-to-coast activity began from the moment he retired from the Court in the spring of 1967; indeed, it had been occurring considerably longer than that, but only in such intervals as the Justice's full-time activities on the bench would permit. When the Southern Conference of Law Reviews met in Williamsburg in 1969, Clark was the featured speaker, and one recalls the enthusiasm with which law students clustered around him, effortlessly bridging a "generation gap" of fifty years. In his regular contributions to law reviews, as in one local instance,<sup>4</sup> he devoted all his energies to creating more than a

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2. Frank, *Justice Tom Clark and Judicial Administration*, 46 TEX. L. REV. 5 (1967).

3. *Id.* at 6-7.

4. Clark, *Constitutional Government and the Pursuit of Justice*, 17 WM. & MARY L. REV. 417 (1976).

perfunctory product. He was never satisfied merely with placing his name on a staff-written piece.

"Let me know if I can help," was his characteristic parting statement on many a meeting that will long be remembered. But it was Tom Clark's manifest personal interest in individual law students and the details of legal education that will keep his memory warm and affectionately preserved. For example, there was his self-introduction to a Marshall-Wythe law student who was wearing a jacket emblazoned with his undergraduate school's name, the Associate Justice of the Supreme Court saying, "I'm an old V.M.I. man myself." There was his visit to the campus in December, 1976, to attend the inaugural lecture of the annual George Wythe Lecture Series,<sup>5</sup> at which he greeted various students whom he had met the previous spring during his Tazewell Taylor Visiting Professorship.

For his work in judicial administration he received the Marshall-Wythe Medallion in 1975. On that occasion he spoke of the importance of new lawyers interesting themselves in both the operation of the legal system and the techniques for improving it. The value he placed upon that system, along with the results of his self-imposed mission to make it better, are the great contributions Tom Clark made to the legal profession.

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5. The remarks by Francis A. Allen at that lecture have been adapted into an article. Allen, *The Prospects of University Law Training*, 63 A.B.A.J. 346 (1977) (also appearing in 29 J. LEGAL EDUC. 127 (1978)).