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A Tribute to Governor Sidney S. McMath

Cover Page Footnote

The UALR William H. Bowen School of Law and the UALR Law Review would like to bestow a special debt of gratitude on Governor Sidney S. McMath for his distinguished service to our nation and the State of Arkansas as a military officer, governor, attorney, and icon in the legal community. The essay that follows is one of six in this issue that pays tribute to Governor McMath's accomplished life and illustrates the impact of his legacy. He will be forever remembered in the hearts and minds of those whose lives he touched.

A TRIBUTE TO GOVERNOR SIDNEY S. MCMATH

*Morris S. Arnold**

The McMath family has done me the signal honor of asking me to say a few, brief words today about Governor McMath. I'm glad to do so, because remembering him gives me great pleasure. Sid McMath's life convincingly rebuts those who reject the Great Man theory of history and express skepticism about American exceptionalism. He stands out as Arkansas's clearest representative of what Tom Brokaw has taught us to call The Greatest Generation.¹ This generation is all but gone, so I am thankful that I knew the governor (I never called him anything else) and that I came face-to-face with a significant historical figure.

The roots of Governor McMath's singular version of Americanism are easy to trace to the South in which he was born and raised. It was a South suffused with a chivalric tradition, itself a rich if confused mix of English literature, folk tales, and Civil War lore. It was a South where words, and how you put them together, greatly mattered, and where rhetoric had not yet become a bad word. The governor grew up listening to and being fascinated by the tales of confederate veterans, stories of courage and hardship and opportunities barely missed.

One of his favorite historical figures was Augustus H. Garland, after whom the governor's Garland County was named. Mr. Garland, who had served Arkansas in the Confederate Congress, was the plaintiff in the famous case of *Ex Parte Garland*,² decided by the Supreme Court in 1866, which held that it was unconstitutional to exclude from practice in the federal courts anyone who had supported the Confederacy.³ Garland not only won his case, but he went on (improbably, perhaps miraculously) to become Attorney General of the United States. Garland's story appealed both to the governor's sense of fairness and to his view of what our constitution stands for—matters, actually, that were never really quite separate in his mind. He loved stories of courage and redemption, of the heroic triumph over adversity.

In his political life, Governor McMath became associated with the progressive wing of the Democratic party. He used his considerable influence to keep Arkansas out of the clutches of the Dixiecrats; worked to integrate the medical and law schools at the University of Arkansas (the first South-

* United States Circuit Judge for the Eighth Circuit. What follows is a eulogy delivered at Governor McMath's funeral on Oct. 8, 2003, at Pulaski Heights United Methodist Church in Little Rock.

1. See TOM BROKAW, *THE GREATEST GENERATION* (Random House, Inc., 1998).

2. 71 U.S. 333 (1866).

3. *Id.* at 347.

ern state university where that happened); labored relentlessly against the white-only primary system; and appointed black Arkansans to office. He loved to talk about the first black person who was admitted to the medical school at our university; she became a highly successful physician. He spoke with me, too, with great affection of two African-American convicts who had worked in the governor's mansion, whom he pardoned and who went on to lead productive lives. Most significantly, perhaps, he vigorously and bravely opposed those who fomented the constitutional crisis of 1957.

Some will think that this record fits oddly with a person who saw much goodness in the aging confederate soldiers among whom he was raised, but they would simply be wrong. The same chivalric tradition that Governor McMath observed in those old soldiers inspired him to champion the oppressed and the helpless. Besides, he saw some very ugly things happen in South Arkansas, brutal things that I will not recount here because it might desecrate this occasion and this place, things that no real soldier could ever brook or countenance, things that haunted and moved him. The best of us are those who can distill the ideals of the past, avoid being crushed or captured by them, and use them to good effect in the present.

The things that he did so many years ago may strike young people as only simple decency, and, in fact, the governor would agree with that. But decency was in short supply in some circles in those days, and he did those things when it was hard to do them, when there were highly unpleasant consequences to doing them, when (in the words of Yeats)⁴ the worst were full of passionate intensity and the best lacked all conviction. The event was uncertain, and Sid McMath was not tacking to winds or borne along by currents that pollsters had charted for him. It took courage and commitment to principle to act as he did. I remember it. I was there. And he was on the side of the angels.

In his life as a lawyer, the governor was the very paradigm of the gentleman practitioner. I use the old-fashioned, long-form oath when I swear in new lawyers, and here are some words from it that will have to bring the governor to mind: "I will never reject, from considerations personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice, so help me God."⁵

The sense that he could and should do, indeed had to do, things that brought hope to those in need of comfort stayed with Governor McMath all his life. When he was struck blind not very long ago, what did he do? Of course, he did public service announcements for the Lion's Club World Services for the Blind, setting yet another example for others and inspiring

4. William B. Yeats, *The Second Coming*, COLLECTED POEMS OF W.B. YEATS 200 (1921).

5. Source on file with author.

the afflicted. His autobiography is called *Promises Kept*,⁶ and he took his title from Robert Frost's reminder to us all that we have "promises to keep and miles to go before [we] sleep."⁷

Only about ten days ago, I visited the governor in the hospital. He could not see and had great trouble in raising his hand to shake mine. I joked that we had a lot of money tied up in that book of his and that people were counting on him to help celebrate its appearance. His face lit up. He would be there, he said, you can count on it. Last Saturday he kept this last promise. He appeared on a stage at the Historic Arkansas Museum where he had dreamed of being, with his book, his very life really, in his hands. He spoke briefly, and we rose as one and applauded in admiration. And then he quite literally exited the stage, disappeared behind the curtain. Barely twenty-four hours later, he was gone. No one would have believed this; a book that ended this way would be condemned as maudlin fakery. But it happened and it was electric drama. His life had been an American tableau to the end.

A. E. Housman once wrote pityingly of "runners whom renown outran, And the name had died before the man."⁸ Housman was not writing about Sid McMath. Although the governor did not hold public office for the last half century, his name never died. He served his country, his state, his party, and his clients through many years of struggle, some of them dark and uncertain. Renown could never outrun him; in fact, renown could not keep pace. It is said that those whom the gods would destroy, they first call promising. The governor was called promising, but destiny was no match for a will like Sid McMath's. His reputation only grew with the years, his contributions only became larger and more significant, even as some of them receded into the deep past. He never wearied, was always keen for the next engagement.

6. SID MCMATH, *PROMISES KEPT* (Univ. of Ark. Press, 2003).

7. Robert Frost, *Stopping by Woods on a Snowy Evening*, NEW HAMPSHIRE (1923).

8. A.E. Housman, *To an Athlete Dying Young*, THE WORKS OF A.E. HOUSMAN 32-33 (Wordsworth Poetry Library, 1994).

The word "garland" keeps reappearing like some kind of clue to the governor in my reflections on his life—in the names of his heroes (Augustus H. Garland), in the names of places that he called home (Garland County). So Housman must come to mind again and finally. Speaking of one who had not been given the governor's longevity and fortitude, Housman wrote:

And round that early-laurelled head
Will flock to gaze the strengthless dead,
And find unwithered on its curls
The garland briefer than a girl's.⁹

Governor McMath's achievements, in contrast, were sustained and long-lasting.

9. *Id.*