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Judge George Howard, Jr., Memorial Tribute

Cover Page Footnote

The Honorable George Howard, Jr., passed away on April 21, 2007, at the age of eighty-two. He was a man of many firsts, and the University of Arkansas at Little Rock Bowen School of Law is proud to have an endowed professorship in his name and honor. What follows is one of the essays from a collection of tributes to the late Judge Howard, written by some of his strongest friends, colleagues, and admirers. Given the impact of Judge Howard's civil rights work in the state of Arkansas, it is altogether fitting that this tribute to his legacy is included in this Law Review issue that also commemorates the 50th Anniversary of the integration of Central High School as well as other continuing legal efforts in civil rights.

JUDGE GEORGE HOWARD, JR., MEMORIAL TRIBUTE

*Judge Lawrence E. Dawson**

At 12:23 a.m., on Saturday morning, April 21, 2007, this state and nation lost one of its greatest jurists, citizens, family men, and Christians. This was the time when Judge George Howard, Jr., departed this life for the next at Jefferson Regional Medical Center, Pine Bluff, Arkansas.

I was extremely fortunate in being among the very first to observe up close the character and great legal ability of young George Howard, Jr., after he graduated from the University of Arkansas Law School at Fayetteville and opened a law practice in Pine Bluff, Arkansas, in the fall of 1954. During the election of 1954, I had been elected to the office of Municipal Judge of Pine Bluff and took office on January 1, 1955. Within a week or two after I assumed the office of Municipal Judge, I had occasion to have George Howard, Jr., appearing in that court, representing his clients. I distinctly recall being so impressed with this young lawyer, whom I did not know, that it prompted me to make inquiries about him. The information that I received was that he was a young man of strong character and with a deep spiritual commitment. Also, this county and state would be the ultimate benefit of his practicing law in our midst.

In a press release issued shortly after the death of Judge Howard, Chris Mercer of Little Rock, a fellow law student who grew up in Pine Bluff at the same time as Howard, stated: "George had a temperament that would endear himself to people. He wasn't easily provoked."

From my personal observation of Judge Howard from the time I first knew him in early 1955 up until his death, I can personally confirm the accuracy of Mr. Mercer's observation of his friend. I had occasion to observe Judge Howard during the four years that I served as Municipal Judge of Pine Bluff and, beginning in 1959 until he was appointed as a federal district court judge, I had occasion to observe him in many cases in the chancery court of the 11th Judicial District. As is true of all of our good attorneys, he always came well prepared and knew exactly where he was going and what he wanted to ultimately achieve. Even though I've never been briefed on this, I have always suspected that he was such a good practitioner of the law that he was able to advise clients early on as to whether they had a case that

* Judge Dawson has served as a judge for over fifty years. He served thirty-four years as Chancery Judge of the Eleventh Circuit, Second Division, of the State of Arkansas and four years as Chancery Judge at large for the entire state. He is the author, most recently, of *50 YEARS AS A JUDGE AND COUNTING* (2007).

was winnable in court. The reason I make this observation is because he lost very few cases that were tried in my court, and I was, of course, deciding all cases strictly on the law and the facts of each case.

In October 1980, George Wells, writer for the *Arkansas Gazette*, wrote, "The phrase, 'The first black,' ought to be part of his name." This statement may be a good example of a reporter's overstatement of a matter. However, it is true that Judge Howard will be remembered, among other things, for being the first black in several categories. Even though he was not the first black to graduate from the University of Arkansas Law School, he was the first black to hold a student office at the University of Arkansas after his dormitory elected him president of Lloyd Hall in 1952. He was also the first black in the state to hold a position on the state's Claim Commission, the Supreme Court, and the Court of Appeals. He also was the first black in the state to become a federal judge.

The thing that appealed to me the very most about Judge Howard, other than his strong character and commitment to family and his faith, was the fact that he was able to put aside his past life when he became a judge, which would have included growing up during the dark days of segregation when blacks were not permitted to enter theaters except through separate doors into the balcony, were not permitted to eat at restaurants and, at best, had to take food from the kitchen through the back door.

In addition to that, as a practicing attorney, Judge Howard represented many blacks trying to desegregate schools in El Dorado, Fort Smith, West Memphis, and other school districts. Notwithstanding his past life of being discriminated against and his past practice of representing the NAACP and other organizations seeking to integrate our society, in his comments from the bench and conversations in his chambers, Judge Howard made it clear that he regarded his job as an honor and a serious duty to his country.

This unwavering philosophy was reflected in a comment he made shortly after his 1980 appointment to the Eastern District of Arkansas by President Jimmy Carter when he stated: "I walked in [as a judge of the district court] not as a black judge for black people but as a judge for all the people." His record during the years he served as a United States district court judge completely bore out the accuracy of the above statement in that litigants of all races and backgrounds found their way into Judge Howard's busy courtroom, where he presided with the same patient, methodical demeanor over everything from routine drug cases to high profile white collar criminal cases to complex civil litigation that often stretched on for weeks at a time.

Among the attributes of character that any judge should possess is courage. Judge Howard manifested courage on many occasions and in many instances when his decision on a particular issue or in a particular case was not a popular one. Early in his career as a federal judge, he captured headlines by ordering then Pulaski County Sheriff Tommy Robinson to prison

after finding him in contempt of court for firing a monitor Howard had ordered to oversee jail operations.

Judge Howard was noted for painstakingly assuring that all criminal defendants who wanted to plead guilty understood the ramifications of doing so, and he satisfied himself in this area by having a particular defendant adequately explain in his or her own words the crime to which he or she was pleading guilty. He would routinely say, "I'm not going to hand you to the government on a silver platter." He would say this in a stern voice, emphasizing that he wanted to ensure himself that the defendants had not been talked into a plea bargain when they could exercise their right to a jury trial.

In a strong, unwavering voice that came to belie his fragile appearance in his later years, Judge Howard regularly reminded defendants of the rights they should not take for granted and the hardships that others went through to get to "this great nation." A statement that Judge Howard once made typifies the type of judge that he was more so than anything I or anybody else can possibly say about this great man. He once said, "I don't like to be beholden or tied to anybody." For that reason Judge Howard once stated that he preferred a system in which judges are appointed and not elected.

It is quite rare in life to find a person so universally admired, who is also actually known as a person, not some distant image into which we can pour our own hopes or upon which we can paint our own picture of greatness. Judge George Howard, Jr., was just what he seemed to be: brilliant and good; strong, yet gentle; full of fierce convictions and profoundly sympathetic to those who differed with him.

An editorial that appeared in the *Arkansas Democrat-Gazette* a few days after Judge Howard's death sums up his life and career better than any words of us mortals. The editorial is captioned, *Dignity in Action: The Legacy of George Howard Jr.* It states in part:

Conservatives, even reactionaries, can claim [Judge Howard], and certainly should, because everything about him was deeply conservative, even traditional. The way he lived, spoke and dressed, the way he conducted himself on and off the bench, the values he not only embraced but passed on, his adherence to discipline and especially self-discipline, and most of all, his understanding that any change, in law, in character, in style, in youth or age, must comport with the foundation of things if it is to endure.

It says something about the man and the father that the Howards never moved out of that big, old family-centered house on West 2nd in Pine Bluff where the sweet sound of a child practicing on her first violin must still echo in its very timbers. That was his town, his street, the place he had a sense of. It was where he would both take his stand and take his comfort. His home. The judge may have been the very image of self-

reliance, but George Howard, Jr., most of all would know he was not a self-made man, not as long as he had Vivian Smith Howard, his childhood sweetheart, wife, and mother of his children, at his side. And the God who made us all. Equal.¹

1. Editorial, *Dignity in Action: The Legacy of George Howard Jr.*, ARK. DEMOCRAT-GAZETTE, Apr. 25, 2007.