

Chapter No. 2241

11/SS02/R1375

JN 1/15/16

***SENATE  
CONCURRENT RESOLUTION  
No. 670***

Originated in Senate

*Fernando Quynas*

Secretary

He was commissioned in July 1945, and was serving on a destroyer in the Pacific when World War II ended. During the Korean War, he was called back for 2 more years of Navy service; and

WHEREAS, between those 2 wars, Judge Clark attended the University of Mississippi School of Law, graduating in 1948. He practiced law in Jackson until being appointed by President Nixon in 1969 as a Judge on the 5th Circuit. At that time, the 5th Circuit heard appeals from all the federal trial courts in the 6 states from Texas across to Florida and Georgia. Due to overwhelming growth in the caseload, the 5th Circuit was reduced in 1981 to include only Mississippi, Louisiana and Texas, while the eastern 3 states formed a new circuit; and

WHEREAS, Clark was twice considered for the Supreme Court. In 1971, Clark was among 6 people President Nixon asked the American Bar Association to evaluate for 2 vacancies on the high court. Clark was one of the finalists again 4 years later. President Ford's records suggest Clark was among the final 4 considered; and

WHEREAS, during his 23 years on the 5th Circuit, Clark wrote more than 2,800 opinions. Moderately conservative, he was pragmatic in his rulings, was patient, listened, was open to points of view different from his own, commanded respect as a person without creating any distinctions, much less hierarchy. between himself as Judge and others as staff, clerk or lawyer, and had a fundamental belief and confidence in the capacity of the law to guide and inform conduct. Clark followed the law wherever it took him; and

WHEREAS, on October 1, 1981, Charles Clark became Chief Judge of the 5th Circuit and remained until he retired in 1992. As Chief Judge, Clark was a member of the U.S. Judicial Conference, which consists of the Chief Justice of the Supreme Court, the Chief Judges of the Circuit Courts, and 13 other judges. It is the principal policymaking body for the federal courts. Clark was

Chairman of its Budget Committee from 1981 to 1987, and in that capacity he annually testified to congressional committees. On January 1, 1989, Clark was appointed by Chief Justice William Rehnquist as Chairman of the Executive Committee of the Conference. That is the highest position in the federal judiciary other than to serve on the Supreme Court itself; and

WHEREAS, on January 15, 1992, Judge Clark retired from the 5th Circuit. Supreme Court Justice Byron White called him "a great judge, a great leader and a remarkably wise and intelligent man." Charles Clark projected the very image of a judge. Far more importantly, he also was the reality of all a judge should be:

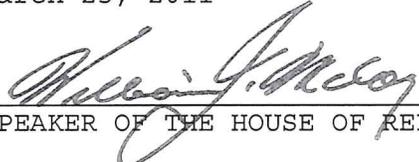
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That we do hereby mourn the passing and commend the judicial legacy of former 5th U.S. Circuit Court of Appeals Judge Charles Clark and join his colleagues in extending the sympathy of the Legislature to his surviving family on his passing.

BE IT FURTHER RESOLVED, That this resolution be presented to the surviving family of Charles Clark, forwarded to the Clerk of the 5th Circuit Court of Appeals, and made available to the Capitol Press Corps.

ADOPTED BY THE SENATE  
March 23, 2011

  
PRESIDENT OF THE SENATE

ADOPTED BY THE HOUSE OF REPRESENTATIVES  
March 25, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES