

THE LIFE AND LEGACY OF MALCOLM MACLEAN

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Malcolm Maclean deserves to be remembered, and I am privileged to help remember him. He was my boss, my mentor, and my friend. I am especially grateful for this opportunity to remember Mr. Maclean, because he had a proper Episcopal funeral when he died in 2001, which means he had a very sorry eulogy, in this Methodist's opinion. In an Episcopal service, there's a lot of "the grass withereth and the flower fadeth," but not very much about the dearly departed. ^[i]

Almost like Episcopalians, some historians argue that individuals are of little import, because we are just bits of flotsam on the tidal wave of history, swept along by forces beyond our control or understanding. You will not find me in that camp. Malcolm Maclean was an individual who decided to make a difference and did so.

First, a brief note on honorifics. I always called Malcolm Maclean, "Mr. Maclean," and that is how I will refer to him today. We were forty years apart in age, he never suggested that I call him anything else, and I never presumed to do so.

When I first started this project, I did not know how I could fill thirty minutes, but now I feel like Robert Caro—what I can present in the next half hour is only an overview of a multi-volume work. This afternoon, I will offer suggestions about why Mr. Maclean responded as he did to the Civil Rights movement in Savannah. But more than a traditional historical discussion, I want to give you some sense of the man with whom I worked for fifteen years. In doing so, I hope to comply with John Bell's instructions to be entertaining, but a sense of the man should also inform our understanding of Mr. Maclean's role as mayor and his larger legacy. ^[ii]

I started working with Mr. Maclean in July of 1985, almost 19 years after he had been voted out of office. When we began working together, Mr. Maclean was 66 years old, and I was 26. He was busy running the law firm as its senior partner, while also managing a successful and active law practice of his own. I was busy learning how to be a lawyer. I knew nothing of Savannah's twentieth century history and Mr. Maclean's role in it, and Mr. Maclean did not discuss it.

Over the years, as I learned more about Savannah and Mr. Maclean, we talked some about his political career, but only briefly, and only on a handful of occasions. He did not dwell on the past or on himself. Rather, he was very much about the business at hand. For some people, Mr. Maclean observed, politics was like liquor or chasing women, a bug they never got over. As for himself, he had been cured of politics when he lost his bid for reelection in 1966.

So, what was it like to work with Mr. Maclean? First and foremost, Mr. Maclean loved being a lawyer. He enjoyed the intellectual challenge, the competition of advocacy and negotiations, the history and tradition of the law. He was proud to serve his clients and to provide guidance and solutions for their problems.

He understood that law is a business. If a client was more than forty-five days late in paying the firm's bill on a matter on which I had been actively engaged, he would instruct me to telephone the client and inquire about payment, all the while apologizing to me with exaggerated sincerity about how sorry he was to soil my hands with the unseemly lessons of commerce. I once heard him dictate the following letter to a client who was slow to pay:

Your check came. We were glad. It bounced. We were sad.

We are like the parking meter. We do not work unless you put money in.

Sincerely,
Mac

On or about December 31 of each year as the books were closed, Mr. Maclean would declare, "Well boys, we made it through another year. Now, we have to start all over again."

At the same time that he worried about keeping the lights on, very much a child of the Great Depression, Mr. Maclean quietly and routinely accepted pro bono referrals from Georgia Legal Services. He represented other individuals for no fee or a reduced fee. Especially in Mr. Maclean's later years, any number of widows from all walks of life, rich and poor, white and black, depended upon him for advice and counsel.

When one frail and eccentric widow contacted Mr. Maclean for help after her family had threatened to have her involuntarily committed, Mr. Maclean forcefully informed the probate judge that if he signed the commitment order, then Mr. Maclean would sue him personally for habeas corpus and every civil rights violation he could think of. The commitment order was not signed, and the woman's family angrily told Mr. Maclean that if he were so concerned, then he could look after the woman himself. So he did, and for many years afterward, until she died at an advanced old age.

Mr. Maclean was a creative and energetic thinker, but very much tied to the practical. He believed in the "rule of do." He frequently arrived at the office in the morning holding scraps of paper scribbled with his ideas from the night before. He was one of the last great, general practitioners, not only a litigator, but also adept

at tax, trusts and estates, bonds, and real estate. He was a voracious reader, especially of history, often devouring a book a day.

As much as he loved the competition of the law, Mr. Maclean absolutely believed in following the rules. He told more than one of us, if the lesson were needed, that “clients pay for our best talents, our hardest work, and our total dedication and loyalty. Clients do not buy our souls. We do not get paid to lie.”

My law partner, Brooks Stillwell, said the challenge for me today would be to provide the meat, but without the salt. In the interest of accuracy, however, some salt cannot be avoided.

Certainly by Savannah standards, Mr. Maclean was a liberal. He wrote monthly letters for Amnesty International, and supported such causes as the Southern Poverty Law Center. During the Reagan years, Mr. Maclean frequently commented on the BS content of the President’s speeches, although Mr. Maclean willingly admitted it was good sounding BS. Even so, Mr. Maclean was a member and former president of The Oglethorpe Club and the Cotillion Club. Like his grandfather before him, he was also a member and former president of the St. Andrew’s Society. He could talk with crowds, but kept his virtue. He walked with Kings, but never lost the common touch. And at the end of the day, labels are not so very helpful when we are trying to understand other people.

Mr. Maclean had a stiletto sharp sense of humor. He frequently summarized his views with a succinct stage aside, only his stage asides were easily heard by anyone paying attention. Whenever and wherever the Landings came up in conversation, he muttered, “That last great bastion of the middle class.”

Similarly, whenever the names of certain of his fellow parishioners at Christ Church popped up in conversation, Mr. Maclean would softly say, “Hand raiser.” I had no idea what this meant and finally asked him. “You know,” he replied, “early service, guitar strumming, hand raiser.”

Like many lawyers, Mr. Maclean enjoyed a good story, whether as narrator or as listener. Of course, the typical good story is at someone else’s expense—that’s what makes it a good story. Numerous times I heard him laugh at the punch line, then grow quietly reflective and say, “It’s funny, so long as it’s not you.” He had a fundamental sense of fairness, a mix of morality and pragmatism, summarized in the maxim, “The sun don’t shine up the same dog’s asshole twice.”

When appropriate, Mr. Maclean was a firm believer in economy of expression. When Arnold Young wrote Mr. Maclean about the uncertainty of a start date with the firm because Arnold did not know whether the Navy would discharge him in September or October, Mr. Maclean wrote back only, “I will see you when the leaves begin to turn.” Many letters went out on law firm letterhead, under the signature of “Mac”, with only one word in the body, either “Yes” or “No.”

But, when it suited him, Mr. Maclean was a master dissembler, telling stories about the Navy, about Yale, about the Battle of Chickamauga, about anything in the world other than the subject of the current meeting, which would not be going as well as Mr. Maclean would have liked.

Dana Braun, upon the occasion of Judge Edenfield's portrait dedication in this courtroom, explained the literary device of mordant syntax, a method of describing someone by defining what he is not. About Judge Edenfield, Dana explained, "Patient, he is not." The same description applied with full force to Mr. Maclean. "Patient, he was not."

Mr. Maclean frequently gave an assignment with the disclaimer, "Whenever you get around to it." This instruction meant to begin work immediately. It did not matter that the project might not be due for thirty days. Other projects and deadlines were of no consequence. If he gave the assignment at 9 o'clock in the morning, by 10:30 a.m., he was back in your office, asking, "How you coming?"

As an aside, most of the cases I worked on in those formative years were in federal court, either in front of Judge Edenfield or Judge Alaimo. Two quotes succinctly summarize this time in my professional life: First, "Nowhere to run to, nowhere to hide" and second, "What does not kill us makes us stronger."

Mr. Maclean learned his management and communication techniques as a lieutenant commander in the United States Navy during World War II. His temper was explosive, and once fully engaged, came in repeated waves. Just as you thought the worst was over, the tide came rushing back, crashing over your head with renewed energy and force. If you tried to walk away, Mr. Maclean followed. Picture a Marine drill sergeant close on the heels of an unfortunate private.

Mr. Maclean graded people. He once reluctantly gave me an A- for ideas, but with great enthusiasm awarded me a C- for execution. I assure you, the report card was given with much more volume and vigor than I have conveyed in this retelling. He graded some of you in this room, but I am not about to give you the results.

Anyone who worked with Mr. Maclean for any length of time eventually had at least one chewing out story to tell. We wear those stories like badges of honor, proud and grateful for the experience. Saunders Aldridge boasts that he had it the worst of all, and scoffs that my experience years later was like a glass of water compared to the Atlantic Ocean. Working with Mr. Maclean was so stressful when Arnold Young started at the firm that Arnold considered reenlisting in the Navy, because it was "a far kinder and gentler place." But, of course, Arnold did not leave, and he considers himself the "better for having withstood the fires of hell."

We understood, at least most of the time, the anger was not personal. It was about the heat of the battle, doing the best for the client, and avoiding stupid mistakes. Once the anger was spent, it was over and forgotten. Moreover, Mr.

Maclean expected no less of himself than he did of other people. And while he truly hated stupid, he was supportive and understanding of the honest mistakes that can occur even after best efforts have been applied.

Mr. Maclean believed in work-life balance, although he would never have used such a phrase. He was devoted to his wife, Frances, and their two children, John and Nancy. He frequently told me to do what my wife, Susan, said, and to pay her some attention. Otherwise, I would end up in the big Dee-voce and then I would be no good to him for at least two years. When I told Mr. Maclean that Susan was pregnant with our first child, Mr. Maclean could not have been happier for the two of us. Later that same day, he told me that although my news was mostly good, there was some bad that went with it. With prophetic truth he said, "You do not know what hard-head is until you have children of your own."

Mr. Maclean loved to play tennis, and did so several times a week, no matter the weather. Frequent tennis partners were Drs. Darnell Brawner and John Angell, and to see those three together was to know what true friendship is all about.

Mr. Maclean did not wear his religion on his sleeve, but he was active in Christ Church, and served there on the vestry and as lay leader. Briefly, he even taught sixth grade Sunday School. When he told me this, I was astounded, and I told him so. I could not imagine anyone less suited to teach middle school children. Mr. Maclean admitted the arrangement had not been long-lived, as it was not satisfactory for anyone involved, the students, the parents, or himself. For many years, Mr. Maclean served as the Chancellor of the Diocese, an office much better suited to his talents and calling.

Mr. Maclean was a son of Savannah and a proud descendant of Scotland. His grandfather, Malcolm Maclean, immigrated at age 18 from Scotland to the United States, and eventually found his way to Savannah. This first Savannah Maclean fought in the Civil War. Wounded in the last days of the war at Sailor's Creek, Virginia, Maclean was captured and held prisoner at Fort McHenry, Maryland. He returned to Savannah and rose to prominence as a cotton factor, a successful and wealthy businessman. Maclean married Mary McIntosh Mills, and they had eight children. ^[iii]

The sixth son, Malcolm Roderick, graduated from Georgia Tech, and then tried his hand in the steel business in the northeast. Malcolm married Emily Helm of Louisville, Kentucky. Their first child was Malcolm Roderick Maclean, Jr., born September 14, 1919 in Easthampton, Long Island, New York. Malcolm and Emily had a second son, John Helm, born in 1921. By 1925, the Maclean family was back in Savannah, settled at Grimball's Point on Isle of Hope. In his later years, Mr. Maclean told me the prettiest thing he ever saw was the moon over the water between Isle of Hope and Dutch Island.

Malcolm Roderick, Sr. died just short of his forty-fifth birthday in 1930, leaving his widow with two young boys at the onset of the Depression. Emily Maclean, however, was a woman of formidable will. Her sons were educated at the Asheville School and the Hill School, then Yale, which they attended on scholarships. His first year at Yale, Mr. Maclean waited tables for his fellow-students, a job he recalled without enthusiasm.

Mr. Maclean graduated from Yale, with honors, in 1941 and then served in the Navy in the North Atlantic. He served as commanding officer of the destroyer USS *Edsall* until the end of the European War. Mr. Maclean was awarded the Bronze Star for meritorious service as commanding officer of the *Edsall* for his role in salvaging a burning tanker, the *Saint Mihiel*, on April 10, 1945. ^[iv] Mr. Maclean became commanding officer of the USS *Frankovitch* and was headed for the Pacific when the war ended. He was forever grateful to Harry Truman. Mr. Maclean was called back to the Navy in the Korean War for two years, serving in Washington, D.C., and left the Navy thereafter with the rank of Commander.

Meanwhile, Mr. Maclean's only brother, John, had graduated from Yale in 1942 and joined the army. He was killed at Normandy on July 21, 1944. Mr. Maclean displayed in his office a portrait of his brother in uniform. When our mutual secretary unexpectedly lost her sister at a young age in the early 1990s, Mr. Maclean consoled her this way: "You'll never get over it. It gets better with time, but it doesn't go away. I lost my brother in 1944, and I still think about him all the time."

After the war, Mr. Maclean returned to Yale to enroll in law school there, but the officials in New Haven told him he was too late to register. He had become acquainted with Boston while in the Navy, so he went there and enrolled at Harvard. Still, he never liked Harvard as well as Yale, and who can blame him?

Mr. Maclean graduated from Harvard Law in 1948, and married Frances Ravenel Grimball of Charleston, the Holy City, where the Ashley and the Cooper Rivers join together to form the Atlantic. They married in St. Michael's, because where else would you get married if you are going to marry a girl from Charleston.

After studying for and passing the Georgia Bar exam, when he learned that if he were going to represent railroads, banks, and insurance companies, that he would not win many cases in Georgia, Mr. Maclean joined what was then Anderson, Connerat, Dunn & Hunter. He stayed with this firm and its subsequent iterations for the rest of his life.

Back in Savannah, Mr. Maclean joined the Citizens Committee, working with other young lawyers like Frank Cheatham, Malberry Smith, and George Oliver, to oppose the Bouhan machine. ^[v] Mr. Maclean served as assistant city attorney for three years, then became an alderman in 1957. Upon the resignation of Mayor Lee

Mingledorff to run for county commission, city council selected Mr. Maclean to become mayor on July 29, 1960.

Mr. Maclean and his slate of city alderman were elected by a 2 to 1 margin in May of 1962, defeating Representative Grady Dickey and his team. ^[vi] Mr. Maclean served as mayor until the fall of 1966, after losing to J. C. Lewis by a vote of 16,630 to 13,883. ^[vii]

In terms of legacy, Mr. Maclean has several. His family. His law firm. The many alumni of his law firm. Memorial Health, which he helped start and nurture. Gulfstream Aerospace, which he helped bring to Savannah.

History will remember Mr. Maclean best, however, as the leader who helped Savannah integrate, with minimal violence, in the summer of 1963, before passage of the Civil Rights Act of 1964. In early 1964, Dr. Martin Luther King famously declared Savannah to be the most integrated city south of the Mason-Dixon. The civil rights story in Savannah has been documented already ^[viii], but no one has asked why Mr. Maclean chose negotiations over knocking heads.ⁱ

First and foremost, Mr. Maclean viewed civil rights through the eyes of a lawyer. Theoretically, he understood that the law could not continue to allow United States citizens to be relegated to second-class status because of the color of their skin. Practically, he believed lawyers are problem-solvers. And to solve the problem, the other side must be engaged in negotiations and discussions. The other side may have different ideas and different perspectives, but that does not make them bad or evil people, just different. Mr. Maclean loved Savannah; he did not want the city to burn, so he used a lawyer's approach to settle a case.

He had a sense of fairness and unfairness. He had worked against the Bouhan machine. The Irish machine was unfair. Mr. Maclean had been part of the group on the outside, fighting the status quo. He knew what that was like.

In his own family, Mr. Maclean had experienced great loss. Both his father and his brother had died. His family lost their money in the Depression, so he attended Yale on scholarship where he waited on tables for people who had not realized such loss, and acted accordingly.

His family had a long history of service to the community. His grandmother's family, the Mills, his great Aunt Sarah Hodge, after whom Hodge Elementary is named, his uncle Charles Maclean, and his Maclean aunts were all generous benefactors to the poor.

Mr. Maclean was secure in his sense of self and in his position in the community. His family had been in Savannah for over 140 years. He had grown up with everyone in the white community. It was a small town, and he knew everyone.

At the law firm, Ormonde Hunter had Mr. Maclean's back. Colonel Hunter had been a pall bearer at Malcolm, Sr.'s funeral. In the 1940s, Colonel Hunter, then a member of the Board of Regents, had fought his own fight with Eugene Talmadge when the governor attempted to interfere with the University of Georgia. [ix] Mr. Maclean did not have to worry about his position at the firm.

Without making too much of it, Mr. Maclean's faith informed his response. In a speech he gave as mayor, Mr. Maclean said the following:

"A careful study of the teachings of our Lord makes it quite clear that He expects his followers to be involved in the total life of the world. . . . In Christ's name, the Church must be concerned about such things as adequate housing, proper care for the aging, poverty, the United Nation's population explosion, alcoholism, drug addiction, pornography, racial justice, education, and the like. Because of the Church's concern, she must inevitably become involved in specifics. If there are some who do not like this, then it must be said in all Christian charity that they have not learned Christ. A Christian cannot escape his personal or his social responsibilities." [x]

Are civil rights still important? Just this month, the United States reached a historic tipping point--with Latino, Asian, mixed race and African-American births constituting a majority of births for the first time, according to the United States Census Bureau. Minorities made up 50.4%, of the births in the 12-month period ending July 2011, enough to create the milestone. The latest figure was up from 49.5% in the 2010 census. History has a way of repeating itself. Remember, "the sun don't shine"

I close with a quote from Mr. Maclean's farewell address as mayor: "We have come to the end of the line—as the trolley conductor used to say when he reached the terminus at the Isle of Hope—but it behooves me to say that the ride has not been without its glory." [xi]

ENDNOTES

[i] Isaiah 40:8 KJV

[ii] A word about sources: While there are any number of histories about the civil rights movement, their portrayal of the movement in Savannah is generally painted in broad strokes, without a careful attention to the specific chronology of events or the individuals involved. As Jason Sokol observed in his book, *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945-1976*, “With good reason these books collectively emphasize the struggles of black southerners. . . . [T]he focus frequently remains on the civil rights movement itself. The struggle’s lasting meaning often becomes overshadowed, as does its interracial impact on southern life. . . . Moreover, the literature of the South during this era privileges the dramatic demonstrations and famous battles of the civil rights movement, often at the expense of analyzing the very realm that those struggles sought to change—southern life, black as well as white.” *Id.*, 9.

As for primary sources, the individuals who were involved—the people inside the room negotiating with one another—are for the most part dead. I did have the benefit of a few transcribed interviews, including an interview of Mr. Maclean conducted in 1990. An Interview with Malcolm Maclean, May 12, 1990, Zach S. Henderson Library, Georgia Southern University Oral Transcription Collection. Stephen Tuck, the foremost historian of the civil rights movement in Georgia, interviewed Mr. Maclean in 1991, but that interview transcript is in storage in England, and Dr. Tuck is in the United States this year. Stephen Tuck, “A City Too Dignified to Hate: Civic Pride, Civil Rights, and Savannah in Comparative Perspective” *The Georgia Historical Quarterly*, V. LXXIX No. 3 (1995), 545 n. 11. Dr. Tuck has emailed me that he will look for the interview upon his return to the U.K.

With the exception of six slender volumes found in the City of Savannah archives, Mr. Maclean’s papers from his time as mayor cannot be located. The papers of W. W. Law, the leading black leader of the era, remain uncataloged and unavailable. Savannah City Council minutes from the time are full of city business, but almost no reference to the civil rights movement unless one looks very carefully. For example, in early August of 1963, city council declined to rent Grayson Stadium for a Klan gathering, given recent tensions.

The eighty-nine reported court decisions in which Mr. Maclean is identified individually as counsel provide only the vaguest sense of who he was as a lawyer and in no way provide a sense of him as a man.

As for reported court decisions about the civil rights movement in Savannah, leaving aside the school desegregation decisions, I could find only two cases: (1) *Wright v. State*, 217 Ga. 453 (1961), concerning a challenge to the convictions of civil rights organizers for unlawful assembly and disturbing the peace in Daffin Park; and (2) *NAACP v. Overstreet*, 221 Ga. 16 (1965), a decision affirming an award of damages against the NAACP in a case filed by a Savannah grocer for his loss of revenue caused by an economic boycott after the grocer had discharged, and perhaps physically abused, a fourteen year old black employee the grocer had accused of stealing. Neither case has anything to do with Mr. Maclean or his strategy as mayor.

All of that said, the Internet opens up resources to even the most casual of researchers. Tables of Content and indexes for many books can be reviewed without charge at Amazon.com, thus allowing an easy assessment of whether a resource may be helpful. Google makes available online over twenty million books whose copyrights have expired. Organizations as varied as the City of Savannah and the Episcopal Church all have websites with a surprising depth of content. The Civil Rights Digital Library features a collection of unedited news film from the WSB (Atlanta) and WALB (Albany, Ga.) television archives held by the Walter J. Brown Media Archives and Peabody Awards

Collection at the University of Georgia Libraries. <http://crdl.usg.edu/?Welcome>. These film clips include footage shot in Savannah during the summer of 1963.

[iii] Cyclopedia of Georgia, 510; Luciana M. Spracher, "Scholars, Soldiers & Friends: Three Generations of Malcolm Maclean" *Bonaventure Historical Society*, V. 2, No. 4 (Oct., Nov., Dec. 2006).

[iv] See *The Saint Mihiel (Salvage)*, 1951 A.M.C. 1812.

[v] See Interview of The Honorable Frank Sellars Cheatham, Jr., *The Journal of Southern Legal History*, V. XIII, Numbers 1 & 2 (2005).

[vi] *Savannah Morning News*, May 8, 1962.

[vii] *Savannah Morning News*, Aug. 3, 1966.

[viii] Stephen G. N. Tuck, *Beyond Atlanta: The Struggle for Racial Equality in Georgia, 1940-1980* (University of Georgia Press 2001).

[ix] Patrick Novotny, *This Georgia Rising: Education, Civil Rights, and the Politics of Change in Georgia in the 1940s* (Mercer University Press 2007).

[x] City of Savannah Archives.

[xi] City of Savannah Archives.
