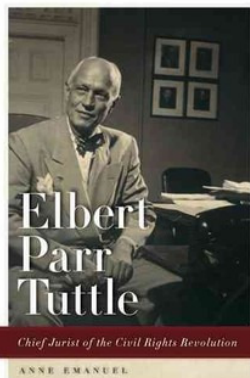


Book Review

Anne S. Emanuel, *Elbert Parr Tuttle: Chief Jurist of the Civil Rights Revolution* (University of Georgia Press: 2011), 424 pp.

Last month, Anne Emanuel, Professor of Law at Georgia State, and his former law clerk, published a biography of Elbert P. Tuttle. For those who can't recall our chapter history, or pledge assignments, you may be asking, "Who was Elbert Tuttle, and why should we Cornell Pikes care?"



By any objective measure, "Tut" would stand head and shoulders above all the rest of us as our chapter's most distinguished alumnus. How many of us can claim just one of the following career accomplishments?

¶ Elbert P. Tuttle was Cornell BA '18, and LLB '23. At Cornell, was President of our fraternity (leading its affiliation with Pi Kappa Alpha in 1917), editor-in-chief of the *Cornell Daily Sun*, of the *Cornell Law Quarterly*, and of the *Cornell Alumni News*, President of the Student Council, and a member of Sphinx Head.

¶ As editor-in-chief of the *Cornell Daily Sun*, his freshman member of the Sun's editorial board was a young man named E. B. White. In later years, Tuttle would joke, "I taught E. B. White how to write."

¶ Served as president of our fraternity's national office from 1930-1938.

"All well and good," you say, "But refresh my memory: so what was 'Tut's' claim to fame after his good old days on the Hill?"

His career accomplishments were recognized in 1981 when he was awarded the Presidential Medal of Freedom, our nation's highest civilian honor. That ranks him with Ambassador Arthur Dean, Attorney General William P. Rogers, Ambassador Sol Linowitz, Professor Hans Bethe, Author Toni Morrison and Vice President Edmund Muskie as the only Cornellians so honored.

From his appointment as Federal District Judge in Atlanta in 1954 (and later Chief Judge of the Fifth Circuit), "Tut" wrote or heard over 9000 decisions and opinions including most of the key decisions critical to the American civil rights movement. Among them were Charlayne Hunter-Gault's appeal to integrate the University of Georgia, Martin Luther King's appeal to be allowed to demonstrate in Albany, James Meredith's appeal to integrate the University of Mississippi, and Julian Bond's appeal to be seated in the Georgia legislature. Presidents Eisenhower and Nixon later had him "shortlisted" for a Supreme Court appointment, but passed on him, perhaps feeling that Tuttle's work on the Fifth Circuit was critically important to enforcing and securing the promise of the civil rights laws in the "Old South". In a very real sense, we can say that Martin Luther King Jr. provided the moral and organizational leadership of the civil rights movement, Lyndon Johnson the political leadership in securing passage of the Voting Rights Acts of 1964 and 1965, and Elbert Tuttle made it all happen with his judicial decisions.

When the US Supreme Court handed down *Brown v. Board* in

1954, most observers, including Tuttle, felt that the South would "follow the law". But it was not to be. In case after case, university registrars, state and county judges, county clerks, city and county managers, and even governors such as Ross Barnett and George Wallace engaged in stalling tactics. In many cases, lower level federal judges upheld their court filings. So by the time he had been appointed chief judge of the 5th Circuit (which would hear all appeals) and until his last decision in the early 1990s, "Tut" played a career game of "judicial whack-a-mole" striking down every attempt by the southern establishment segregationists to frustrate the law.

In addition to his Medal of Freedom, the US District Court building in Atlanta is named for him.

But if that weren't enough, add to the above his other accomplishments:

¶ He co-founded and was a name partner of what is now the Atlanta law firm of Sutherland, Asbill and Brennan, LLC, with offices in seven cities.

¶ He fought in two wars, and in World War II, won a Purple Heart, Bronze Star and Legion of Merit in Okinawa. Staying in the reserves, he rose to the rank of Brigadier General, commanding the 108th (Reserve) Airborne Division.

¶ He reorganized and reintroduced the Republican Party into the South, and chaired the Republican Party in Georgia.

¶ He led the efforts to successfully nominate Dwight Eisenhower for President in 1952. In particular, he was actively involved in the credentials fights in which Eisenhower's delegates were seated over delegates pledged to Senator Robert A. Taft. (For those of you too young to know, or those of us too old to remember much of anything anymore, Taft came to the convention needing only a handful of additional delegates to win the nomination, with Eisenhower trailing him. Tuttle, Herbert Brownell (who would become Eisenhower's attorney general) and Earl Warren orchestrated the legal challenges to get Eisenhower's delegates certified, such that Eisenhower won on the first ballot.)

¶ After serving briefly in the Treasury Department as its chief counsel, Eisenhower appointed Tuttle to the US District Court in Atlanta.

¶ He served as a Cornell trustee, also of Spelman and Morehouse Colleges and Clark-Atlanta University, as well as being active in many other Atlanta civic organizations.

¶ He lived to one month short of his 99th birthday, was married to his wife for 75 of them, and was actively writing opinions on the Court well into his 90s.

In a very real sense, "Tut" indeed embodied our fraternity's ideals of "scholar, leader, athlete, gentleman".

In her review on National Public Radio, Nina Tottenburg wrote, "In her thorough and engaging biography of Tuttle, ... Anne Emanuel has documented Tuttle's extraordinary life. For those

interested in America's racial history and transformation, this book is a must— a *tour de force*, covering not just Tuttle but the often violent times he lived in”. To that I would add the book is of interest to all Cornell Pikes, or in reading Cornell history, legal history, judicial history, a solid biography, or just a good read. Chapter 4, for instance, discusses at length his life on the Hill, and specifically at 17 South Avenue. Tuttle came to Cornell from Hawaii with his older brother Malcolm (also a Pike), who would graduate in mechanical engineering. Being close to each other and wanting to attend the same University, since Harvard did not offer engineering, and MIT did not offer arts and sciences, the brothers came to Cornell. Malcolm, incidentally, went on to help design and engineer Pearl Harbor. So in a real sense, we Cornell Pikes can claim the American civil rights movement and World War II all got started at our old clubhouse at 17 South.

Tottenburg continues her review, “The legal landmarks we take for granted now were much more precarious at the time the Supreme Court was handing down its orders to desegregate

Southern schools, hotels and transportation facilities. Without the actions of the Court of Appeals for the 5th Circuit, which then covered the states of Georgia, Alabama, Louisiana, Mississippi, Florida and Texas, those Supreme Court decrees could have ended up as little more than paper promises.”

So for all of you looking for a valuable addition to your library, or a holiday gift for a special friend, client or relative, we have a deal for you. ***By special arrangement with the author, and the University of Georgia Press, you can have a copy of the book (or as many copies as you like), inscribed by the author as you wish, delivered in time for the holidays. All the net proceeds go to our capital fund to help get Pike at Cornell up and running again.***

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