

Judicial Profile

WALTER KELLEY

Hon. U.W. Clemon U.S. District Judge, Northern District of Alabama

AS ONE APPROACHES the Hugo L. Black Federal Courthouse in Birmingham, Ala., in August 2008, it is difficult to reconcile this picturesque setting with the all-too-familiar black-and-white newspaper photos—pictures that depict the tumultuous mood of this town 40 years ago, when Hon. U.W. Clemon began practicing law after graduating from Columbia University.

As I walked toward the courthouse for my scheduled meeting with Judge Clemon, I was more apprehensive that I would not ask the right questions in my allotted time than if I had been there to argue a motion for summary judgment. Judge Clemon is a national hero and a legend of the Civil Rights era. His office walls are modestly decorated with only a few of the numerous awards and honors he has received during his time as a lawyer and a federal judge. He is man whose legacy of fighting racial inequality and injustice will be remembered and written about long after we are no longer walking down those Birmingham streets.

Within moments of being admitted into his chambers Judge Clemon eased any sense of formality as we sat down and he leaned forward across the table, inviting any questions I could pose. Judge Clemon's role as one of Martin Luther King Jr.'s foot soldiers, fighting in the early battles for racial equality, is an appropriate touchstone for the events that have led to the upcoming historic 2008 presidential election. With this backdrop, I was privileged to have more than an hour to talk with Judge Clemon and to listen to his reminiscences, which served to modestly acknowledge his great achievements and provided an opportunity to think about the tremendous possibilities the future holds.

Judge U.W. Clemon was born in Fairfield, Ala., a suburban city east of Birmingham, on April 9, 1943, the date that Lee surrendered to Grant at Appomattox to end the U.S. Civil War. In 1941, two years before his birth, U.W. Clemon's parents, Addie and Mose Clemon, migrated from Mississippi to Fairfield in search of better opportunities for U.W. and his eight



siblings. Mose Clemon worked for the Tennessee Coal and Iron Division of U.S. Steel Corporation, which was the largest employer in the state of Alabama at that time. The values that Judge Clemon learned from his parents' teachings—and has retained to this day—are faith and perseverance. His parents believed that, ultimately, trust in God and hard work yield accomplishments and success. In his career, Judge Clemon has found this lesson to be useful in achieving many goals in life.

Judge Clemon grew up in a racially segregated South, where, as a youth, he had friends who were white, but whose friendship faded as he realized the hurtful boundaries established by the doctrine of "separate but equal." The houses in Westfield, Ala., where Judge Clemon was raised, were exactly the same for members of both races, who also shared the services of a local hospital, which was the only completely

separate but equal medical facility in the state of Alabama. The hospital contained a wing for blacks and one for whites; both wings were roughly of the same quality, but there were no black doctors or nurses.

Over a period of time, Judge Clemon became more aware of the different treatment of whites and blacks. It was around the third grade when U.W. Clemon realized that his white playmates of the same age were not attending the same school as he was; they were being bused to other schools. In fact, Judge Clemon laughs as he remembers that he once thought that Dick and Jane—the characters in his elementary schoolbooks, were light-complexioned black people. The judge describes his feelings when he was in the seventh grade and segregation became front and center for him in what he calls his “road to Damascus” experience.

At the age of 13, U.W. Clemon, his brother, and one of their friends were walking from Westfield to the next town to visit their oldest sister and brother. A police car carrying two white police officers drove up beside them. One of the policemen pointed to Judge Clemon’s friend and, using a racial epithet, told him to get in the patrol car. The two white officers then drove away—with Judge Clemon’s friend in the back seat. The patrol car later returned to the area, where they found the shocked and frightened young men waiting. The officers pushed the judge’s friend out of the car. U.W. Clemon’s friend was so afraid that he had urinated on himself. It was at that moment, in the midst of his anger, that Judge Clemon decided that he would become a lawyer so that he could have the power to fight against what he perceived as a reckless abuse of entrusted power.

Judge Clemon was an honor student, an avid reader, and an excellent writer. In high school, he entered an integrated national essay competition and placed as the runner-up for the state of Alabama. As a result of this achievement, Judge Clemon received letters from all over the country—including Birmingham-Southern College and Howard College, both in Birmingham—inviting him to visit and tour the campuses. Because he was interested in Birmingham-Southern College, he accepted its invitation, but before his visit, he received a response from the college limiting his opportunity to visit the campus to a specific Saturday. When Judge Clemon arrived for the visit, he discovered that he was the only student on the tour that day. At the conclusion of his tour, Judge Clemon was told that Birmingham-Southern College did not accept black students. It is noteworthy that today, Birmingham-Southern College has a pre-law scholarship that bears Judge U.W. Clemon’s name.

U.W. Clemon chose to attend Morehouse College in Atlanta because of the strong influence of the president of Morehouse, Benny Mays, as well as the presence of a young instructor at the college by the name of Dr. Martin Luther King Jr., who had joined the adjunct faculty. Judge Clemon completed his undergraduate education at Miles College, where he was

the president of the student body and valedictorian of the Class of 1965. After graduating from Columbia University Law School in 1968, U.W. Clemon began the journey that had begun in his childhood—one that continues to this day.

After receiving his law degree, U.W. Clemon worked as a civil rights attorney in private practice, concentrating on cases involving employment discrimination and school desegregation. Among the cases in which Judge Clemon proudly recalls his involvement as a practicing attorney is *Swint v. Pullman-Standard*, 539 F.2d 77 (5th Cir. 1976), which ultimately led to the desegregation of job classifications at that manufacturer of railway cars and parts. During his 12 years in private practice, Judge Clemon was a member of the law firm of Adams, Baker & Clemon. Among many other important lawsuits that Judge Clemon brought during that time was a suit against the coach of University of Alabama’s football team, Paul “Bear” Bryant; the case led to the desegregation of the team.

When asked what judge most impressed Judge Clemon during his years in private practice, Judge Clemon doesn’t pause before mentioning the late Judge Sam C. Pointer Jr. Judge Clemon believes that Judge Pointer’s great intellect and respect for legal precedent made him one of the most fair and honorable judges Judge Clemon practiced before.

A quick Google search of Judge U.W. Clemon’s name provides a wealth of documents and available information. Among those I found the most interesting from a “real time” historical standpoint was the transcript of Jack Bass’ interview with U.W. Clemon on July 17, 1974, when the judge was still a practicing attorney. In the interview, U.W. Clemon documented, in fascinating detail, the political infrastructure and competing forces in the city of Birmingham at that time. He also diplomatically discussed the impact of various political candidates, judges, and legal decisions on the city’s future direction and political composition. This interview, part of the “Documenting the American South” program at the University of North Carolina at Chapel Hill, can be found online at docsouth.unc.edu/sohp/A-0006/A-0006.html.

In 1980, President Jimmy Carter appointed U.W. Clemon to the U.S. District Court for the Northern District of Alabama. Judge Clemon was confirmed unanimously, but not before he spent more time testifying than any previous federal judicial appointee had spent—a record that Judge Clemon apparently held until Clarence Thomas faced confirmation hearings.

As a sitting judge, U.W. Clemon has earned the respect of the membership of the bar for his pleasant demeanor, thoughtful decisions, and legal scholarship. He has won many awards, but two of them stand out as symbols of his time on the federal bench and his legacy to the legal community: the Alabama Bar Association’s Judicial Merit Award and the Alabama Trial Lawyers Association’s Howell T. Heflin Award. Judge Clemon served as chief judge from 1999

to 2006, a time during which, among other things, the court system made the sometimes difficult transition to electronic case filing and case management.

Music is an underlying theme in Judge Clemon's life. He has a son who is a professional musician in New York and a brother who was a musician/truck driver and played with many prominent musicians in his time. Judge Clemon, himself, sings in the 100-voice male chorus at the Sixth Avenue Baptist Church, where he is a member and serves as a deacon. During our interview, Judge Clemon commented that he enjoyed a recent purchase of a compact disc with performances by Count Basie and Arthur Prysock.

Judge Clemon provided me with much more time than originally allotted and, thanks to Devinti Williams' detailed notes from a prior interview with the judge, I had the opportunity to stray from the usual background questions and listen to Judge Clemon discuss his experiences as a practicing attorney and during his time on the bench. When asked about his plans for the future, Judge Clemon speaks with pleasure that he expects to retire after Jan. 1, 2009, at which time he intends to return to the private practice of law, accepting only those select cases that he wishes to handle.

As I left the Hugo L. Black Courthouse that afternoon, I was struck by what a privilege I had been

given to meet and speak with Judge U.W. Clemon. I thought about all the questions I wished I had asked and realized that I had just sat across the table from—and chatted with—a figure of American history who has been a central catalyst for change in the South. The fact that many of the changes Judge Clemon has helped to bring about have not been easy only adds to an understanding of the depth of his dedication and sense of honor. I hope that I might have the chance to sit and talk with him again some time. In reflecting upon the judge's comments, his description of the past, and his plans for the future, I was impressed by how much truly has changed over the last four decades and Judge Clemon's significant and positive contribution to that change. **TFL**

Walter A. Kelley is an attorney with Wilmer & Lee PA in its Huntsville, Ala., office. The author wishes to thank Devinti Williams, who contributed detailed notes from a previous interview with Judge Clemon as well as a preliminary draft. The author notes that this profile is a joint effort between Williams and himself.

Huntsville