

# Louisiana Law Review

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Volume 45 | Number 5  
May 1985

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### Repository Citation

Thomas B. Lemann, *John Tucker the Man - A Personal Memoir*, 45 La. L. Rev. (1985)  
Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol45/iss5/8>

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## JOHN TUCKER THE MAN—A PERSONAL MEMOIR

*Thomas B. Lemann\**

How would one describe John Tucker to those who never knew him? From humble beginnings in Pine Bluff he rose to eminence as a lawyer, scholar, and law reformer; received five honorary degrees; traveled widely and had a considerable foreign acquaintance; indulged private interests as sportsman, gastronome, and history buff; lived a rich life and died full of years and honors at 93. Those are the bare bones of his career, but they tell little of his personality. And John Tucker, like Peeperkorn in "The Magic Mountain," not only had a personality but *was* a personality. His voice was the voice of Pine Bluff, and it won the confidence of politicians and probably was no small factor in his successes of regional persuasion. But then there was the packaging: the London bespoke suits, the Lock hats, the Peal shoes, the Purdy guns. My father used to say to him, "John, you've come a long way from Pine Bluff."

He would fix you with the same glittering eye with which the Ancient Mariner held the Wedding Guest, and tell you, at no little length, of his current — in some cases perpetual — indignation: the "spurious dichotomy" between substitutions and fidei comissa, the "veritable phantasmagoria" of confusing statements made in professorial commentaries and judicial opinions; the "paroxysmal jurisprudence" indulged in by temporarily misled judges (all now deceased), the kakistocracy — government by the worst — afflicting modern citizens; in such colorful, highly personalized language did the Colonel deliver himself of his always strong opinions.

Most scholars of the bar, as opposed to those of the bench and the academy, probably are inclined to a retiring temperament. Not so the Colonel. In fact his combination of scholarly interests and dynamic forceful personal leadership was his distinguishing characteristic. After hearing him address a Tulane dinner in 1959, I sent this memorandum to my father: "Who but Colonel Tucker would have had the audacity and the learning to take as his subject the trial of King Louis XVI and the role of the three lawyers who defended him? It was intensely interesting and magnificently delivered."

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\* Member of Louisiana State Bar.

Thucydides tells us that Pericles regarded the man who takes no part in public affairs not as one who minds his own business, but as good for nothing. Similarly John Tucker was never reticent about expressing himself in the realm of public affairs, and wrote letters to the newspaper over the pseudonym Vys Nix Veau, which he said was the phonetic spelling of the German "Weiss nicht wo," meaning "Know not where," a legendary land from the writings of Carlyle. He said he used that name to indicate his puzzlement about where the country was going — the follies, blasphemies, and catastrophes of contemporary life. One may wonder how many readers of the Shreveport Times appreciated the allusion, but that would not have troubled the Colonel.

His role as civil law advocate sometimes collided with his role as law reformer. When that happened, the law reformer always won, for devoted as he was to the Custom of Paris and the Code Napoleon, he was even more devoted to the principle of *cessante ratione, cessat ipsa lex*. In 1962, therefore, he led the movement to abolish and remove from the Civil Code the reference to the Trebellianic portion. He took in good grace the teasing he received for such a betrayal of ancient civilian principles. In fact he always accepted teasing graciously, such as the time at a birthday party when he was compared to the Emperor Justinian (see Appendix). John Tucker never took himself too seriously, no matter how seriously he took his projects.

For years he would send back extensive letters from his travels, which were mimeographed in his office and circulated to his friends. I have just reread the 1950-1958 series, which must have been the Golden Age of his travel letters. They reflect a concentration on France, England, and Scotland, but also visits to Spain, Germany, Austria, Italy, and the Low Countries. He probably spent more time, when abroad, in Paris and London than anywhere else. His letters from Paris reflect long appreciative visits to the National Archives, the National Library, the Mint, and the Garde des Sceaux. He was not really at home in art museums; he preferred the historical museums, the libraries, the armor collections, old letters, and the like. In 1950 he went to Sirey to request permission for the Law Institute to publish a translation of Planiol. On another visit to Paris he attended a session of the commission to Reform the Code Napoleon, and told them to form a Semantics committee as our Law Institute has done. He always took pleasure in his Tastevin membership, and attended functions in Dijon and at the Clos de Vougeot. (His personal library of gastronomy and cookery was formidable.)

As a sportsman, he never failed to visit his gunsmith in London; played golf at Gleneagles; visited Alnwick where Hardy fishing-rods are made; and I wonder how many people have seen, as I have, a fishing device known as "Colonel Tucker's Special Minnow," made up by a firm in Chattanooga for him.

His travel letters are quite anecdotal. He loved to interrogate the natives and pick up odd tales from them. In a 1955 letter he reported that an Edinburgh lawyer had told him about the Royal Company of

Archers, an ancient Scottish organization whose first toast is not to the sovereign but the "The Mark," meaning what they aim at, and is always drunk seated. He especially relished meeting abroad his Louisiana friends such as LeDoux Provosty, Cecil Morgan, Vernon Porter, Monte Lemann, and Harry McCall, usually in Paris or London.

During his transatlantic crossings on the French Line ships, he developed a strong acquaintance with all ranks of the crew. He truly had the human touch. He once sent me a very touching letter he had received from the attendant in the men's room of the Union Club in Cleveland!

At the age of 80, the Colonel decided he needed a "spiritual executor." He claimed that cardinal Richelieu had one, and hence there was a precedent. He told me I was to be his spiritual executor, and in due course there arrived a written appointment. Accordingly, I hold an olographic instrument confirming my nomination as spiritual executor, but containing no dispositive provisions, leaving me in some uncertainty as to what court should be selected in which to offer my appointment for probate. As to the duties of a spiritual executor, assuming that the proper court confirms the appointment, there may be less doubt about their nature than about the ability of anyone to carry them forward effectively. For my testator had a restless, activist mind and temperament, always full of plans and projects. In 1979, when he was 88, I visited him in the hospital where he was having a pacemaker installed. He spoke of his unfinished projects — he wanted to complete his article on prohibited substitutions, issue a blast on matrimonial regimes, work on revision of the Civil Code, and so on. That attitude of tasks still on the agenda, challenges still to be met, undoubtedly contributed to his longevity. It would not allow him to vegetate.

This colorful, vigorous, tenacious, forceful, truly visionary personality has left an indelible mark in the legal annals of Louisiana. He knew Holmes's "subtile rapture of a postponed power," he was surely among Virgil's honored company, "quique sui memores aliquos fecere merendo" — those who by service have won remembrance among men; and his place is secure in the pantheon of Louisiana's legal heroes.

## APPENDIX

Comparison of Tucker and Justinian  
(February 25, 1971)

<i>Justinian</i> (483-565)	<i>Tucker</i> (1891-1984)
Born in the provinces (Illyria).	Born in the provinces (Pine Bluff).
Of humble stock - father a peasant.	Of humble stock - father a merchant.
Achieved prominence in Constantinople, a city under the 3-way influence of Greece, Bulgaria, and Turkey.	Achieved prominence in Shreveport, a city under the 3-way influence of Louisiana, Arkansas, and Texas.
Became Emperor of Byzantium at only 45.	Became President of Louisiana Law Institute at only 47.
Codified the laws (533).	Codified the laws (1950).
Received foreign honors (by conquering the Vandals and the Ostrogotha).	Received foreign honors (Legion of Honor 1956; Order of St. Stanislas 3d Class 1919).
Hunted wild beasts	Same, but with fancier equipment.
Engaged in doctrinal struggles against the Monophysite and Nestorian heresies.	Engaged in doctrinal struggles against the Substitutionist and Fideicommissariat heresies.
Had no children and thus able to devote more time and attention to his career and public achievements.	Same.
"Always spoke Greek with a barbarian accent."	Still speaks French with a barbarian accent.