

FRANCIS W. COKER, JR.

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FRANK COKER was a first-rate man, a first-rate lawyer, and a first-rate teacher. I have known a good many first-rate lawyers, some first-rate teachers, and a few first-rate men, but none who impressed me more powerfully than Frank, and from the first time I talked to him.

Frank's mind, of course, was of very high caliber and of a temper peculiarly well fitted to the law. He never stopped chewing and worrying at a problem until he had it licked, and he never accepted an easy or superficial solution. He had the trick of stripping away the spongy integument of technicality and conceptualism which is wrapped around so much of the law and getting down to the bones of it. For an engine of such power, his brain was capable of surprisingly delicate and subtle operations. When he wanted to, which wasn't often, he could slice a hair into as many fractions as the most learned legal metaphysician, and he could with unerring instinct trace an elusive rule through every turn and twist of such complex legislation as the federal securities laws. The excellence and lucidity of Frank's mind do not, however, in themselves account for the profound impact he had on his colleagues and students; good brains were not rare in his environment. What made him stand out was something for which I can find no better word than character. He really was what a Roman of the great days of the Republic, a Regulus or Scipio, is supposed to have been; more, he was what an American (not, of course, in the D.A.R. sense) is supposed to be. The principal components of that character are worth describing, as best I can.

To begin with, utter, total, unqualified honesty. Frank was a skeptic without being a cynic. He never accepted an idea, no matter how respectable its antecedents and references, without examining it for himself. He didn't, for instance, take for granted the shibboleths of orthodox liberalism, though he was neither a reactionary nor even particularly conservative except in highly eclectic and generally rather minor ways, such as the cut of his suits (which was excellent). You could try any idea in the world on Frank and never encounter a prejudice, though very few ideas emerged intact from that mill, for it ground exceeding small. When he was finally satisfied with an idea—which didn't happen in a hurry—he accepted it unless somebody (maybe himself) could demonstrate that it needed to be remodeled or scrapped. But an idea which was solid enough to pass Frank's inspection was pretty hard to knock over. Above

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all, he never subscribed to a point of view because it represented a consensus. Frank liked to be liked, of course, and he certainly didn't contradict people for the pleasure of it, but the approval of his own stubborn conscience was paramount. Indeed, the more he inclined emotionally to accept and cherish an idea, the harder the examination he gave it.

By the same token, he was entirely free of vanity, pomposity, and pretense. He had his dignity, of course, and a good deal of it; he would not have been a safe man to insult or bully. But I don't think he ever made a conscious effort to impress. Usually, he didn't have to. For example, he never festooned his office with diplomas, certificates, and affectionately inscribed photographs of eminent men. The only thing of the sort in that Spartan office was an elaborate caricature of a diploma by Saul Steinberg, made up entirely of meaningless squiggles and flourishes; it used to afford Frank vast amusement to watch visitors trying unobtrusively to sidle near enough to decipher it. A more serious example: Though he had things to say which were worth saying and though he possessed a plain but eminently serviceable and lucid style, he wrote reluctantly, for he was well aware that a principal purpose of far too much scholarly writing is to acquire kudos for the writer, and that went against his grain. Moreover, he would publish nothing that was not in his judgment right and thorough, for he was also, though he fervently denied it, a perfectionist. He simply could not abide a sloppy or superficial piece of work. This was sometimes rough on his students, for he was a hard marker; an A or B from Coker was something to write home about. But this love of good, clean work was highly beneficial to those who studied under him; it took a student of quite exceptional denseness or indolence to emerge from one of Frank's courses without some genuine understanding of what it was all about. Many an hour have I heard him arguing, reasoning, questioning, and practically wrestling in prayer with a student, until he got the boy to see his way through a problem. In effect he repeated with them the process he regularly went through with himself, and a most valuable discipline it was. He was no fonder of eyestrain and overwork than anybody else, but his mind was not so constituted as to be able to slide over or around a tough point. It gripped and held on.

This willingness to give whatever amount of time was needed to straighten out a student in difficulties was a result partly of his unwillingness to tolerate the merely passable, but also partly of his kindness, which was of uncommon quantity and quality. He had a natural sweetness of temper, though he was neither meek nor incapable of anger when the circumstances called for it. Whatever the causes, he was full of warmth and good nature, and one of the best companions I or anyone else ever had. He loved a party, he loved a joke, and he loved good disputatious talk about literature, law, politics, music, art, or the habits of woodchucks or professors, on all of which subjects (and many others) he held opinions which were always original and generally valid. He used to preface them with "Excuse me, but . . .," and then deliver them banging his fist on the table for emphasis. His sense of humor covered a wide range; though most of his wit was pianissimo, he was capable of broad comic effects.

With him I have often done what is easy for boys, but hard for middle-aged men—laughed until it hurt and was hard to stop.

But what Frank mainly had was perfect courage, which may be the sum total of all his other qualities. He knew no fear, and he knew no self-pity. One of the few things in his life he regretted was that he could never persuade the Army to send him overseas in World War II. That was the penalty he paid for his excellence as an instructor, but it was a bad mistake on the Army's part, for he would have made a magnificent combat officer. That flawless courage showed itself in small things and in great. During the last few years of his life, during all the short five years I knew him, Frank walked, and knew he walked, under a sentence of death a good deal surer than that of any prisoner in death row, one which no court could reverse and no Governor commute. He never once squealed or gave the smallest outward sign. It was not that he was a stoic or a yogi. He loved his wife, his small son, his work, his friends, his books, the pleasant country where he lived; he loved Scotch whiskey, thick steaks, red wine and Havana cigars; dry fly trout fishing (because, as he said, it was impossible) and football; in short, all things that make life tolerable and even sweet. But it was not in him to flinch or cry out. I saw him daily and in all sorts of circumstances; I knew his trouble, though I didn't know how bad it was; and most of the time I never gave it a thought, which was exactly what Frank wanted. I don't think I was alone in that respect; he carried on with a splendid contempt of death.

I suppose Frank wasn't perfect, because nobody is, and anyone who was would be insufferable; certainly he would be startled and more than a little indignant if I tried to put forward any such proposition. Indeed, as I read this piece over, I can hear him saying, "Cut it out, old buddy, come off it." But I retract nothing. What I have said I have said not because a memorial of this sort ought to be full of high, astounding praise, but because I believe it to be the truth and worth recording. Perfect or no, I don't expect that any of us will ever know a better friend or a better man with whom to work and play.

On June 28 that brave heart stopped. He had the last, best gift of a quick death, nearly at the height of his career, and indeed seconds after he had completed an exacting and important piece of work. There are and there will be other good men, good lawyers, good teachers, and good friends; but there won't be anybody quite like Frank Coker.