



JOHN SAMMONS BELL
Chief Judge, Court of Appeals

JOHN SAMMONS BELL served on the Georgia Court of Appeals 1960-1979. He was born January 26, 1914, in Macon, Bibb County, Georgia, and is now residing in Atlanta.

He was graduated from Gordon Military College in 1932 and was captain of the football team and senior cadet officer. He graduated from Mercer University with an A.B. in 1937; Emory University Law School with a J.D. in 1948; John Marshall Law School with an LL.B. in 1946 and an LL.D. in 1960. He was admitted to the Bar in 1946; served as an Assistant Attorney General of Georgia for one year and practiced law approximately 12 years before ascending the Bench.

He married Evelyn Gertrude Dame July 8, 1937, in Macon. They have one daughter, Judith Lee. See the tribute dated April 2, 1979, in 150 Georgia Appeals Reports, pages XXXI -XL VI for details of family history and achievements.

He was a major in the U. S. Army in WWII, and received a Purple Heart for combat wounds in the battle of New Georgia and received various other medals of commendation. He belongs to various veteran organizations; the Bryan Society; the Honor Society; the Gridiron Club; the Demosthenian Society; the Lawyers Club of Atlanta; the American, Georgia, and Atlanta Bar Associations; Alpha Tau Omega; Phi Delta Phi; and Alpha Kappa Psi. He was the State Democratic Chairman in 1954 for a four-year term and was reelected for four additional years; active on the National Democratic Convention Platform Committee; designed the Georgia state flag; served six years as Presiding Judge and nine years as Chief Judge of the Court of Appeals.

U. S. Attorney General Griffin B. Bell said: "We are met today to honor a great jurist. He is that rare combination of intelligence, bravery, executive ability, common sense and good manners that one seeks in placing men and women on the Bench." Governor S. Ernest Vandiver stated: "Service to his fellowman, his state and his nation has been the keyword in his career." Governor George Busbee remarked: "His achievements, contributions, scholarship and talent will be hard to duplicate."

Spoken on 1/27/05



JOHN SAMMONS BELL

Photograph made of portrait, the first to hang in the Court of Appeals courtroom.

A TRIBUTE TO
JOHN SAMMONS BELL, CHIEF JUDGE, RETIRED
IN THE COURT OF APPEALS OF GEORGIA.

APRIL 2, 1979.

INTRODUCTORY REMARKS BY
BRASWELL D. DEEN, JR.
Chief Judge, Court of Appeals

Good morning, distinguished Ladies and Gentlemen.
Today is the first day of the April, 1979 Term of the Georgia Court of Appeals. Today has also been proclaimed, set aside and designated as "JOHN SAMMONS BELL, CHIEF JUDGE, RETIRED" Day. It is only fitting and proper that we pause at this time and pay proper tribute to our distinguished honoree.
The name, and man, John Sammons Bell, has become a landmark for many years in our State Judicial System and on our Georgia Court of Appeals. He has rendered good and valuable service and made important contributions in many court decisions rendered and toward improvement of the administration of justice in our state. He speaks firmly when convinced on a point of law or policy, yet maintains flexibility so that often he will reconsider his original position, sometimes adhering to his first judgment and sometimes yielding to the suggestions of others. Chief Judge Bell has given the best years of his life in high public service. Consider this — the two most noble sacrifices a man may make are: First, toward defense of his country. He placed his life on the frontline, emerging as a Purple Heart battle hero. Second, while participating in elected public office he made substantial contributions. His leadership toward elevating the law and strengthening the judiciary in Georgia has been significant. Those of us who have served with him appreciate his many fine traits and talents and hold him in the highest esteem. All of his colleagues and friends wish for him and his lovely and devoted wife, Evelyn, the very best in their much deserved retirement years ahead.

RECOGNITION OF SPECIAL GUESTS

Family of Judge Bell:

Wife, Evelyn Dame Bell

Mrs. Judith Lee Fleming (daughter).

Mr. Howell Phillip Bell III (nephew)
and wife Kahler of Macon, Georgia

Mr. Jerome Daly Sands and
wife Kathy (cousin) of Atlanta

Richard L. Rice (Law Assistant)

Vividawn Henley (Secretary)

Judges and wives of the Court of Appeals

Presiding Judge, Retired, Charles A. Pannell and Mrs. Pannell

Judge H. Sol Clark (Retired)

Members of the Supreme Court Justices and wives

Officials of the State Bar

Mrs. Betty Vandiver, former First Lady

Many other distinguished guests

REMARKS BY

S. ERNEST VANDIVER

Former Governor of Georgia

Governor Busbee, Attorney General Griffin Bell,
Distinguished Members of the Judiciary, President
Hyatt and President-elect McAlpin of the State
Bar of Georgia:

How great it is, to have a singular opportunity on an occasion
such as this to be able to publicly express some thoughts, which
have been in my heart and mind for many years.

It has been almost two decades since I had the opportunity to
appoint Judge John Sammons Bell to this honorable Court. He
was my first appointment, and during the ensuing three years I
had the privilege of appointing five additional Judges to the
Court of Appeals, and one Justice of the Supreme Court of
Georgia.

Appointments to the Appellate Courts, or to any judgeship of
a court in Georgia, I always considered to be a *grave* and *sacred*
responsibility. Certainly I was mindful that when you appointed
a Judge, you entrusted the lives, property, and the future of your
children and grandchildren and yes, even the future of the State

to him. No State can become great without a great Judiciary,
and I know Georgia is indeed a great State.

My friendship with John Sammons goes back for thirty years,
and I take great pride in the fact that this association has grown
in warmth and respect each passing year.

For all of his life — John has served his State and Nation with
honor, dignity, and integrity.

Shortly after graduating from Mercer University in 1937 he
entered the U. S. Army, and began service which culminated in
the rank of Major, 43rd Infantry Division, with combat service
in the South Pacific.

Wounded in action in the Battle of New Georgia in the
northern Solomons, he was awarded the Bronze Star, Purple
Heart and Commendation Medals.

Returning home after World War II, he began his legal
education, and was graduated from Emory University Law
School, receiving his JD in 1948.

John was a political leader in Georgia, being twice elected
State Democratic Chairman by Democratic Conventions in 1954
and 1958.

Rounding out his Judicial Career, he was elected Chief Judge,
Court of Appeals, and served until his recent retirement.

Service to his fellow-man, his State and his Nation has been
the keyword in his career, and, John may I say today, that
nobody could be more proud of you than I am.

When a man dedicates himself to public service, more than
anything else it takes an understanding wife and Evelyn has
been superb. Now that she has John at home; sweeping,
mopping and washing dishes, she can take a well-deserved rest.

Only occasionally do I break one hundred on the golf course.
Were it not for the fact that I am a duffer, I wouldn't dare tell
this story, but it is true.

When Lieutenant General Louis W. Truman was Commander
of the Third Army, he arranged a golf tournament for 18 four-
somes. With this many people it was necessary that he have a
shotgun start, which is as you know, a foursome teeing off on
each of the eighteen holes at the same time, when a cannon is
fired. General Truman didn't do things halfway, so he had four
sergeants with flags to mark the shots of each golfer. John
Sammons, being one of the honored guests and playing with
General Truman, was asked to drive first. He took his stance,
brought his driver back with beautiful form — took a mighty

swing and knocked the ball a full twenty feet STRAIGHT in front of the tee. The Master Sergeant carrying John's flag, obediently broke into a run and came up to the twenty foot point and marked John's ball with his flag.

So John, as we get older and cannot hit the ball very far, for goodness sake "KEEP HITTING THE BALL STRAIGHT."

REMARKS BY

GOVERNOR GEORGE BUSBEE

(Presentation by Charles Tidwell)

May it please the Court:

Judge Bell, members of the Court of Appeals, Justices of the Supreme Court, other distinguished members of the Judiciary, honored guests:

I regret that my longstanding plans to be out of town on April 2nd make it impossible for me to be present to honor my friend, Judge John Sammons Bell.

It is nevertheless my privilege by this means to participate in these proceedings which afford the members of the Court of Appeals and its bar the opportunity to appropriately note the departure from the Court of its Chief Judge, John Sammons Bell.

On behalf of all the people of Georgia, I want to convey my deep appreciation to Judge Bell for what he has meant to the Georgia Judicial System. Under his leadership, the Court of Appeals reached a new level of respect and efficiency, and consequently, an unprecedented level of service to the people of the State.

For the past decade, Judge Bell has served with distinction as this Court's Chief Judge and for the past 19 years as a valued and honored member of this Court. Today we are assembled to appropriately observe and note his achievements and contributions to our State and to present our own personal comments on Judge Bell's public service career.

During Judge Bell's tenure on the Court of Appeals, our society has experienced a transition which has presented to all of us in public life an unprecedented array of challenges. The economic and commercial interests of our State have experienced an unparalleled period of growth and expansion. It

is my belief that this transition has had a particular impact upon the Judiciary, and therefore, the members of the Judiciary have been particularly challenged to respond to the demands of their constituency.

I believe that Judge Bell's leadership as this Court's Chief Judge and spokesman during the past decade has enabled the Court to satisfactorily meet these challenges. A dynamic Society dictates that those in public life, and in particular those who occupy unique positions of leadership, must provide innovative and imaginative solutions to new problems. But at the same time, it is incumbent upon those leaders to provide that required degree of stability which is necessary to maintain an orderly and stable hand upon the helm which directs the proper course which government must follow.

In this era of much skepticism about government and public service, the independence, strength and credibility of the Judiciary and individual judges are crucial to the stability of our form of government. John Sammons Bell has exemplified these qualities and has devoted his career to making the Georgia Court of Appeals reflect these important qualities.

Judge Bell has been in the forefront of those movements which have been ongoing to enable the Judiciary to reorganize itself, to become more efficient and to institute the needed reforms so that the Judiciary may be more responsive to the needs of our society. His influence and leadership have been instrumental in achieving the progress which has been achieved to date. Even though Judge Bell's day-to-day involvement with these processes will cease upon his retirement, it is my hope that he will continue to make available to those of us who remain his vast reservoir of experience, talent and wisdom.

During Judge Bell's tenure on the Court, and in particular during those years he has served as this Court's Chief Judge, his more public activities have been associated with judicial administration and organization and it will perhaps be that standard by which his successors will be measured. Yet, as a practicing attorney, I cannot pass the opportunity to comment upon the legal scholarship demonstrated by Judge Bell while a member of this Court.

Judge Bell's opinions over the years share a common thread. His opinions always have been distinguished by the precision with which the proper issues presented for resolution in the case

have been isolated; and, secondly, these opinions are valued by the bar for the clarity with which those issues have been discussed and articulated within his opinions.

The tenure of John Sammons Bell as Chief Judge will be remembered as a period of strong and effective leadership on this Court and will long serve as a challenge to the Court and each member to live up to the high standards of performance set by Judge Bell.

The people of Georgia, and especially the bar and those of us who serve in State government are especially indebted to Judge Bell for his long service on the Court of Appeals, and I am pleased to join in these proceedings to acknowledge his contributions.

The State, the bench and bar, and in particular this Court, is diminished by the departure of John Sammons Bell. His achievements, contributions, scholarship and talent will be hard to duplicate, but we are all challenged to seek to emulate the excellence which Judge Bell has demonstrated daily over the past 20 years of public service to our State.

Judge Bell, we all wish to you a fruitful and enjoyable retirement, but do not be surprised if we who remain in public service occasionally call upon your vast capacities to assist us in our tasks to better serve the people of Georgia.

RESOLUTION OF THE COURT

WILLIAM LEROY McMURRAY, JR.

Presiding Judge, Court of Appeals

RESOLUTION

Honoring John Sammons Bell, Chief Judge-Retired, Beloved Friend, American Patriot, Distinguished and Decorated Military Officer, eminent Lawyer, gifted and compassionate jurist of unsurpassed Judicial qualifications, superlative leader and Christian Gentleman,

WHEREAS, Chief Judge John Sammons Bell Retired from the Court of Appeals of the State of Georgia on 1 February 1979 after having been only the seventh Judge to hold this high Judicial office in the long and illustrious Seventy-Two-Year History of this Honorable Court; and

WHEREAS, it is desirous and appropriate, on this joyous occasion, that we honor our friend who is still in life, one of dedication and integrity, a friend of mankind, one who has endeared himself in the hearts of his friends and all who have had the good fortune to know him and whose lives have been touched by his, and one who, by his noble life and character, has erected a living monument to be emulated by others; and

WHEREAS, John Sammons Bell while serving as Georgia State Democratic Party Chairman designed the Noble Flag of the State of Georgia and drafted the legislation enacting it into law which is codified as Georgia Code Annotated Section 86-1201 (Ga. L. 1956, pp. 38, 39); and

WHEREAS, on 8 February 1960, John Sammons Bell was honored by being appointed Judge of the Court of Appeals of the State of Georgia by the Honorable S. Ernest Vandiver, Jr., Governor of the Sovereign State of Georgia; and

WHEREAS, Judge Bell became Presiding Judge Bell on 5 September 1963; and

WHEREAS, on 5 September 1969, Presiding Judge John Sammons Bell was elected Chief Judge by his colleagues on the Court of Appeals and served with distinction in this high Judicial capacity until his untimely retirement on 1 February 1979; and

WHEREAS, the first published opinion authored by Judge Bell was *Dodd v. Slater* found in 101 Georgia Appeals Reports at Pages 358-362; and

WHEREAS, his exemplary service as an Appellate Judge is recorded and preserved for posterity in his courageous, profound, artful and scholarly opinions in Georgia Appeals Reports, Volumes 101 through 148; and

WHEREAS, Judge Bell's tenure on the bench was characterized by his integrity, his courage, his sincerity of purpose, an untiring capacity for hard work, his inherent ability to interpret the law with clarity; and his unending search for truth; and

WHEREAS, he has resolutely believed in and defended the great truth of the noble inscription over the bench of this Honorable Court which reads: "Upon the integrity, wisdom and independence of the Judiciary depend the sacred rights of free men"; and

WHEREAS, Judge Bell is possessed of seven great loves: His God; his lovely wife, Evelyn; his lovely daughter, Judith Lee

Fleming; his lovely granddaughter, Carrol Lee Fleming; his Country; the law; and the Court of Appeals of the State of Georgia.

NOW, THEREFORE, BE IT RESOLVED BY THE COURT OF APPEALS OF THE STATE OF GEORGIA that the Members of this Court do hereby extol and laud the virtues of John Sammons Bell, Chief Judge-Retired, for the selfless, praiseworthy and exemplary service rendered to his fellow man during his tenure on this Appellate Bench for the past nineteen years.

BE IT FURTHER RESOLVED that the Members of this Court do hereby extend their congratulations and their most sincere and best wishes and Godspeed to Judge Bell as he resumes the full time role of devoted and loving husband and father and now, grandfather.

BE IT FURTHER RESOLVED that the Members of this Court do hereby extend our deepest and heartfelt appreciation to his lovely wife, Evelyn, and lovely daughter, Judith Lee, for having shared him with the Members of this Court for these many years.

BE IT FURTHER RESOLVED that this 2nd day of April, 1979 is hereby declared to be "JOHN SAMMONS BELL, CHIEF JUDGE (RETIRED) DAY."

BE IT FURTHER RESOLVED that the Necessary Pages of the Minutes of the Court of Appeals of the State of Georgia be set aside for the recording of this Resolution and the events of this Tribute.

BE IT FURTHER RESOLVED that the Clerk of this Court is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Honorable John Sammons Bell, Chief Judge (Retired).

Adopted, this 2nd day of April, 1979.

COURT OF APPEALS OF THE STATE OF GEORGIA
Braswell D. Deen, Jr., Chief Judge

PRESENTATION OF PLAQUE ON BEHALF OF THE COURT BY

J. KELLEY QUILLIAN

Presiding Judge, Court of Appeals

The Plaque reads as follows:
COURT OF APPEALS OF GEORGIA
APRIL 2, 1979

IN APPRECIATION, AFFECTION AND ADMIRATION TO
JOHN SAMMONS BELL
CHIEF JUDGE
COURT OF APPEALS OF GEORGIA, RETIRED
FOR EXEMPLARY SERVICE:
WAR HERO - CHIEF JUDGE - AND A
CHRISTIAN GENTLEMAN
FROM HIS COLLEAGUES
PRIVILEGED TO SERVE WITH HIM

Braswell D. Deen, Chief Judge George T. Smith, Judge
J. Kelley Quillian, Presiding Judge Arnold Shulman, Judge
Julian Webb, Judge Harold R. Banke, Judge
William Leroy McMurray, Judge A. W. Birdsong, Jr., Judge

REMARKS BY

MORGAN THOMAS

Clerk, Court of Appeals

Sometimes the best view of a person is through the eyes of the hired help. During most of Judge Bell's career on the Court, he was my Chief Boss and, in retrospect, I can truthfully say that his interest in, and his attention to, the details of court operation made my job easier. Our relationship was a pleasant one and he has been more of a friend than a boss. His directions were always clear and fair and I felt that he had a real sensitivity to the special problems which can arise in the Clerk's Office. From where I sat, his leadership did much to increase public appreciation of this Court. And I shall miss him very much.

REMARKS BY

THE HONORABLE GRIFFIN B. BELL,

Attorney General of the United States

We are met today to honor a great jurist. He is that rare combination of intelligence, bravery, executive ability, common sense and good manners that one seeks in placing men and women on the Bench.

Judge Bell exemplifies the British tradition of noblesse

oblige; war hero, judge, lawyer, and teacher.

But in honoring him, it is important to note that we also honor this Court: indeed, all courts. We also honor our most precious heritage — our system of justice.

As Sir Edmund Burke noted in the Parliament, prior to the American Revolution: Beware of the Americans. More copies of Blackstone's *Commentaries on the Law* have been sold in the American Colonies than in the whole of England. The Americans are a litigious lot.

Tocqueville noted in his *Democracy in America*, after traveling in America in the eighteen thirties, that most problems in America, including problems of government, end up in court.

This insatiable desire to litigate is not all bad. It enables us to resolve our disputes in law — we take it to law — and we have avoided any concept of *vi et armis*. It also enables us to check our government — local, state and federal — when we feel aggrieved by the government.

It is no luxury item; it is a *sine qua non* of being an American citizen. It goes with the flag.

But there is a problem. The sharp growth in population since World War II, the technological revolution, and our process of converting all cases into large cases, as well as our overkill in appeals, has brought the capacity of our justice system into question.

It is only through good management techniques that the system has been able to stay above water. Without able chief judges exercising great leadership, our system of justice would not long endure.

It is worth noting today that there has been no change in the number of judges during the tenure of Chief Judge Bell. There were nine members of the court when he became Chief Judge and there are nine now. In the period of almost ten years of his service as Chief Judge, the number of cases increased from 826 to 2,056 — nearly 150 percent.

There was never a delay in the disposition of these cases. The quality of its opinions was not diminished, and throughout it all, the Georgia Court of Appeals has remained a model appellate court.

I salute this Court and all its members. I thank you as a citizen of Georgia for your efforts, for your devotion to duty, and for your service to the people of Georgia.

Our goal must be to continue the quest of finding good men and women to serve as judges. It is a calling equal to the ministry; it is a ministry, the Ministry of Justice.

One of the great repositories of public power is in our courts. One of the great potentials for the abuse of power is in the judge. Yet we rarely hear of an abuse of power, even of an excessive use of power.

We can attribute this to the fact that judges are very careful in their use of power. It is an axiom that the best use of power is not to use it at all. But when necessary, then to use it as sparingly as possible.

As a people, we are comforted in the thought that our judges do take care in their use of power.

I close on a note of caution. Judges, just as private citizens, are entitled to their constitutional right of privacy. We are living in a period where public officials are more and more being denied the right of privacy. There is good public policy in the thought that some modicum of disclosure is necessary on the part of public officials, but there are limits beyond which laws and regulations should not go. We are besieged in some jurisdictions with requirements that all assets be disclosed to public view, and now there are even requirements that the spouse of public servants disclose. We must guard against overzealousness which reaches the level of intruding into the personal and family lives of judges and other public officials beyond any public interest necessity.

It is a great honor for me to be permitted to appear before this Court and your Honors; it is an honor and privilege for me to salute my friend, Honorable John Sammons Bell and his family; to thank him for his service to our State and our Nation; and to say that President Carter joins in these salutations and in wishing Judge Bell and Mrs. Bell the best now and in the future.

At the end of remarks of The Attorney General of the United States, The Honorable Griffin B. Bell, The Attorney General said "Evelyn, come and join me — there is something more." On this cue, an oil portrait of Retired Chief Judge Bell was brought in by the Honorable Morgan Thomas, Clerk, and the Artist, George Mandus, and unveiled by Mrs. John Sammons Bell and The Attorney General.

RESPONSE BY

JOHN SAMMONS BELL

Chief Judge, Retired

Chief Judge Deen
 Presiding Judge Quillian
 Presiding Judge McMurray
 and the remainder of my friends
 serving on the Court of Appeals;
 Presiding Justice Undercofler and
 my friends of the Supreme Court;
 Attorney General Griffin Bell;
 Governor Ernest Vandiver, and Friends:

For the first time in my life I feel totally inadequate. I know that I cannot express the depth of my appreciation to my colleagues and friends for what has been said and done here today. I simply do not have the ability to convey by words the feeling of inner warmth and the tremendous emotion which well within me. What few words I say, you must realize, can only represent a fraction of my true feelings.

To my colleagues, I simply say that they know how much I love and respect this Court. They also know that I love and respect each of them who serve on it.

Because of my love and deep affection for this Court and for the Judges, I am overwhelmed by the beautiful resolution which Presiding Judge Roy McMurray presented for the Court. Listening to it, and now, my emotions transcend all description.

On this, perhaps my last appearance in this Court, I wish to express my appreciation to my dear friend, Morgan Thomas, who as the Clerk is such an integral part of the Court. Morgan has served the Court of Appeals for some 45 years, much longer than any other person. I always refer to him as what he is "a super Clerk and the Ambassador of the Court." He has always meant so much to me.

As I looked over the Court's oral argument calendar for April, of which this day is the first session, I counted the cases which my Division of the Court would have had if I had not retired. There are 72 of them. This means that each Judge for the month of April alone will have 24 cases to personally write. Simultaneously with performing this task, each Judge will be studying, checking the law and facts, and passing judgment on

an equal number of cases which each of his colleagues has written. Additionally, there are many whole court cases which require each Judge's time and study. By simple calculation it is to be seen that the workload of this Court is enormous. The editors of many leading legal publications have told me that each Judge of the Court of Appeals of Georgia personally writes and publishes more cases than any individual judge on any other appellate court in the United States. Yet despite the pressure of this tremendous caseload, the Court of Appeals of Georgia is constantly current, there are no long delayed decisions as in other jurisdictions, and the quality of its product is exemplary. Our brother appellate court, the Supreme Court of Georgia, also has a remarkable record in these areas. Together the two Courts give the people of Georgia the finest and most efficient appellate court system in the nation.

I am most appreciative to my two dear friends, Griffin Bell and Ernie Vandiver, for their appearance in court today and for their wonderful reiteration of our mutual long time affection and friendship.

Because of the enormity of his duties as The Attorney General of the United States and the prestige of his office, Griffin Bell is one of the busiest men in the nation. Yet he was not too busy to be here today. He is my beloved friend and I am honored by his presence in this court today.

Ernest Vandiver had faith enough in me some nineteen years ago to appoint me a Judge of the Court of Appeals. Because of his personal and official exemplary integrity, character and ability, I have always treasured the fact that it was he who appointed me. While he was Governor, his administration was keynoted by the words "honesty and integrity in government." His administration is accepted as one of the most progressive and most productive that any State has known. He is my warm and respected friend and I shall always love him.

Equally do I appreciate the splendid expressions of my friend, Governor George Busbee. He and I have discussed so much the workings of this Court and its future. He has demonstrated his high respect and regard for it by appointing to it as judges only men of superior integrity, judicial ability and dedication. He has honored my retirement by appointing as my successor, Norman Underwood, a brilliant young man for whom I predict a great career.

I am grateful to you, my friends, who pack this courtroom

today in witness to these proceedings. I am deeply touched by your presence and your tangible expression of affection.

I must confess that I am stunned by the portrait. I had not expected it. Having known George Mandus for many years and having seen him standing by when my Evelyn and my friend Griffin Bell unveiled it, I know that he must have painted it. Only a kind and gentle man who is at once a gifted and talented artist, as is George Mandus, could have gotten so much out of so little.

As I see my friends presently occupying this bench, I am conscious of the presence here in spirit of a former great Chief Judge of this Court who formulated the words which serve this Court so well. "Upon the integrity, wisdom and independence of the Judiciary depend the sacred rights of free men," my beloved friend the late Jule Wimberly Felton.

To the Judges of the Court of Appeals who by their Order made this day possible, and to all of you here, for my Evelyn and for myself, I say "thank you" for giving us these moments which we shall treasure all our lives.

CONCLUDING REMARKS BY

BRASWELL D. DEEN, JR.

Chief Judge, Court of Appeals

It is the unanimous decision of this whole court and all who have assembled that the people of Georgia are going to miss men like John Sammons Bell.

Now you are tired, John,
And want to take a rest;
Our wishes go with you
They are our very best.

Judge Bell, please remember
The folks you leave behind,
For we shall all be
Keeping you in mind.

Now go wash the dishes
Be the best house-husband a lady ever had,
Scrub the floors good
And make Evelyn glad.

Go dust and wax furniture
Pick up after yourself,
Mow the lawn and clip hedges
Till there's no chores left.

Then swing your golf clubs easy
So that everytime you play
Remember your old colleagues
All working hard each day.

It has been said: "Old lawyers never retire, they just lose their appeal." But old judges never lose their appeal because of many treasured friendships all so real.

IT IS HEREBY ORDERED: That all remarks and proceedings of this tribute made today shall be filed with our Clerk, properly arranged, and with photographs of our honoree attached, placed and published in the front of an official publication of a designated volume of the Georgia Appeals Reports; that the outside of this book be labeled, dedicated and subscribed "In Tribute to John Sammons Bell," and that a copy of this volume be delivered to our Honoree and family.

This Court now stands recessed until tomorrow morning at 10:00 a.m.

BIOGRAPHICAL SKETCH

JOHN SAMMONS BELL, Atlanta, Chief Judge, born January 26, 1914 in Macon, Bibb County, Georgia. Graduated Gordon Military College, 1932, captain football team and senior cadet officer. Graduated Mercer University, AB 1937; Emory University Law School, JD, 1948. John Marshall Law School, LLB, 1946; LLD, 1960. Admitted to the Bar 1946. Appointed Assistant Attorney General of Georgia (1947) by Governor M. E. Thompson and Attorney General Eugene Cook. Resigned 1948 to enter private practice of law. Engaged in private practice of law until ascending bench in 1960. Member: Various Veterans Organizations; Bryan Society (Emory U.); Law School Honor Society; Gridiron (U. of Ga.); Honorary member, Demosthenian Society (U. of Ga.); Lawyers Club of Atlanta; American, Georgia and Atlanta Bar Assns.; Fraternities: Alpha Tau Omega; Phi Delta Phi and Alpha Kappa Psi. U. S. Army — WW II, Major,

Inf. Combat service with 43rd Inf. Div. in South Pacific. Wounded in action, Battle of New Georgia in Northern Solomons. Decorations: Bronze Star Medal; Purple Heart Medal; Commendation Medal; Asiatic Pacific Campaign Medal with 2 stars; American Campaign Medal; and World War II Victory Medal. Awarded U. D. C. Cross of Military Service. Baptist. Democrat. Elected State Democratic Chairman by Democratic Committee, Macon, Ga., Sept. 30, 1954, 4 yr. term. Mbr. Platform Committee, Democratic National Convention, 1956; Re-elected State Democratic Chairman Oct. 14, 1958, 4 yr. term. Feb. 8, 1960 res. Designed the Ga. State Flag and drafted Legislative Bill which enacted it into law. Apptd. Judge, Court of Appeals by Gov. Ernest Vandiver, Feb. 8, 1960. Elected Nov. 1960 (to fill unexpired term of Joseph D. Quillian, Res.) - Dec. 31, 1962. Re-elected GE 1962 for term Jan. 1, 1963-Dec. 31, 1968; Jan. 1, 1969-Dec. 31, 1974; Jan. 1, 1975-date. (Term expires Dec. 31, 1980). Presiding Judge, 1963-1969. Chief Judge, *ibid.*, Sept. 5, 1969-Feb. 1, 1978 (Court's seventh Chief Judge).

Family details: Married July 8, 1937 in Macon, Bibb Co., Ga., Evelyn Gertrude Dame (born June 2, 1918 in Bibb Co.) daughter of Reva Bertrand Dame (born July 26, 1890 in Ware Co.; married Sept. 21, 1914 in Jones Co.; died May 24, 1963) and Mary Gertrude (Momand) Dame (born in Monroe Co.). One daughter: Judith Lee (Bell) Fleming (born Apr. 7, 1946 in Fulton Co.). One grandchild: Carrol Lee Fleming (born Nov. 6, 1978, in Mexico City, Mexico). John Sammons Bell is the son of Howell Phillip Bell, Sr. (born June 19, 1885 in Cherokee Co.; married July 18, 1909 in Bibb Co.; died May 30, 1959 in Fulton Co. Baptist Minister; Executive Board, Baptist Convention) and Kathrone (Sammons) Bell (born June 23, 1886 in Putnam Co.; died Nov. 22, 1969 in Bibb Co.) and the grandson of Franklin C. Bell (born Oct. 25, 1858, died Dec. 18, 1950 in Cherokee Co.) and Lula (Newton) Bell (born Apr. 19, 1865; died Jan. 3, 1944 in Cherokee Co.) and John P. Sammons (born in Putnam Co.) and Sara Kathrone (Cathryn) (Perryman) Sammons (born in Putnam Co.).

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In an attempt to answer the many questions, the **GEORGIA FLAG FACTS COMMITTEE** has researched the development of the official **GEORGIA FLAG** from its first mention in the official records of the state government to present. The findings are presented here so the citizens of Georgia might form their opinions concerning the **GEORGIA FLAG** based upon **FACTS**.

- **Question: When did the State of Georgia first adopt an official flag?**

Following the American Revolution, it was decided that all of the sovereign states should adopt a flag design. Although no official action has ever been found in the record, a common design was seen shortly thereafter and was used frequently until 1879. It was a blue field with a white Georgia State Seal in the center. (Authority: Hon. Ben Fortson, Secretary of State of Georgia, June 1973.)

- **Question: If no record is found that the first commonly used flag was officially adopted, when was the first official flag adopted?**

During the 1879 session of the Georgia General Assembly "... an Act to declare and establish the flag for the State of Georgia ..." was introduced by a prominent Senator from Waynesboro named Col. Herman H. Perry. Col. Perry was a well-known lawyer and former colonel in the Confederate States Army. His design was an adaptation of the first national flag of the Confederate States of America, commonly know as "The Stars and Bars". It was shown as a vertical blue bar on the flag staff third of the flag with the remainder covered by three horizontal bars of equal width. The middle bar was white with the upper and lower bars red. In 1905, the State Coat of Arms, or seal, was added in the middle of the blue bar. Col. Perry's purpose was clearly to remember the Confederate States of America, the fallen nation of which Georgia had been a part. Other former Confederate states also adopted variations of the "Stars and Bars". (Authority: Georgia Official and Statistical Register, 1954-1955 published by the Georgia Secretary of State and Miss Carol Hart, Director of Archives.)

- **Question: The state flag is no longer shown with the Confederate "Stars and Bars" adaptation. When was it changed?**

It was changed during the 1956 session of the Georgia General Assembly. (Authority: Acts of the Georgia General Assembly, 1956 session.)

- **Question: What is the 1956 design and where did it originate?**

The 1956 design is an adaptation of the Cross of Saint Andrew. The version used in the official flag of Georgia was taken directly from the field or battle flag of the Provisional Army of the Confederate States of America. The design was used by the Army of the Confederate States of America - of which Georgia was a part - during the War Between the States.

- **Question: Why did the Confederate States Army not use the "Stars and Bars" alone; after all, it was their official flag?**

The Stars and Bars proved to be much too similar in design to the Stars and Stripes of the United States. Since the two nations were at war in 1861 when the design was created, needless casualties on both sides were encountered at the first Battle of Manassas due to the confusion caused by the similarity. The Confederate generals ordered a new design. The Cross of Saint Andrews, the ancient symbol of Scotland, was used by a Virginia regiment during the battle. A general suggested that it was sufficiently unique to serve the purpose. It was then adapted in square fashion so as to allow it to flow easily in the breeze. The flag was the carried by the combat troops of the Confederate nation for the remainder of its existence. (Authority: 'The Flags of the Confederacy' by Devereaux Cannon.)

- **Question: Who proposed that the Georgia flag be changed to reflect the Cross of Saint Andrew rather than the Stars and Bars?**

Senator Willis Neal Hardin and Senator Jefferson Lee Davis introduced the bill that was drafted by the same man who designed and created the Present State Flag, State Democratic Party Chairman and Civil War buff John Sammons Bell. The new design was created because the old Confederate design had become "meaningless" in the words of Bell. He wanted to forever perpetuate the memory of the Confederate soldier who fought and died for his state. (Authority: Interview with John Sammons Bell by Vivian Price published in the 'DeKalb News/Sun,' page2-F 13 July 1988.)

- **Question: Why was the flag changed?**

Judge John Sammons Bell, former Chief Judge of the Georgia Court of Appeals and designer of the current flag stated that the purpose of the change was "to honor our ancestors who fought and died and who have been so much maligned." (Authority: Interview with John Sammons Bell by Vivian Price published in the 'DeKalb News/Sun,' page2-F 13 July 1988.)

- **Question: Some have claimed that the 1954 school desegregation decision by the U.S. Supreme Court stimulated the change in 1956. Is this true?**

Concerning those who claim that the flag was "... designed as a last desperate gasp of defiance against integration," Judge Bell said "Absolutely nothing could be further from the truth ... every bit of it is untrue." He further stated that "Anybody who says anything to the

contrary is wrong or perpetuating a willful lie." (Authority: Interview with John Sammons Bell by Vivian Price published in the 'DeKalb News/Sun,' page2-F 13 July 1988.)

- **Question: Some claim that Hardin, Davis and Bell might not be willing to tell the truth - that they might have tried to hide their 'real' purpose. Could this be true?**

These gentlemen denied any such impropriety. In the year 1956 several newspaper accounts of the proposed change in the GEORGIA FLAG were published. In none of the articles was there any hint that the flag change was for any reason other than that stated by the gentlemen who proposes the change. (Authority: The Atlanta Journal, 2 Feb. 1956, page 6; The Atlanta Constitution, 2 Feb. 1956, page 8; The Atlanta Journal/Constitution, 5 Feb. 1956, page C-1; The Atlanta Constitution, 10 Feb. 1956, front page; The Atlanta Journal 10 Feb. 1956, page A-4.)

- **Question: Judge Bell is still alive yet Senator Hardin and Senator Davis are now deceased. Is there any evidence that they felt the same?**

In letters to the Flag Facts Committee, the sons of both senators unequivocally stated that their fathers never mentioned any purpose for the redesign of the Georgia Flag other than as a means of honoring their ancestors who fought for Southern independence. They specifically stated that their fathers were disturbed that anyone would claim that they were using the flag change as a political issue. (Authority: Letters to the committee dated 17 Sept. 1990 from Willis Hardin, Jr. and letter to the committee dated 1 Feb. 1990 from Jefferson L. Davis, Jr.)

- **Question: Isn't it true that these gentlemen would not have admitted to any motivation concerning defiance of integration in 1956?**

Any reading of the newspapers in 1956 shows those politicians who believed in defiance of integration were not at all reluctant to say so in the news interviews. In fact some thought that political advantage could be gained by such positions. (Authority: The Atlanta Journal and The Atlanta Constitution during the period 1954 to 1956.)

- **Question: Is it just a coincidence that the flag was changed two years after the Brown vs. Board of Education case in the U.S. Supreme Court?**

It must be remembered that Confederate patriotism was running high in 1956. On January 20 1956 it was announced that the Civil War Centennial Committee would be formed to plan commemorative events for the 100th anniversary of the War Between the States. This coincided with the deaths of the last remaining Confederate veterans. The last soldier in Georgia died in 1952. The last soldier of the entire Confederacy died in 1959. In the years between, the old veterans were one by one passing away. A great deal of sympathy was felt

throughout the South for the old soldiers and many commemorative activities took place. (Authority: The Atlanta Journal, 20 Jan. 1956, page A-5; 'The South's Last Boys in Gray' by Professor Jay S. Hoar, University of Maine.)

- **Question: Since 1956, has the issue of the flag come before the General Assembly?**

Until the mid 1980s, the issue was brought up twice by a lady representing a portion of Sumter County. In 1970 a motion to postpone the resolution was overwhelmingly passed. When the issue came to the floor of the House of Representatives in 1972 it was defeated 139 to 20. Clearly, the General Assembly did not want to change the flag.

- **Question: Isn't it true that a large part of the population wants the flag to be changed?**

Few polls have been done concerning public opinion about the flag. However, in February 1988 the Gwinnett Daily News, a newspaper covering the Metropolitan Atlanta area, published a poll, which indicated that 92% of those polled wanted the state flag to stay the same. (Authority: The Gwinnett Daily News, 7 Feb. 1988, front page.)

It is hoped that this information will help the citizens of Georgia become more familiar with their flag and how it was developed, researched & authored by Charles Kelly Barrow

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