

9-1-1984

## A Tribute to Dean Ben F. Johnson

James A. Mackay

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

---

### Recommended Citation

James A. Mackay, *A Tribute to Dean Ben F. Johnson*, 1 GA. ST. U. L. REV. (1984).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol1/iss1/3>

This Article is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact [mbutler@gsu.edu](mailto:mbutler@gsu.edu).

# DEDICATION

## A TRIBUTE TO DEAN BEN F. JOHNSON

*James A. Mackay*†

Dean Ben F. Johnson retired June 30, 1985, as Dean and Professor of Law of Georgia State University, a post he had held since the founding of the law school. This marks another milestone in the career of a Georgia lawyer who has a unique and formidable record for the variety, quality and depth of his service to the legal profession and which, to my knowledge, is almost without parallel or precedent in this country.

He laid a foundation for his career by obtaining an excellent general education at Atlanta's Boys High School; a Bachelor of Arts degree from the University of Georgia where he was in the top ten percent of his class; the degree of Juris Doctor from Emory University Law School where he graduated with first honor; and a Master of Law degree from Duke University Law School.

On being admitted to the bar, he was employed by the top Atlanta law firm of Sutherland, Tuttle and Brennan where he participated on cases with Elbert P. Tuttle, later to win distinction as a District and Circuit Judge of the Federal Judiciary. Dean Johnson recalls that Judge Tuttle taught him that law could be practiced successfully and on the highest ethical level. He says that General William A. Sutherland, a senior partner of that firm, was the best teacher and taskmaster he had because he never flinched from demanding his best nor would he accept anything less.

In 1943 Dean Johnson began two and one-half years of duty as an intelligence officer with the U.S. Navy where he developed a form of instructional work in which authenticity, accuracy and thoroughness became essential in matters of life and death.

After the war, Dean Johnson completed his graduate degree at

---

† James A. Mackay attended Duke University Law School and graduated from Emory University Law School in 1947, where he has served as an Adjunct Professor of Law. He has been in the general practice of law in Decatur, Georgia, since 1947 except two years during which he served in the U.S. Congress. He served six terms in the Georgia General Assembly.

Duke University and returned to Emory University Law School where he began a tenure of thirty-five years. He served as Assistant Professor, Associate Professor and tenured Professor of Law from 1955 to 1982.

He was elevated to the office of Dean of the Law School in 1961 and served in that office for eleven years, a period that witnessed extraordinary growth and improvement for Emory Law School.

In 1955 the Attorney General of the State of Georgia invited the then Professor of Law to become a part-time Deputy Attorney General, a post in which he served until 1961. Since he had specialized in teaching taxation and had developed a reputation as an expert in the field of state and local taxation, he was logically assigned to the State Revenue Department, where he became, in effect, house counsel for the State Revenue Department and represented it in considerable litigation in state and federal courts.

Having won an important case involving state taxation of interstate commerce in the Supreme Court of the United States, *Stockholm Valves v. Williams*, 358 U.S. 450 (1959), he was appointed and served for a number of years on a ten member advisory group to a Special Subcommittee on State Taxation of Interstate Commerce established by the House Judiciary Committee of Congress. The work of this committee resulted in a multi-volume report.

The arrangement of having a first-rate scholar and law professor serve as a Deputy Attorney General was of enormous benefit to the State Law Department and conversely enriched the background and training of this law professor and benefitted Emory Law School.

The landmark decision of *Baker v. Carr*, 369 U.S. 186 (1962), handed down just eighteen months after Dean Johnson was named Dean of Emory Law School, precipitated still another addition to his remarkable career. The federal court ordered the reapportionment of the upper house of the Georgia General Assembly with the result that a central Dekalb senatorial district was established and a special primary was called for the November 1962 general election. It is to the eternal credit of the faculty and administration of Emory University that they offered no objection to Dean Johnson's seeking election as the first senator from this new district. He ran, was elected, and served two additional terms extending from 1963 to 1969 during which there were six regular and one extraordinary sessions of the General Assembly. I doubt that any individual has ever served in the Legislature who arrived better educated or experienced in the legal and legislative tasks of the body. This was at

a time of enormous transition in the cultural, economic and social life of the metropolitan area and the whole state. This arrangement whereby the Dean of a Class A law school was able to serve as a state senator benefitted both the law school and the General Assembly.

Space does not permit me to detail all of the substantial contributions Dean Johnson made during his service in the Georgia Senate. He was the principal draftsman of the Current Income Tax Payment Act and the Sales Tax Act Amendment of 1960; the Rapid Transit Constitutional Amendment of 1964; the Rapid Transit Authority Act of 1965; the Sale of Checks Act of 1965; the Rapid Transit Constitutional Amendment of 1966; the Law School Legal Aid Act and the Jury Exemption Act of 1967; and the Criminal Justice Act of 1968. He worked on two exhaustive code revisions culminating in the new Corporation Code of Georgia and the Criminal Code of Georgia in 1968.

Dean Johnson's ability and leadership were such that he chaired the Banking and Finance Committee, served as Vice-Chairman of the Judiciary Committee, Secretary of the Committee on Reorganization and Efficiency in Government, and as a member of the Appropriations Committee for six years and the Committee on Legislative Services for four years. He served on the 1963-64 Constitutional Revision Commission and in 1970-71 served the Citizens Judicial Study Commission and later was technical advisor to the Citizens Committee on the General Assembly.

We who have served in the General Assembly know that attempting to do a good job at the Capitol and performing your regular job is like riding two horses. Dean Johnson proved that it could be done because at the same time he delivered excellence in his legislative role, he guided the Emory Law School to unprecedented attainments. Under his deanship at Emory the student body grew from 100 to 561 full-time students; the library from 44,000 to 80,000 volumes; the budget from \$213,000 to \$1,200,000; and, finally, the move from an inadequate building to the \$5,000,000 Gambrell Hall.

The solid achievements of Dean Johnson at Emory fitted him for the task of Professor of Law and Dean of the Law School at Georgia State University where he again has demonstrated his capacity for leadership in every facet of building a law school which, I believe, will move to the forefront of law schools in the nation. The 1985 victory of the Georgia State Law School Moot Court team over Emory, Mercer and the University of Georgia accentu-

ates my point that it is a law school destined for greatness.

If you examine Dean Johnson's achievements as a legal scholar, law teacher, state senator and builder of great law schools, you might conclude that there would be time for little else. Not so. As his former student, former colleague in the General Assembly and as his neighbor, I can report equally impressive achievements in the private sector of his life. Happily married for nearly fifty years to the former Stella Darnell, he is the proud father of two sons who have become outstanding lawyers in their own right: Ben F. Johnson, III and Sherman D. Johnson, who have presented him with grandchildren who may very well carry on the legal tradition. He has been an active layman at Druid Hills Baptist Church for 55 years, a teacher of the Four Square Bible Class for 32 of those years, a Rotarian for 22 years, and a concerned and effective citizen of his community all of his life.

We Johnson "watchers" know he has earned the right to slow down, but we also know that he will continue to demonstrate his respect for the rule of law and for his profession as long as he lives.

Ben Johnson knows what President Harry Truman meant when he left the White House; Mr. Truman said he was going back to Independence and resume the title and responsibility of the greatest position in the land — "Citizen." So as he retires, we say: "Citizen Ben Johnson, the people of this state and nation are in your debt, and we have benefitted and are honored to have you among us!"