

Robin Frazer Clark: Drum Major for Justice

BY W. MATTHEW WILSON



In this new column, *Verdict* will feature the great work of GTLA lawyers who are making big impacts in their communities whether through client work or contributing to a social cause. Our GTLA members do incredible work outside their normal casework, and we are honored to share the first of many stories here.



Robin Frazer Clark

ROBIN FRAZER CLARK IS helping correct America's past wrongs. In January of this year, she successfully obtained a pardon by President Barack Obama for her client Peter Heidgerd who was nearly 30 years old after he was court-martialed for having a gay relationship while an officer in the military.

For Peter, the journey to his pardon was a long one. When he was in his late twenties, he was stationed in Germany and not openly gay. He ventured to a nearby German bar where he met and eventually fell in love with an enlisted soldier. After he returned home to the U.S., the couple's love letters were discovered and Peter, who was an Army officer, was court-martialed on two counts: Conduct Unbecoming an Officer and a Gentleman, and Fraternization with an Enlisted Man. On July 17, 1989, Peter was convicted of both counts and incarcerated at Fort Leavenworth. Peter served nearly a year in prison and was issued a Less Than Honorable Discharge in April 1990.

Following his release, Peter moved to Atlanta and tried to find employment. When he applied at a Midtown restaurant to be a waiter, he was immediately turned down as a convicted felon. Dejected, he walked out of the restaurant, turned to his partner at the time and said, "Is this going to be my life? This is ridiculous."

Peter was able to find employment eventually, though never doing anything other than low-pay manual labor jobs, and certainly none that gave him of accomplishment. He refused to dream of greater employment or apply for better jobs. "Why shoot for the stars when you know you're going to be shot down?" he thought.

Fast-forward 21 years. In July 2011, President Obama issued his repeal of the federal Don't Ask Don't Tell (DADT) law. That policy allowed gay service members to serve in the military provided they did not disclose their sexual orientation. Upon repealing DADT, Obama announced that "service members will no longer be forced to hide who they are in order to serve our country."

One of Peter's friends at the time was involved with Lawyers Club of Atlanta and thought Peter should find a lawyer and seek a presidential

referred him to Robin Clark, who agreed to take the case pro bono.

Robin filed Peter's pardon application in October 2011 and began an intensive five-year lobbying effort to get the attention of the White House and administration officials. She sent so many letters to the White House that they eventually asked her to stop sending them. Robin sent a letter to then-Secretary of the Army Eric Fanning, who was appointed by President Obama in 2015 and was the first openly gay man to lead any service of the U.S. Military. Robin

asked Secretary Fanning to use his influence to help overturn Peter's 1989 conviction for being gay. "Doesn't justice demand a pardon," she argued, "not only as a symbolic gesture that what our government did was wrong and will never happen again, but also to help Mr. Heidgerd in some small way to seek meaningful employment?"

Robin sent that final letter in the waning months of Obama's administration and within months, and just three days before Obama left office, Robin received a call from a Department

of Justice lawyer informing her that President Obama had approved a pardon for Peter. Robin immediately called her client. "It was one day after Martin Luther King Day," Peter vividly remembers.

While the last decade has seen tremendous advancements for the progress of LGBT civil rights, Robin's work highlights the fact that there is still great progress to be made. Gay men and women are more openly accepted in society today but there remain entire generations living with the consequences of an old regime of oppressive laws.

For Peter, his victory is entirely personal. Peter was not able to be with his brother as he died of AIDS while Peter was incarcerated, and following his release, Peter's felony conviction has haunted his every attempt to move his life forward. Now, he says, he feels as though he might finally get a fair shake. "If I'm standing up for gay people, I'm standing up for gay people to have a life," he said.

Robin's work epitomizes the correcting of injustice. Her use of the same legal system that was used as a weapon against her client in 1989 also shows her deep allegiance to the belief that our legal system is only as good as the people who use it.

The Reverend Martin Luther King, Jr. gave his famous Drum Major Instinct sermon in 1968, encouraging his congregation to seek greatness through acts of service and love. Reflecting on his own life, he said, "Yes, if you want to say that I was a drum major, say that I was a drum major for justice."

More than ever, we need drum majors in our profession. Drum majors who will lead the parade toward justice. Robin Clark is a drum major for justice, and we salute her great victory on behalf of Peter Heidgerd and, indeed, all of us. ●

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