REPORT FROM THE EXECUTIVE DIRECTOR TO THE NORTH CAROLINA BAR ASSOCIATION (NCBA) BOARD OF GOVERNORS AND THE NORTH CAROLINA BAR FOUNDATION (NCBF) BOARD OF DIRECTORS REGARDING RELATIONSHIPS BETWEEN THE NCBA AND SYSTEMIC RACISM IN NORTH CAROLINA

NOVEMBER 2020

PREFACE

This report is the result of research that began in relation to the North Carolina Bar Foundation Justice Fund that honors Governor Charles B. Aycock. Research into Aycock’s involvement in the founding of the North Carolina Bar Association led to the need to more fully understand the involvement of individuals who participated in the white supremacy political campaign of 1898 with the organization of the North Carolina Bar Association, and to understand the struggle required for the Association to admit its first non-white members in 1967. This report is not written to provide a full account of the events of 1898 and 1899, nor of the events of the 1960s, nor the actions taken by members involved in the organization of the Association. The events of 1898 and 1899 can be more fully understood by referring to the articles and resources that are referenced and linked to in this report. In relation to the later period, this report also utilizes internal Bar Association records (some of which have not previously been made public), including copies of board meeting minutes and Bar Notes. It should be noted, however, that while these records identify individuals who were denied membership at board meetings in the 1960s, they do not provide a record that would allow us to identify those individuals who were unable to reach the board consideration stage of the membership application process.

EXECUTIVE SUMMARY

The North Carolina Bar Association was organized on February 10, 1899, at a meeting in the Supreme Court of North Carolina. In the prior year, 1898, the North Carolina Democratic Party returned to power through a statewide political campaign based upon white supremacy. At the campaign’s conclusion the multi-racial government of Wilmington was violently overthrown in a coup that resulted in the deaths of up to 60 Black citizens, the expulsion of over 20 individuals from Wilmington and a mass exodus of over 2,100 others from the city. The North Carolina legislature elected in 1898 proceeded to enact Jim Crow laws that disenfranchised Black citizens and institutionalized segregationist policies that have harmed generations of Black citizens in North Carolina. Prominent leaders of the 1898 white supremacy campaign, the Wilmington Coup and the 1899 legislature were members of and leaders in the founding of the North Carolina Bar Association in 1899. White supremacist policies and ideas were incorporated into the founding constitution of the NCBA by limiting membership to “any white person” and included in addresses during the Association’s early annual meetings. The language limiting membership in the NCBA to “any white person” was not removed from the NCBA constitution until 1965.

Concurrent with the removal of language limiting membership to “any white person” from the NCBA constitution, new barriers to membership were instituted, including the recommendation of three members (versus the two or sometimes one required before) and the requirement of a super majority (2/3) vote of approval by members of the Board of Governors (versus a system that previously admitted members through simple majority votes or silent affirmation by mail). Under the new process, nine Black attorneys were denied membership a cumulative total of 17 times between July 1965 and June 1970. In response to the Association’s denial of
membership to Duke law graduate Eric Michaux, the Duke University Law School severed its ties with the Association on December 12, 1966. The Duke law faculty voted to sever ties “until such time as all applicants are accepted for membership in the North Carolina Bar Association without discrimination based upon race.” The following April, Julius L. Chambers and Henry Frye were the first Black attorneys admitted to membership in the NCBA, while other Black attorneys were rejected for membership. Eric Michaux was admitted to membership in the NCBA in the summer of 1969. In June of 1970, the NCBA’s membership voted against supporting the ballot initiative to repeal the literacy test in the North Carolina Constitution that had been enacted through the actions of the 1898 legislature. Voters also rejected the ballot initiative, and the literacy test remains in the North Carolina Constitution today.

RECOMMENDATIONS

At a meeting of the Board of Governors of the North Carolina Bar Association on November 23, 2020, the following recommendations were approved based upon the information provided and referenced in this report:

1. That the Association acknowledge the role that several of its founding members and early officers had in the white supremacy campaign of 1898, the Wilmington Massacre and Coup D’etat of 1898, and the institution of Jim Crow laws in North Carolina, the results of which have harmed generations of Black citizens in North Carolina.

2. That the Association acknowledge the Association resisted integration and issue a full and complete apology to all individuals, known and unknown, who were denied admission to the Association on the basis of race, the results of which have harmed generations of Black attorneys in North Carolina.

3. That the President direct the Awards and Recognitions Committee, in light of the information gathered, to review the Association’s current named awards, honorees, commemorations and collectibles and to make recommendations to the Board of Governors regarding in particular:
   a. The recognition of Past Presidents identifiably connected to the white supremacy campaign of 1898, the Wilmington Massacre and Coup D’etat of 1898, and the institution of Jim Crow laws in North Carolina;
   b. The recognition of other individuals by the Association or Foundation who actively worked to suppress or disenfranchise minority voters, or otherwise promote racism and disenfranchisement in the law; and
   c. Whether the practice of making named awards should continue, and if so, any additional guidelines.

4. That the President appoint a task force for the purpose of more fully researching and telling the story of integration of the Association and to propose such additional steps and actions as may be appropriate to oppose racism and advance the principles of equity and equal justice for all, in the legal profession and for the citizens of our state. In addition, this task force will explore the contributions of the heroic citizens who opposed racism in the history of the Association.

5. That the Association publicly and decisively commit to opposing racism and advancing the principles of equality and equal justice for all, in the legal profession and for the citizens of our state, and further commit to taking practical action in its work and contributions with legal education, law firms, corporate counsel, and government and the public, to help our profession and our society promote diversity, inclusion and equal opportunity for all. As part of this commitment, the Association will:
   a. Advocate for the repeal of the literacy test that remains in the North Carolina Constitution;
b. Make diversity, racial equity, and inclusion education available as soon as reasonably possible for its members and employees, and emphasize the importance of including these resources at every appropriate opportunity; and,
c. Authorize the Executive Director to create a staff position focused on the advancement of diversity, inclusion and equal opportunity in the legal profession.

At a meeting of the Board of Directors of the North Carolina Bar Foundation on November 23, 2020, the following recommendations were approved based upon the information provided and referenced in this report:

1. That the Executive Director pursue the removal of the plaque recognizing the Governor Charles B. Aycock Justice Fund from display and the repurposing or disposition of the corpus funds that is in keeping with the Foundation’s principles.
2. That the President appoint a task force to:
   a. review and make recommendations regarding the diversity and inclusion of individuals recognized by Foundation Justice Funds; and that the development of Justice Funds that are not already in progress be halted until such work is completed; and,
   b. Consider and make recommendations to the Board regarding appropriate grant and program initiatives to encourage greater equity, diversity and inclusion in the practice of law and delivery of legal services in North Carolina.

OFFENSIVE CONTENT WARNING

The excerpts and attachments in this report contain language that some may find offensive and hurtful. The inclusion of those prior views and expressions does not constitute an endorsement of those views and expressions by the NCBA, its members or leaders and the direct quotes are included for the accuracy of the historical record.

PART 1:


THE ELECTION OF 1898

In the North Carolina elections of 1894 and 1896, an interracial “Fusion” coalition of Populists and Republicans won every statewide office, swept the legislature and won the governorship.1 The Fusionist platform championed local self-government, free public education, modest regulation of monopoly capitalism and “one man, one vote,” which would give a Black man the same voting power as a white man2 (the Nineteenth Amendment, establishing the right of women to vote became effective on August 18, 1920).

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2 Tyson, 5.
Seeking to return to power in 1898 by using issues that would cut across party lines, leadership of the North Carolina Democratic Party developed a political campaign based upon white supremacy. At the end of the Democratic Executive Committee meeting on November 20, 1897, Francis D. Winston (NCBA President 1911-12) published a call for whites to rise up and “establish Anglo-Saxon rule and honest government in North Carolina” while attacking Fusionists for turning over local offices to Black office holders. He claimed that “Homes have been invaded, and the sanctity of woman endangered,” continuing that “Business has been paralyzed and property rendered less valuable.”

The State Democratic Party Executive Committee was comprised of Furnifold Simmons, as Chair, John W. Thompson as Secretary, Francis Winston and Heriot Clarkson, with P.M. Pearsall serving as head of the committee’s public speaking department. As further noted below, in early 1899, Simmons, Winston, Clarkson, and Pearsall would each be present and active in the founding of the NCBA; here, in 1898 they were leaders in developing the 1898 White Supremacy Campaign. As described in the 1898 Wilmington Race Riot Report:

Simmons and the Democrats developed a white supremacy argument as a primary campaign tool even as they pointed out shortcomings of the incumbent Fusion administration. Leading Democrat Josephus Daniels noted that Simmons used a three-pronged attack to win the election: men who could write, speak, and “ride.”

- **Men who could write** were used to create propaganda for newspapers and circulars provided by the Democratic Party. The Raleigh News and Observer, Charlotte Observer, Wilmington Messenger and the Wilmington Morning Star led the barrage.
- **Men who could speak** were sent throughout the state to inflame white voters. Statewide speakers included future governor Charles B. Aycock, Robert Glenn, and Wilmington native Alfred Moore Waddell.
- **Men who could ride** were recruited by clubs such as the White Government Union and Red Shirts. The clubs sought to intimidate blacks and press white Fusionists to vote for Democratic Party candidates.

Notably, the public speakers identified here as part of Daniels’ attack, as the leaders to inflame white voters as part of the campaign – Charles B. Aycock, Robert Glenn and Alfred Moore – would also be NCBA Charter Members (or in the case of Waddell, an NCBA Vice President in 1899).

For its part, The Democratic Hand Book of 1898, prepared by the Democratic Party Executive Committee which Simmons chaired, makes note of the role of lawyers in the party:

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3 Tyson, 7.
4 Tyson, 7.
6 Umfleet, 56.
Our party makes leaders and candidates out of lawyers, doctors, farmers, mechanics, laborers, or men of any other honorable vocations. The Democratic people believe in fitness of head, fitness of heart and fitness in character for the work their leaders or candidates are expected to do, without regard to their vocations in life; and they cannot be driven from their cordial support of these leaders by the senseless cry that they are lawyers or men of any other profession. Our people remember with pride that Jefferson and Jackson and Tilden and Hendricks and Bryan and Bragg and Merrimon and Scales and Fowle and Smith and Vance, and thousands of others who have ever stood for the rights of the people, for Democratic doctrines, for good government, and who reflected honor upon their party and shed glory upon their country, were lawyers. We therefore assert and believe that no man who loves his State and wants to see good government restored to her people will be deterred from uniting with the Democratic Party by the low and contemptible appeal that the Democratic people have sometimes chosen lawyers and other professional men for their leaders. 7

As part of its white supremacy narrative, The Democratic Hand Book of 1898 contains multiple references to Black magistrates and office holders, and includes a county-by-county tally of the number of Black magistrates and office holders in 16 eastern and central counties. The Democratic Hand Book can be seen here: [https://docsouth.unc.edu/nc/dem1898/dem1898.html](https://docsouth.unc.edu/nc/dem1898/dem1898.html).

The News & Observer’s “The Ghosts of 1898” Report provides a vivid example of the sort of speeches given in Wilmington and Goldsboro in the fall of 1898 as part of the campaign, and the role of public speakers like Waddell, Simmons, Aycock and William A. Guthrie:

Waddell packed an auditorium in Wilmington early in the fall of 1898, where he shared the stage with 50 of the city’s most prominent citizens. White supremacy, he declared, was the sole issue and traitors to the white race should be held accountable. “I do not hesitate to say this publicly,” Waddell proclaimed, “that if a race conflict occurs in North Carolina, the very first men that ought to be held to account are the white leaders of the Negroes who will be chiefly responsible for it. … I mean the governor of this state who is the engineer of all the devilry.” But his fiery closing, which became the tag line of his standard stump speech that fall, made clear that blacks would bear the brunt of the violence. “We will never surrender to a ragged raffle of Negroes,” Waddell thundered, “even if we have to choke the Cape Fear River with carcasses.”

Waddell unfurled his next bloodthirsty declaration in Goldsboro, where 8,000 white Democrats came to cheer the long-haired colonel and other Democratic leaders, including Simmons, Aycock and William A. Guthrie, mayor of Durham.

Waddell set the tone and electrified the crowd with his promise to throw enough black bodies into the Cape Fear River to block its passage to the sea. Guthrie, flanked by Red Shirts, imagined a bloody race war. “The Anglo-Saxon planted civilization on this continent,” Guthrie claimed, “and wherever this race has been in conflict with another race, it has asserted its supremacy and either

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conquered or exterminated the foe. This great race has carried the Bible in one hand and the sword [in the other.]” Guthrie warned the Fusionists: “Resist our march of progress and civilization and we will wipe you off the face of the Earth.”

Paramilitary Red Shirts disrupted African-American church services and Republican meetings statewide in the fall of 1898, while patrolling streets, intimidating and attacking Black citizens and barring passage to polling sites. On election day, November 8, 1898, Governor Russell, a Republican, traveled to Wilmington to vote, but was forced to hide in a mail-baggage car to avoid a Red Shirt lynch mob during his return trip to Raleigh.

Democrats won a majority in the North Carolina legislature in the 1898 election. As described in the Democratic publication, North Carolina’s Glorious Victory, 1898:

“THE VICTORY of the Democratic Party in 1898 is one that will forever be historical to the people of North Carolina, for then it was that the State went for “White Supremacy” and white rule by the magnificent majority of nearly twenty-five thousand votes: not only giving handsome majorities for State officers, but electing a majority of Democrats to the Senate and House of Representatives, electing an Assembly which is indeed an honor to the grand old Democratic Party; men of brains, influence and wealth, whose actions since the organization of the General Assembly of North Carolina for 1899 have been such as to make all members of that party feel proud of the fact that they are Democrats.”

THE WILMINGTON MASSACRE AND COUP D’ETAT OF 1898

On November 10, 1898, the legitimately elected municipal government of Wilmington was overthrown by an armed insurrection, led by individuals who were leaders in the 1898 white supremacy campaign. The racial violence on November 10 led to deaths of up to 60 Black citizens, the expulsion of over twenty individuals and a mass exodus of over 2,100 others from the city.

On November 9, 1898, a mass meeting of white citizens was held in Wilmington. The result of this meeting was creation of a “White Declaration of Independence.” Alfred Waddell was chosen by the group to lead a “Committee of Twenty-Five” to carry out the resolutions of the declaration. The Committee of Twenty-Five included George Rountree (NCBA President 1906-07) who also served on the committee that reviewed the resolutions and amendments to the document.

The following excerpts are from the summary of the events of November 10, 1898, in the Wilmington Race Riot Report:

- [Alfred] Waddell met a crowd of men at the armory at 8:00 A.M. and led a march to the Record printing offices near the corner of Seventh and Nun.

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8 Tyson, 9. As also noted below, Guthrie was present for the NCBA organizational meeting, was a NCBA Charter Member, and served as the initial NCBA Vice President for the 5th District.
9 Tyson, 9.
10 Tyson, 9.
11 C. Beauregard Poland, “North Carolina’s Glorious Victory” (Raleigh, NC, 1898), 2.
12 Umfleet, 113.
The Record offices were destroyed by a mob numbering as many as 2,000 whites who then returned to the armory.

- Word of the fire at the press spread, and blacks working at James Sprunt’s cotton compress quit work and clustered at the waterfront as crowds of armed whites pressed for the crowd to disperse. Sprunt and other whites worked to protect the blacks and calm the whites, avoiding bloodshed at the compress.

- Violence broke out at the intersection of Fourth and Harnett when groups of blacks and whites argued with each other from opposing corners. Both sides claimed the first shot was fired by the other with two “witnesses” providing opposing testimony.

- After the first shots were fired, the governor called out the WLI, who marched into Brooklyn to calm the riot. They participated in skirmishes and killed several black men at Manhattan Park and elsewhere.

- The WLI and the Naval Reserves operated two rapid-fire guns in the city. The guns were used to intimidate and terrorize both blacks and whites before the day was over. Another rapid fire gun was brought to the city by members of the Kinston Naval Reserves, who joined the WLI and other State Guard units in the city to press for peace at the behest of the governor.

- Several black men were identified as killed or wounded in sporadic skirmishes throughout the day. Some black men were found and taken to the hospital on the eleventh. Several men died from their wounds in the days following the riot. One white man was critically wounded, a few other whites were also wounded, but there were no white casualties.

- During the riot, members of Waddell’s Committee of Twenty-Five, George Rountree, John D. Bellamy, and others worked to facilitate a coup d’état to overthrow the Republican mayor, Board of Aldermen, and chief of police. By 4:00 P.M., the elected officials were resigning and being replaced by men selected by the Committee of Twenty-Five. The newly placed Board of Aldermen elected Waddell mayor.  


The complete 1898 Wilmington Race Riot Report, from the 1898 Wilmington Race Riot Commission (which was established by the General Assembly in 2000) can be seen here: https://digital.ncdcr.gov.digital/api/collection/p249901coll22/id/5842/page/0/inline/p249901coll22

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13 Umflee, 121. The “WLI” was the Wilmington Light Infantry, a volunteer militia group that was formed in 1853, and following the Civil War, continued as part of the State Guard under the command of the Adjutant General of North Carolina.
An interactive timeline of the Massacre and Coup d’etat can be seen here: https://nhcgov.maps.arcgis.com/apps/MapJournal/index.html?appid=5a4f5757e4904fb8bef6db842c1ff7c3

THE 1899 LEGISLATIVE SESSION AND THE DISENFRANCHISMENT OF BLACK VOTERS

The 1899 legislature was in session from January 4, 1899, through March 6, 1899, and repealed or amended numerous laws that had been enacted during the 1894 and 1896 legislatures. The 1899 legislature also passed a suffrage amendment to the constitution to disenfranchise Black voters through literacy tests and poll taxes. As described in the Wilmington Race Riot Report:

After the euphoria of election victory settled and the state returned to relative calm, calls for disfranchisement of the black vote arose. The News and Observer proclaimed that the “the lessons of the recent past teach that it is neither prudent nor wise to delay a permanent solution of the suffrage problem.” As the voice of the Democratic Party, the paper acknowledged that “the people have voted to put an end” to black suffrage and its complement of “problems” for white voters. Further, the paper saw the overwhelming Democratic victory as a mandate for the new legislature to “settle once and all time the question of regulating suffrage.”

In response to the call by Democratic Party leaders for limits on suffrage, the General Assembly manufactured legislation under the hands of George Rountree, Francis Winston, and others as a solution to the perceived “problem” of black voting. The suffrage amendment went through several mutations before it was ratified by the General Assembly on February 21, 1899. The amendment was based on similar legislation passed in other states and relied on recent court decisions that supported the rights of states to disfranchise citizens through literacy tests. Opposition to the bill came from Populists who claimed that the scheme’s plan to disfranchise those who would fail to qualify to vote possibly would ensnare some white men and remove their ability to vote. Democrats conceded that some whites would have to sacrifice their vote for the greater good of the white population. The final version of the suffrage amendment required voters to pass a literacy test and pay a poll tax. To assure skeptics that illiterate whites would not be disfranchised, the amendment included a grandfather clause: “[N]o male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of the state in the United States wherein he then resided, and no lineal descendent of such person, shall be denied the right to register to vote at any election in this State by reason of his failure to pass the education qualification.” A codicil to the grandfather clause was that it was only effective through December 1, 1908. After that date, all men who were not already registered would have to pass the literacy test. The amendment as constructed in the legislature went to the voters for passage during the November general elections. 14

The Life and Speeches of Charles Brantley Aycock described the correlation between the 1898 election and the work of the 1899 legislature as follows:

14 Umfleet, 209.
For as the day of election approached no one doubted that Democratic success would lead to such changes in the fundamental law of the State as would eliminate the negro from politics, and that disfranchisement of the negro would be the chief issue in the next campaign. The election resulted in giving the Democrats control of both houses of the Legislature. They interpreted this result as a command from the people that they prepare an amendment to the Constitution that would make white supremacy in North Carolina perpetual. Accordingly such an amendment was prepared and submitted to the voters for ratification at the general election of 1900.  

The suffrage amendment was added to the North Carolina constitution by voters in 1900, disenfranchising Black voters for decades.

ORGANIZATION OF THE NORTH CAROLINA BAR ASSOCIATION

The organizational meeting of the North Carolina Bar Association was held the night of February 10, 1899, in the North Carolina Supreme Court room. The North Carolina legislature was in session both the day of the meeting and the following day. During the course of the meeting, the first slate of officers was proposed by the Committee on Permanent Organization, which was chaired by Francis Winston.

After the election of the first slate of officers, members of the former North Carolina State Bar Association retired from the room, met and voted to dissolve the organization and tender all monies ($80 on-hand at the meeting) and records to the new North Carolina Bar Association.

The Committee on Constitution and By-laws then submitted a report including a constitution that was “substantially” the one drafted by J. Crawford Biggs prior to the meeting. The committee chair, H.A. London, noted that a few amendments were taken from the old State Bar Association. The following is an excerpt from the First Constitution of the North Carolina Bar Association regarding Active Members, as adopted on February 10, 1899:

Active Members.-Those members of the Bar who attend the meeting at which the Association is formed, and who shall subscribe to this Constitution and pay the admission fee, are hereby declared to be members of this Association. Any white person shall be eligible to membership in this Association who shall be a member of the Bar of this State in good standing, and who shall be nominated as hereinafter provided.

The provision limiting membership to the North Carolina Bar Association to “any white person” remained in the organization’s constitution until the Annual Meeting in 1966. By contrast, the constitution of the former North Carolina State Bar Association, as approved in 1885, did not limit membership on the basis of race, and provided the following:

Any member of the legal profession in good standing, residing and practicing in the State of North Carolina, may become a member by vote of the association, or upon nomination, after a favorable report from the committee on

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admissions; and on subscribing to this constitution (or otherwise in writing notifying the secretary of his acceptance of membership,) and within the period limited by the by-laws, paying the admission fee and annual dues of the current year.  

The meeting also included the election of the first Executive Committee, and a resolution instructing J. Crawford Biggs to “draft articles of incorporation and have the same passed at the present session of the General Assembly.” Articles of incorporation for the North Carolina Bar Association were introduced in the House two weeks later on February 24, 1899, and were ratified on March 6, 1899.

The following tables identify the individuals involved in the organization of the Association, the first officers elected and committee members appointed at the organizational meeting on February 10, 1899, and the officers elected and committee members appointed at the first annual meeting in July 1899. Of the 62 individuals present at the organizational meeting, 26 (42%) were members of the 1899 legislature, and a total of at least 29 (47%) were either in the 1899 legislature or identified participants in the white supremacy campaign of 1898. As noted above, three of the four members of the Democratic Executive Committee of 1898 were present at the meeting, including the chairman, Furnifold Simmons (the fourth member does not appear to have been an attorney).

### Key:
- **D** = 1898 NC Democratic Executive Committee Member
- **C** = Identified Participant in 1898 White Supremacy Campaign
- **H** = 1899 NC House of Representatives
- **S** = 1899 NC Senate

<table>
<thead>
<tr>
<th>Individuals Present at Organizational Meeting, February 10, 1899, in the North Carolina Supreme Court room:</th>
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<tbody>
<tr>
<td>H. G. Connor</td>
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<tr>
<td>F. A. Daniels</td>
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<tr>
<td>R. H. Battle</td>
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<tr>
<td>Francis D. Winston</td>
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<tr>
<td>H. A. Foushee</td>
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<tr>
<td>Chas. W. Tillett</td>
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<td>R. B. Boone</td>
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<tr>
<td>C. M. Busbee</td>
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<tr>
<td>S. M. Gattis</td>
</tr>
<tr>
<td>W. R. Allen</td>
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<tr>
<td>Heriot Clarkson</td>
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<tr>
<td>John N. Wilson</td>
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<tr>
<td>R. T. Gray</td>
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<tr>
<td>Chas. M. Stedman</td>
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<tr>
<td>Perrin Pusbee</td>
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<tr>
<td>F. L. Fuller</td>
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<tr>
<td>R. L. Leatherwood H</td>
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</tbody>
</table>

16 “Constitution of the North Carolina State Bar Association,” (January 28, 1885), Section III, Members.
Temporary Chairman: J. B. Batchelor of Raleigh
Temporary Secretary: J. Crawford Biggs of the University
Assistant Secretary: Walter Murphy of Salisbury

**Committee on Permanent Organization:**
Mr. Francis D. Winston, of Windsor, Chairman. H,D,C
Mr. L. L. Smith, of Gatesville
Mr. J. C. Martin, of Asheville
Mr. F. H. Busbee, of Raleigh
Mr. Chas. W. Tillett, of Charlotte

**First Officers of Association, nominated by Committee on Permanent Organization:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>District</th>
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<tbody>
<tr>
<td>Platt D. Walker, of Charlotte</td>
<td>President</td>
<td></td>
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<tr>
<td>W. D. Pruden, of Edenton</td>
<td>Vice-President</td>
<td>1st District</td>
</tr>
<tr>
<td>J. L. Bridgers, of Tarboro</td>
<td>Vice-President</td>
<td>2nd District</td>
</tr>
<tr>
<td>H. G. Connor, of Wilson</td>
<td>Vice-President</td>
<td>3rd District H,C</td>
</tr>
<tr>
<td>T. M. Argo, of Raleigh</td>
<td>Vice-President</td>
<td>4th District</td>
</tr>
<tr>
<td>W. A. Guthrie, of Durham</td>
<td>Vice-President</td>
<td>5th District C</td>
</tr>
<tr>
<td>George Rountree, of Wilmington</td>
<td>Vice-President</td>
<td>6th District H,C</td>
</tr>
<tr>
<td>J. A. Lockhart, of Wadesboro</td>
<td>Vice-President</td>
<td>7th District</td>
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<tr>
<td>Z. V. Walser, of Lexington</td>
<td>Vice-President</td>
<td>8th District</td>
</tr>
<tr>
<td>R. N. Hackett, of Wilkesboro</td>
<td>Vice-President</td>
<td>9th District</td>
</tr>
<tr>
<td>E. J. Justice, of Marion</td>
<td>Vice-President</td>
<td>10th District</td>
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<tr>
<td>O. F. Mason, of Dallas</td>
<td>Vice-President</td>
<td>11th District</td>
</tr>
<tr>
<td>Justice C. Martin, of Asheville</td>
<td>Vice-President</td>
<td>12th District</td>
</tr>
<tr>
<td>James Crawford Biggs</td>
<td>Secretary and Treasurer.</td>
<td></td>
</tr>
</tbody>
</table>

**Committee on Constitution and By-laws as follows:**
H. A. London, of Pittsboro
R. W. Winston, of Durham
T. T. Hicks, of Henderson
Solomon Gallert, of Rutherfordton
E. S. Parker, of Graham

**Committee to Recommend Appointments for the Executive Committee:**
W. D. Pruden, of Edenton
R. W. Winston, of Durham
W. B. Shaw, of Henderson

**First Executive Committee:**
F. H. Busbee
J. S. Manning
W. R. Allen
R. B. Peebles
H. A. London
Clement Manly
1899-1900 Officers and Standing Committees

PRESIDENT,
CHAS. F. WARREN, Washington

VICE-PRESIDENTS.
THOS. G. SKINNER Hertford First District
THOS. N. HILL Halifax Second District
C. M. COOK Louisburg Third District
W. C. MUNROE Goldsboro Fourth District
VICTOR S. BRYANT Durham Fifth District
ALFRED M. WADDELL Wilmington Sixth District C
SAMUEL H. MACRAE Fayetteville Seventh District
CHARLES PRICE Salisbury Eighth District
CYRUS B. WATSON Winston Ninth District
L. L. WITHERSPOON Newton Tenth District
CHAS. W. TILLETT Charlotte Eleventh District
LOCKE CRAIG Asheville Twelfth District H, C

SECRETARY AND TREASURER.
J. CRAWFORD BIGGS, Durham

EXECUTIVE COMMITTEE.
F.H. BUSBEE (Chairman) Raleigh
J. S. MANNING Durham
W. R. ALLEN Goldsboro
R. B. PEEBLES Jackson
H. A. LONDON Pittsboro
CLEMENT MANLY Winston

ADMISSIONS TO MEMBERSHIP.
L. L. SMITH Gatesville First District
W. A. DUNN Scotland Neck. Second District
W. B. SHAW (Chairman) Henderson Third District
ED. CHAMBERS SMITH (Sec) Raleigh Fourth District
R. R. KING Greensboro Fifth District
JUNIUS DAVIS Wilmington Sixth District C
MAXCY L. JOHN Laurinburg Seventh District
L. H. CLEMENT Salisbury Eighth District
R. N. HACKETT Wilkesboro Ninth District
E. J. JUSTICE Marion Tenth District
SOLOMON GALLERT Rutherfordton Eleventh District
R. D. GILMER Waynesville Twelfth District

JUDICIARY.
PLATT. D. WALKER (Chairman) Charlotte
F. L. FULLER Durham
T. T. HICKS Henderson
THOMAS A. JONES Asheville
ERNEST HAYWOOD Raleigh
Early Members and Officers of the Association Connected to the 1898 White Supremacy Campaign and the 1899 Legislature

The following individuals were involved in the organization and leadership of the Association during its first year and were notably involved in some manner with the 1898 white supremacy campaign and the institution of Jim Crow laws in North Carolina (this list is not exhaustive):

Furnifold M. Simmons. Organizational meeting and NCBA Charter Member. Chair of the North Carolina Democratic Party from 1897 - 1907 and leader of the 1898 and 1900 white supremacy campaigns. Appointed by the legislature, after a state-wide primary, to a seat in the U.S. Senate in 1900, which he held for 30 years.

Charles B. Aycock. NCBA Charter Member and notable presence at the First Annual Meeting. Aycock was a key orator for the 1898 white supremacy campaign and elected
governor of North Carolina in 1900. Before his death in 1912, Aycock told supporters: “We have fought for this issue and against that policy, but everywhere and all the time we have fought for white supremacy.” Aycock’s name has now been removed from buildings at Duke University, East Carolina University, UNC Chapel Hill and UNC Greensboro. The research behind the decision to remove Aycock’s name at UNC Chapel Hill can be read here (as well as research on Chief Justice Thomas Ruffin, for whom the North Carolina Bar Association dedicated a statue in 1915): https://historyandrace.unc.edu/files/2020/08/7-10-2020-Resolution-Aycock-Carr-Daniels-Ruffin-with-support-UPDATED-6.pdf

Henry G. Connor. Organizational meeting, NCBA Charter Member, Vice President (February 1899) and first Chair of the Legislative and Law Reform Committee (1899-1900). Connor traveled the state as a popular orator during the 1898 campaign. In his correspondence and speeches, he stated that he was “willing to go a very long way to remove the negro from the politics of the state” as he was “managing a campaign of which I shall never be ashamed.” Connor was elected to the House of Representatives from Wilson County in 1898, and due to his work in the campaign, was elected Speaker of the House in 1899.

Francis D. Winston. Organizational Meeting, NCBA Charter Member, Chair of Committee on Permanent Organization (which nominated first slate of NCBA Officers in February 1899), and NCBA President (1911-12). Member of the North Carolina Democratic Party Executive Committee during the 1898 campaign and worked to found White Government Union clubs across North Carolina. Introduced the Jim Crow amendment to the North Carolina Constitution in the North Carolina House during the 1899 session.

William A. Guthrie. Organizational Meeting, NCBA Charter Member, and Vice President (February 1899). Mayor of Durham and orator during 1898 campaign. See quote above on page 3.

Locke Craig. Organizational Meeting, NCBA Vice President (1899-1900). Orator in the 1898 campaign. Described in newspaper reports together with UNC classmate Charles Aycock as “young apostles” of “white supremacy.” Elected to House of Representatives in 1898, where he worked on the Jim Crow amendment to the North Carolina Constitution. Elected Governor in 1912.

George Rountree. Organizational Meeting, NCBA Charter Member, Vice President (February 1899), and President (1906-07). Organized the White Government Union club in Wilmington with Francis Winston. Key participant in the Wilmington Coup. Elected to House of Representatives in 1898. Served as a drafter of the Jim Crow amendment to the North Carolina Constitution and introduced changes to the Wilmington charter that repealed Fusionist alterations in 1895 and 1897, while solidifying Democrat control of the city.

P.M. Pearsall. Organizational Meeting and NCBA Charter Member. Head of the public speaking department of the State Democratic Party Committee for the 1898 campaign,

17 Tyson, 13.
18 Umflee, 65.
making 410 speaking appointments during the campaign and writing numerous letters for Furnifold Simmons.

**Alfred M. Waddell.** NCBA Vice President (1899-1900). Orator in 1898 Campaign, key leader of Wilmington Coup, and installed as Mayor of Wilmington as result of coup. Prior to the 1898 Campaign and the Wilmington Coup, Waddell was described alternatively as being “unemployed” or having a “declining law practice.” Waddell was elected a Vice President of the Association in July 1899, eight months after the Coup.

**Robert Glenn.** Organizational Meeting and NCBA Charter Member. Glenn was an orator in the 1898 campaign, elected to the North Carolina Senate in 1898 and Governor of North Carolina from 1905-1909. In the North Carolina Senate, he was Chair of the Committee on Election Laws.

**Heriot Clarkson.** Organizational Meeting and NCBA Charter Member. Formed a “White Supremacy” club with “White Supremacy” and “White Labor” as its only platform with a few others in Charlotte before the election of 1896, growing the group to 600 members. Member of State Democratic Party Executive Committee and a leader of the 1898 Campaign. Elected to North Carolina House of Representatives in 1898. Appointed by Cameron Morrison to the North Carolina Supreme Court in 1923, to replace Platt Walker, who had died.

**Lee S. Overman.** Organizational Meeting and NCBA Member. Participant in the 1898 campaign and elected to the North Carolina House of Representatives (previously served 1882-87, and 1893 when he served as Speaker of the House). Overman, together with Aycock, Glenn and Simmons, were consulted by white Georgians who were seeking to take the ballot from Black citizens in 1906. As described in The Ghosts of 1898:

> Overman urged white Georgians to be prepared to use bloody violence and promised that disfranchisement would bring the “satisfaction which only comes of permanent peace after deadly warfare.”

Serving as a U.S. Senator from North Carolina from 1903-1930, he is recognized for leading the filibuster that helped defeat the Dyer Anti-Lynching Bill. As reported in the New York Times on December 3, 1922:

> Senator Overman of North Carolina used up most of the time in a speech in which he denounced the bill as partisan and sectional, the only real purpose of which was to solidify the negro vote of the North on the side of the Republican Party. He said that it was charged that the bill had been written by a negro and this charge, he added, remained undenied.

> Senator Overman said the ignorant negroes of the South would interpret the bill as a Federal license to commit the foulest of outrages. The good negroes of the South, he asserted, did not want the legislation, for, he explained, “they do not need it.”

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19 Tyson, 3.
“The decent hard working negroes of the South,” said the Senator, “enjoy every safeguard of the law. They own property, their children go to public schools, and for such as they this proposed legislation is absolutely uncalled for.”

Zeb V. Walser. NCBA Charter Member, Vice President (February 1899) and Member of the First NCBA Memorials Committee. Walser was a Republican, and served one term as Speaker of the North Carolina House of Representatives in 1894. In 1896 he was elected Attorney General of North Carolina and resigned his office two months early to become official reporter of the North Carolina Supreme Court in 1900. The Wilmington Race Riot Report notes that the Democratic Party’s effort to silence and threaten Republicans and Populists was effective and that Walser declined to follow the lead of the US Attorney General and took no investigative action regarding the Wilmington Coup.20

Charles M. Busbee. Organizational meeting, NCBA Charter Member and 4th President of the Association (1901-02). Campaign chair of the US Senate Primary campaign for Furnifold Simmons in 1900. Lead counsel for John Bellamy in contest election case of Dockery vs. Bellamy (Bellamy, a Democrat, was elected to the U.S. House from Wilmington in the 1898 campaign and his opponent, Dockery, contested on the basis of fraud and voter intimidation), and a counsel for the N.C. House of Representatives in the impeachment trial of two Republican North Carolina Supreme Court Justices in 1901.

ANNUAL MEETING EXCERPTS

Excerpts regarding race, white supremacy and disenfranchisement from speeches given at four of the Association’s early Annual Meetings are provided as Exhibits 1A – 1D.

Exhibit 1A: 1899 NCBA Annual Meeting Excerpts

Exhibit 1B: 1901 NCBA Annual Meeting Excerpts
a. Excerpts from an address entitled “The Influence of the English Speaking Lawyer in Preserving the Liberty of the English Speaking Race” by Charles M. Blackford of Virginia.

Exhibit 1C: 1902 NCBA Annual Meeting Excerpts
a. Excerpts from an address entitled “The History of the Supreme Court of the United States” by George Rountree.

Exhibit 1D: 1903 NCBA Annual Meeting Excerpts
a. Excerpts from an address entitled “Twentieth Century Problems” by Judge Seymour D. Thompson of New York.
b. Excerpts from an address entitled “The Historical Value of Our Court Records” by Francis D. Winston.

20 Umfleet, 194-195.
PART 2:

1965 to 1970: MOVEMENTS TOWARD INTEGRATION AND CONTINUED OBSTACLES TO RACIAL INCLUSION AND EQUITY IN THE NORTH CAROLINA BAR ASSOCIATION

MEMBERSHIP PRACTICES IN THE 1960S AND REMOVAL OF THE “WHITE PERSON” REQUIREMENT FROM THE ASSOCIATION CONSTITUTION

At the beginning of 1965, membership in the North Carolina Bar Association was still limited to white attorneys. The Board of Governors considered membership requirements at its April 1965 meeting. The following is an excerpt from the minutes of the April 9, 1965 Board of Governors Meeting:

Mr. Wallace C. Murchison presented a resolution designed to amend the Constitution of the North Carolina Bar Association and particularly Article III, Section 2 thereof with regard to qualifications for membership. President Long announced that he would permit discussion of the matter, but that since the required notice had not been given of its consideration at this Board meeting, he would rule out of order any vote upon the matter. Several views were expressed, both favorably and unfavorably, with regard to this resolution.

A copy of the resolution that was discussed was not included with the minutes.

However, at the next Board of Governors meeting, on June 30, 1965, amendments to the constitution of the Association removing the limitation of membership to “white persons” were passed by the Board, to be effective until the adjournment of the 1965 Annual Meeting. The amendments were approved again on July 3, 1965, by the Board of Governors to be effective until adjournment of the 1966 Annual Meeting (See Exhibit 2A for the language of the amendment). Subsequently, the issue was brought before the members of the Association at the 1966 Annual Meeting, who voted to formally amend the Constitution of the Association, to be effective July 2, 1966 (See Exhibit 2B).

Of note, however, in these amendments there are also changes in the requirements for application and election to membership. New in the June 30, 1965 amendments was a requirement that an applicant be elected by two-thirds of the entire board (16 of 24), which included ex-officio voting members. If an applicant failed to receive 16 affirmative votes from Board members present at a meeting, but could possibly receive enough affirmative votes to reach 16 from absent Board members, the amendments provided that the absent Board members would be polled. These same amendments required “…the endorsement of either two members of the Association who are in good standing or of one member of the Membership Committee of the Association or of the local chairman of the Membership Committee for the Judicial District in which the applicant resides.” The amendments subsequently approved by membership increased the required number of endorsements for an applicant to three as follows: “Any such application form when submitted shall have upon it the endorsement of three members of the Association who are in good standing.”

In this context it is also illuminating to consider the six bar years prior to these amendments (i.e. the six years prior to the 1965-66 bar year), in which white applicants were "elected" to membership both through votes at Board meetings and through an informal mail process that
assumed affirmation if there was no response. The following is an excerpt of a May 17, 1960 letter from Executive Secretary William M. Storey to the Board of Governors regarding 26 applicants:

… Also you will find a list of new applicants for membership since the last Board meeting. President Dorsett and Jim Poyner, Chairman of the Membership Committee, have requested that I circulate this list among the Board members for approval in order that they might not have to wait until June. Please examine this list very carefully and let me know of any whom you would not recommend for membership.

All of the applicants on this list have been endorsed by two members of the Association and they will be checked for race before they are notified of their approval.

In order to save you time I will assume that each name on the list is approved for membership by you if I have not heard to the contrary by Monday, May 23.

In this framework, prior to the membership amendments, no formal vote was taken; no two-thirds majority was required; only endorsement by two members was required, and (after being “checked for race”) affirmation by this informal mail process was assumed unless Board members made a negative response.
Over the six bar years prior to the 1965-66 bar year, the Board minutes indicate that only one individual considered at a Board meeting for membership was rejected at a Board meeting. The rejection occurred in the June 19, 1963 meeting, and the individual is not identified in the minutes, though the minutes note that the other 10 individuals considered were elected unanimously. During that same six-year time period, a total of 841 applicants were approved for membership by the Board (737 during Board meetings and 104 by mail).

By contrast, during the four bar years following the membership amendments (1965-66 bar year through the 1968-69 year), nine individuals were rejected for membership by the Board, in the course of a combined total of 17 instances in which these individuals came before the Board for consideration. The nine individuals rejected during this period of time were Black attorneys. The following table displays the membership admissions/rejections statistics for the Association for the 11-year period beginning in July 1959 and ending in June 1970.

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td># Applicants Reviewed at Board Meetings</td>
<td>109</td>
<td>127</td>
<td>130</td>
<td>95</td>
<td>141</td>
<td>136</td>
<td>112</td>
<td>170</td>
<td>115</td>
<td>170</td>
<td>168</td>
</tr>
<tr>
<td># Applicants Approved at Board Meetings*</td>
<td>109</td>
<td>127</td>
<td>130</td>
<td>94</td>
<td>141</td>
<td>136</td>
<td>110</td>
<td>161</td>
<td>110</td>
<td>169</td>
<td>168</td>
</tr>
<tr>
<td># Applicants Rejected at Board Meetings*</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>9</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td># Applicants Approved by Mail**</td>
<td>78</td>
<td>11</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total # Applicants Approved</td>
<td>187</td>
<td>138</td>
<td>142</td>
<td>96</td>
<td>141</td>
<td>137</td>
<td>110</td>
<td>161</td>
<td>110</td>
<td>169</td>
<td>168</td>
</tr>
<tr>
<td>% Applicants Rejected</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>1.03%</td>
<td>0%</td>
<td>0%</td>
<td>1.79%</td>
<td>5.29%</td>
<td>4.35%</td>
<td>0.59%</td>
<td>0%</td>
</tr>
</tbody>
</table>

*Results include applicants approved or rejected through a combination of in-person board meeting and polling of absent board members.

**Applicants approved by mail only, without consideration at a board meeting.

Note - individual applicants are counted multiple times if they were rejected and reapplied during the same year.

DENIAL OF ADMISSION TO BLACK ATTORNEYS FOLLOWING THE MEMBERSHIP AMENDMENTS TO THE ASSOCIATION CONSTITUTION

Floyd B. McKissick and M.C. Burt, Jr. applied for membership in the Association in October, 1965. Per the board minutes, their applications were delivered by personal messenger on the morning of the Board meeting, October 21. From the Board minutes of October 21, 1965:
Since there had not been sufficient time for the processing and verification of either of these two applications, it was decided on motion of Mr. Paul Story, duly seconded and unanimously carried, that they should be handled in the normal and usual manner and therefore should be considered at the next meeting of the Board.

The Board next met on April 15, 1966. During the meeting they considered the membership applications of McKissick and Burt, described as hold-over applicants from the October meeting, and the application of Ralph K. Frasier. From the minutes of the meeting:

*It was brought out during the discussion that the application of Mr. Frasier had just been received and sufficient time should be allowed to permit its being processed in the normal and usual fashion. It was stated that Mr. Frasier was an employee of the Trust Department of the Wachovia Bank and Trust Company in Winston-Salem. Other members of the Board did not know Mr. Frasier and no one present in the meeting was able to report fully with regard to his personal standing in the bar. After further discussion and after statements by members of the Board who personally knew these applicants, Mr. Moore moved and Mr. Cline seconded, the rejection of both hold-over applications and the deferment of the application of Mr. Ralph K. Frasier. A substitute motion was offered that the two hold-over applications and that of Mr. Ralph K. Frasier be deferred until the July 2nd meeting of the Board. This substitute motion failed and the original motion by Mr. Moore was adopted by more than the two-thirds majority required. The officers and members of the Board from the Winston-Salem area were asked to investigate the application of Mr. Ralph K. Frasier in order to report fully at the July 2nd meeting at which time this application would be re-considered.*

The following table contains information regarding the membership applications receiving negative votes at the April 15, 1966 board meeting.

<table>
<thead>
<tr>
<th>4/15/1966 Board Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
</tr>
<tr>
<td># Negative Votes</td>
</tr>
<tr>
<td># Board Members in</td>
</tr>
<tr>
<td>Attendance</td>
</tr>
<tr>
<td># Affirmative Votes</td>
</tr>
<tr>
<td>Required</td>
</tr>
<tr>
<td>Mail Ballot Used for</td>
</tr>
<tr>
<td>Absent Board Members?</td>
</tr>
<tr>
<td>Result</td>
</tr>
</tbody>
</table>

On July 2, 1966, the date that the membership amendments approved by the membership of the Association became effective, the board considered the membership applications of Romallus O. Murphy and Ralph K. Frasier, who were rejected for membership. A news article regarding their rejection is attached as Addendum A. The following table contains information regarding the membership applications receiving negative votes at the July 2, 1966 board meeting.
The Board met in Raleigh on October 27, 1966. From the meeting minutes:

*President Womble advised the Board that two applicants for membership had requested and, by a mail vote of the Board of Governors, had been granted a personal appearance at this meeting in connection with their applications. He stated further that the persons requesting such personal appearances had been notified that their requests had been granted out of courtesy and that since our Board had not formally considered the question of personal appearances this should not be considered a precedent.*

*Mr. Marshall E. Cline, Jr., Chairman of the Committee on Membership, stated that Messers. Eric C. and Henry A. Michaux, Jr. were present in the building and that he would suggest that they be invited into the Board meeting to make whatever statements they wished.*

*Mr. Henry A. Michaux, Jr., after introducing himself and his brother, Eric C. Michaux, stated that the first statement would be made by Mr. Eric C. Michaux (see statements attached).*

*Mr. Cline pointed out that the Board, at the meeting on Saturday, July 2nd, 1966, had adopted a new application form and that because of a delay in printing a number of the applicants for admission at this Board meeting had been endorsed by only two members of the Association. After discussion and on motion duly made, seconded and unanimously carried, it was agreed that for this meeting, the requirement of three endorsers would be waived but that in the future applications would be accepted for action of the Board only when they were submitted on the new form and endorsed by three members of the Association.*

*Mr. Cline further stated that at the present there was no cut off date for membership applications preceding a meeting of the Board. This meant that applications received in the last few days before a Board meeting could not be processed with proper care and consideration. For this reason, he suggested that the Board adopt some cut off date prior to each Board meeting after which applications would not be considered until the following Board meeting. After discussion, it was recommended that Mr. Cline and the Executive Secretary*
consult with regard to this matter and have a recommendation for the April meeting of the Board.

The statements of Eric C. Michaux and Henry A. Michaux, Jr. were recorded and transcribed. The transcription, as contained in the Board minutes is attached as Addendum B. Both were rejected for membership at the meeting, as was William A. Marsh, Jr.

The following table contains information regarding the membership applications receiving negative votes at the October 27, 1966 board meeting.

<table>
<thead>
<tr>
<th>10/27/1966 Board Meeting</th>
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<tbody>
<tr>
<td>Applicant Name</td>
</tr>
<tr>
<td># Negative Votes</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
</tr>
<tr>
<td># Affirmative Votes Required</td>
</tr>
<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
</tr>
<tr>
<td>Result</td>
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</table>

RESOLUTION OF THE DUKE LAW FACULTY

In response to the denial of membership to Eric Michaux, a graduate of the law school, on December 12, 1966, the Duke University Law School severed its ties with the Association. The law faculty voted to sever ties “until such time as all applicants are accepted for membership in the North Carolina Bar Association without discrimination based upon race.” As reported by the press, the faculty of the school voted by a 2-to-1 margin for the resolution. The Associated Press article published by the News & Observer on December 15, 1966, is attached as Addendum C. The resolution said that Michaux’ exclusion would be an obstacle to his professional advancement. It also stated the Association made no inquiries regarding Michaux’ character or legal qualifications and that “Under these circumstances we can only infer that application was rejected solely because of his race.”21 Dean O’Neal of Duke told the press that the inference had been substantially confirmed by recent conversations with bar association representatives. When asked by the press if the Duke faculty had drawn a fair inference, NCBA President Womble said that the Association’s board members do not have to explain the basis of their votes.22

Dean O’Neal described the results of the severed relations as being:

1. The bar association will be denied use of law school facilities.
2. The school will no longer participate in the association’s continuing legal education program.

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22 Associated Press, 2.
3. The law school no longer will give names of students to the association for summer placement programs. (Dean O’Neal noted that result meant the action would affect Duke as well.)

4. The law school will decline to provide formal representation from the faculty on the committee which plans educational programs sponsored by the association.

The press also reported that, “Although the resolution passed by a 2-to-1 margin, O’Neal said all members of the faculty oppose the association’s denial of membership to Negroes.”

Duke was not alone in this criticism of the NCBA. In relation to the action taken by the Duke Law Faculty, Dean Dickson Phillips of the UNC-CH School of Law said, “I am confident that the law school faculty at Chapel Hill is unanimous in its conviction that Negroes should long since have been admitted to the N.C. Bar Association, in its shame that any may have been denied admission solely because of race, and in its very particular embarrassment that any of its own graduates may have been subject to this discrimination.”

Eric Michaux told the press that he believed the reason for his denial was that “there is a great deal of arch-conservatism in the association on this question.”

In the December 17, 1966 News & Observer, President Womble was quoted as saying that he was “encouraged that we shall be able to satisfactorily solve our problems in respect to membership during the coming months.” The News & Observer article is attached as Addendum D.

President Womble said the following in his message in the February 1967 edition of Bar Notes:

> When called by the press for a statement on December 14, I gave them the following:

> "I agree with the proposition that applications for membership in the North Carolina Bar Association should be considered and voted on without regard to race. On the other hand, I regret that the Duke Law Faculty has seen fit to withdraw its support of our Continuing Legal Education program. It is an important program which is open to all lawyers in the State, regardless of whether they are members of the North Carolina Bar Association, and, in my opinion, has been most beneficial in keeping the legal profession abreast of developments in the law.

> "I hope that we shall be able to work things out so that the cordial relationship heretofore existing between the North Carolina Bar Association and Duke Law School may be resumed."

> I sincerely regret the development of this situation. The natural reaction of many of us would be to show our pique at what we consider to have been precipitate, ill-advised action by Duke, by mulishly planting our feet and backing up, in order

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23 Associated Press, 2.
24 Associated Press, 2.
25 Associated Press, 2.
26 Associated Press, 2.
to make it quite clear that we will not be "pushed around" or forced in any particular direction by outside pressure. While I understand and appreciate this natural reaction, I am nevertheless most hopeful that we shall not, because of such reaction, fail to do—or even delay in doing—that which I feel confident we would have done anyway; namely, proceed with the admission of all qualified applicants without regard to race.

My sole desire is that we shall do that which is in the best interest of the Association, particularly as we look to the future and anticipate the growth and influence of which the Association is capable. I am confident that the Board of Governors will proceed, in good faith, to achieve that objective.

ADMISSION OF THE FIRST BLACK LAWYERS TO THE ASSOCIATION

At its meeting on April 14, 1967, the Association’s Board of Governors voted to reject the applications of William A. Marsh Jr., Eric C. Michaux, Henry A. Michaux and Romallus Murphy (the second time that the Board had rejected each of them). During the meeting, Julius L. Chambers received 16 affirmative votes, meeting the minimum voting threshold required for membership. Henry Frye received 15 affirmative votes, and the three absent Board members were polled. Based upon the results of the mail polling, Henry Frye was elected to membership. These were the first Black lawyers admitted to membership in the Association. While four other attorneys received 1 or 2 negative votes during the Board meeting, only Black attorneys were rejected for membership.

The following table contains information regarding the membership applications receiving negative votes at the April 14, 1967 board meeting.

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<tbody>
<tr>
<td># Negative Votes</td>
<td>13</td>
<td>17</td>
<td>18</td>
<td>16</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
<td>21</td>
<td>21</td>
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<td>21</td>
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<td>21</td>
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<tr>
<td># Affirmative Votes Required</td>
<td>16</td>
<td>16</td>
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<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>Result</td>
<td>Rejected</td>
<td>Rejected</td>
<td>Rejected</td>
<td>Rejected</td>
<td>Accepted</td>
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</table>

On October 26, 1967, the Association Board of Governors again considered and rejected, for the third time, the membership applications of William A. Marsh, Jr., Eric C. Michaux and Henry Mck. Michaux. The following is an excerpt of the minutes of the meeting:
Mr. J. G. Hudson, Jr., Chairman of the Membership Committee, reported that each of the applicants were properly endorsed by the required three members of the Bar Association and that investigation had not revealed any ethical or professional complaints. During the discussion of the applicants for membership, Mr. Sam B. Underwood, Jr., a new member of the Board, requested a summary of the action taken with regard to the previous applications of Mr. William A. Marsh, Jr. Mr. Eric C. Michaux and Mr. Henry McK. Michaux, Jr. Past President William F. Womble, at the request of President Poyner and mainly for the benefit of the new members of the Board, summarized the past action taken by the Board with regard to these applications. It was moved by Mr. Biggs, and seconded by Mr. DuMont that the recording of the statements made by Mr. Eric C. Michaux and Mr. Henry McK. Michaux, Jr. at a personal appearance before the Board on October 26, 1966, be played for the benefit of those who were not present at that time. The motion was defeated. Mr. B. B. Olive, Chairman of the Committee on Patents, Trademarks and Copyrights, but not a member of the Board of Governors, was permitted to read to the Board a number of letters of recommendation from Durham businessmen with regard to the character and qualifications of Mr. Eric C. Michaux and Mr. Henry McK. Michaux, Jr. and requested that they be made a part of the applicants’ files. After a number of comments from committee chairmen and members of the Board, Mr. Ingram moved, and Mr. Womble seconded, that the recording of the oral statements made at the October 26, 1966 Board meeting by Mr. Eric C. Michaux and Mr. Henry McK. Michaux, Jr. be played. The motion carried and the recording was played in its entirety. After considerable discussion with regard to each of the other applicants for membership, members of the Board were instructed to cast their written ballots by indicating thereon the name of any applicant or applicants, if any, they would not approve for membership. Seventeen members of the Board were present and cast ballots.

The following table contains information regarding the membership applications receiving negative votes at the October 26, 1967 board meeting.

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>William A. Marsh, Jr.</th>
<th>Eric C. Michaux</th>
<th>Henry McK. Michaux</th>
</tr>
</thead>
<tbody>
<tr>
<td># Negative Votes</td>
<td>10</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td># Affirmative Votes Required</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Result</td>
<td>Rejected</td>
<td>Rejected</td>
<td>Rejected</td>
</tr>
</tbody>
</table>

On April 19, 1968, the Board of Governors again considered the applications of William A. Marsh, Jr., Henry M. Michaux and Eric C. Michaux. William A. Marsh, Jr. was elected to membership during the meeting and no identification is made of whether he received negative...
votes. Negative vote tallies are recorded in the minutes only for Henry M. Michaux and Eric C. Michaux for whom a mail ballot was used to poll absent members. Henry M. Michaux was elected to membership with the mail ballot, and Eric C. Michaux was again rejected. The following table contains information regarding the membership applications of William A. Marsh, Jr., Henry M. Michaux and Eric C. Michaux at the April 19, 1968 board meeting.

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>William A. Marsh, Jr.</th>
<th>Henry M Michaux</th>
<th>Eric C Michaux</th>
</tr>
</thead>
<tbody>
<tr>
<td># Negative Votes</td>
<td>Not identified in minutes.</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td># Affirmative Votes Required</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Result</td>
<td>Elected</td>
<td>Elected</td>
<td>Rejected</td>
</tr>
</tbody>
</table>

By mail ballot, the Board also adopted a policy limiting reconsideration of denied membership applications for one year. At the June 19, 1968 Association Board meeting the policy was reported on as follows:

President Poyner advised the Board that the following policy regarding membership applications had been established by mail ballot of the Board with but two members in dissent:

"Once an applicant has been considered for and denied membership in the Association, the Board of Governors will not, for a period of one year following such denial, again consider another application from the same individual."

President Poyner further announced that this policy would not be applicable to any of those to be considered for membership at this meeting since none were reapplications.

During the June 19, 1968 Board meeting, Arthur L. Lane and Walter Thaniel Johnson were identified as receiving negative votes. Walter Thaniel Johnson received 15 affirmative votes during the meeting and was elected to membership through a mail ballot of absent members. Arthur L. Lane received 15 negative votes and was rejected for membership. The following table contains information regarding the membership applications identified as receiving negative votes at the June 19, 1968 board meeting.
During the October 24, 1968 Board meeting, Donald D. Pollock was rejected for membership. No other applicants were identified in the minutes as having received negative votes, and the tally of votes for Mr. Pollock was not recorded. The following table contains information regarding the only membership application identified as receiving negative votes at the October 24, 1968 board meeting.

<table>
<thead>
<tr>
<th>10/24/1968 Board Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
</tr>
<tr>
<td># Negative Votes</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
</tr>
<tr>
<td># Affirmative Votes Required</td>
</tr>
<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
</tr>
<tr>
<td>Result</td>
</tr>
</tbody>
</table>

The April 11, 1969 Board meeting began with a discussion and resolution regarding the relationship with the Duke University Law School. The following is an excerpt from the minutes:

President Adams reminded the Board that it had always been agreed that the business conducted by the Board, including action on applications for membership was not for public consumption except when it was obviously intended, or stated, to be so.

Mr. Adams opened the meeting by advising the Board that on March 5, 1969 he had received a telephone call from Dean A. Kenneth Pye of the Duke University Law School advising him that on March 3rd the Duke Law School had unanimously adopted the following resolution:
"The Faculty authorizes the Dean to inform appropriate officers of the North Carolina Bar Association of the Faculty's interest in restoring relations between the Duke Law School and the Association, and if the response is cooperative, to confirm the resumption of such relations."

Mr. Adams reported that he advised Dean Pye that he appreciated the call, but that he had no authority to act for the Association in this matter; that it would be presented to the Board of Governors at its meeting on April 11th. He asked Dean Pye to send him a copy of the resolution which he received several days later.

President Adams further advised the Board that he felt it would be advisable for him to appoint, and he had therefore appointed, a special committee of the Bar Association to meet with Dean Pye to discuss the background of the Duke Law School action in further detail. Be reported that on April 1st, Messers. Kennon, Long, Storey and he met at the Bar Center with Dean Pye, who explained the attitude of the faculty as it pertained to the adoption of the above resolution. Dean Pye reported that during consideration of this matter on April 3rd at the faculty meeting, three courses of action had been suggested (the first two having very little support) as follows:

1. That the faculty enter into negotiations with the Association with a view to the eventual resumption of relations;

2. That it consider resuming relations immediately upon certain conditions; and

3. That the faculty unconditionally and immediately request resumption of relations with the North Carolina Bar Association.

Dean Pye reported that number three above was unanimously adopted by the faculty and that with two exceptions all members of the faculty were present and voted. President Adams reported that the special committee of the Association was convinced of the sincerity and unconditional desire of Duke University Law School to immediately restore relations. Following discussion and on motion duly made and seconded the attached resolution was adopted, though not by unanimous vote. Considering the effective date of this resolution, all members of the Board were cautioned not to divulge this action prior to its announcement by the President of the Association at the Annual Meeting in June.

During the Annual Meeting Banquet on June 27, 1969, it was announced that relations between the Association and the Duke University Law School had been restored. A copy of the resolution approved by the Board of Governors on April 11, 1969, is attached as Exhibit 2C. Information regarding the impetus for the Duke Law Faculty to restore relations with the NCBA prior to the admission of Eric Michaux is not available for this report and additional research on this point is needed.

Later in the April 11, 1969 meeting, the applications of Eric C. Michaux and Donald D. Pollock were discussed. The following is an excerpt from the Board minutes regarding the discussion:
President Adams reported that on February 11th, 1969 a letter had been received by Mr. Storey from Mr. LeVonne Chambers of Charlotte expressing regret that the application for membership of his close friend, Donald D. Pollock, had been rejected at the October, 1968 meeting of the Board and urging the Board to reconsider the application. Mr. Adams reminded the Board that in April, 1968 the Board adopted the following resolution:

"Once an applicant has been considered for and denied membership in the Association, the Board will not, for a period of one year following such denial, again consider another application from the same individual."

Mr. Adams pointed out that one year had not yet expired since the October 24, 1968 meeting of the Board at which Mr. Pollock's application was acted upon. Mr. Adams further stated that action on this request for reconsideration could be entertained by the Board since, having the authority to adopt this resolution, it certainly had the authority to reverse or modify its action.

Mr. Adams stated that it was his intention, absent objection by the Board, to inform Mr. Chambers (by a letter from Mr. Storey) that the Board could not "reconsider" the application of Mr. Pollock at this time because of the one-year rule. After brief discussion and on motion of Mr. Allen, seconded by Mr. Nassif and unanimously carried, the Board voiced its approval of retaining the one-year rule and notifying Mr. Chambers of the effect of the application of this rule.

President Adams advised the Board that Mr. Storey had received a request from Mr. Eric Michaux for reconsideration of his membership application and that it was Mr. Storey's intention, without objection from the Board, to reply to that request as follows:

Mr. Eric C. Michaux
Michaux and Michaux
Attorneys at Law
Post Office Box 2152
Durham, North Carolina 27702

Dear Mr. Michaux:

This will acknowledge receipt of your application for membership and your check in the amount of $5.00 dated April 2, 1969.

On September 11, 1968, in reply to a letter from your brother, Mr. Henry M. Michaux, I wrote the following:

"This will acknowledge your letter of the 11th and your request for membership application for your brother, Eric C. Michaux.

"I am enclosing an application for membership, however, I feel that you should be aware of the rule adopted by our Board of Governors some six months ago as set forth below:
"Once an applicant has been considered and denied membership in the Association, the Board of Governors will not, for a period of one year following such denial, again consider another application from the same individual."

According to the minutes of the Board of Governors, your application was last considered at the regular meeting of the Board on April 19, 1968. Since our regular April, 1969 meeting will be held this year on April 11th, it would not be possible to submit your current application at that meeting. However, with your permission, I will retain your application and will be pleased to present it to the Board at its next meeting in June, at which time over one year will have elapsed.

No objections were expressed to the above letter.

Eric C. Michaux was reconsidered for membership on June 25, 1969. With only 15 Board members in attendance, it was necessary for absent Board members to be polled regarding all applicants. Eric C. Michaux received 3 negative votes, but, was elected to membership through the mail ballot. The following table contains information regarding the membership application receiving negative votes at the June 25, 1969 board meeting.

<table>
<thead>
<tr>
<th>6/25/1969 Board Meeting</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
<td>Eric C. Michaux</td>
</tr>
<tr>
<td># Negative Votes</td>
<td>3</td>
</tr>
<tr>
<td># Board Members in Attendance</td>
<td>15</td>
</tr>
<tr>
<td># Affirmative Votes Required</td>
<td>16</td>
</tr>
<tr>
<td>Mail Ballot Used for Absent Board Members?</td>
<td>Yes</td>
</tr>
<tr>
<td>Result</td>
<td>Elected</td>
</tr>
</tbody>
</table>

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**THE LITERACY TEST**

During the Annual Meeting one year later, in 1970, the Association declined to support an amendment to the North Carolina Constitution to abolish the “Literacy Test” for voter participation. The following is an excerpt from July 1970 Bar Notes chronicling the vote:

*The 1969 General Assembly authorized seven Amendments to the Constitution of North Carolina for submission to the electorate in November. The*
membership of the North Carolina Bar Association considered these proposed Amendments on Saturday Morning. A motion was made that the Association undertake a State-wide Voter Education Program with regard to each of the seven Amendments. After discussion and on proper motions the Association pledged its support to six of the proposed Amendments, but by a narrow margin withheld its support of the Amendment which would abolish the "LITERACY TEST" as a requisite for voter participation in elections.

In the 1970 election, North Carolina voters approved all of the constitutional amendments on the ballot except for the repeal of the literacy test. Originally accompanied by a poll tax and a grandfather clause exempting descendants of individuals who could vote on or before January 1, 1867, the literacy test remains unrepealed in the North Carolina Constitution today, in the same form as it was approved in 1900 through the efforts of founding members of the NCBA:

**ARTICLE VI**

**SUFFRAGE AND ELIGIBILITY TO OFFICE**

Sec. 4. Qualification for registration.
Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.
On July 7, 1899, Judge H.G. Connor was recognized by the President of the Association, Platt Walker, to provide an address to the First North Carolina Bar Association Annual Meeting entitled "The Legislation of 1899":

**THE PRESIDENT.** I am pleased now to present to you the gentleman who has been invited to address us upon the subject "The Legislation of 1899."

The Committee was singularly fortunate in this selection of a speaker. Bringing to the treatment of the question a mind thoroughly trained, and an experience ripened by long practice at the Bar and distinguished service upon the Bench, and possessing in a marked degree a special knowledge of the subject assigned to him, acquired as Speaker of one of the branches of the General Assembly, which enacted this Legislation, and having devoted, as we know, to the matter which will form the theme of his discourse, while he was yet the presiding officer of that body, most careful and painstaking study and consideration, we could but be prepared to hear the best that can be said on this interesting question.

I can not refrain from adding, that he will receive a cordial greeting from those who have given freely to him of their confidence and admiration because of the splendid service he has rendered to the State, the honor and lustre he has shed upon our profession, and the kindness and gentle courtesy which have always pervaded his relations with members of the Bar.

I now introduce, as the next speaker who will address you, Hon. H. G. Connor. [28]

The following is an excerpt from the address given by Judge H.G. Connor, to the First Annual Meeting. At the time of the address, Judge Connor was serving as Speaker of the North Carolina House of Representatives and served in that role for the 1899-1900 sessions. Judge Connor also served concurrently as the first Chairman of the Association’s Legislation and Law Reform committee.

At no period of the State’s history has the pendulum marking the movement of political sentiment swung to points of such extreme divergence or been so rapid and violent as from 1892 to 1899. This movement is strongly marked in the legislation of 1895, ’97 and ’99. It would not be proper for me to attempt an analysis or examination of the courses of this well recognized fact. The time will come when the historian of the State will do so, and mark a most interesting and instructive chapter in our annals.... [29]
...The dominant party gave to the election law its best thought and enacted what was declared by its authors to be in very truth the perfection of human reason, political fairness and wisdom. If made to perpetuate its own power, the impartial historian must, in the light of the aftermath, declare that it was a dismal failure. The radical changes made in the municipal charters, followed by the assumption of control without regard for the wishes or interests of the citizens, cannot be easily reconciled with the professed devotion to local self-government. The results which followed this legislation were entirely characteristic of the people of this State from their earliest history. Law-abiding and peaceful when left to themselves, they have ever been restive and even turbulent when any other government than that of their own choosing was imposed upon them. The men of 1898 were lineal descendants of those of Mecklenburg and the Cape Fear of 1775.

The members of the General Assembly of 1899, as a rule, accepted nominations with the expectations of being defeated. The leaders and exponents of thought in the State, had but little conception of the extent to which the political sentiment of the people has swung from one extreme to the other. Events occurring pending the campaign had a marked effect upon the result, which was but little less than a revolution, surprising the leaders and attracting the attention of the entire country. A question which had, to a large extent, become quiescent, suddenly forced itself to the front and stirred the minds and hearts of the dominant race as never before in our country. More than the usual number of strong, able and experienced lawyers were members. The farming, manufacturing and general business interest of the State were well represented by strong men. As an indication of the temper of the body in respect to the acts and doings of the sessions of 1895 and 1897, the second resolution introduced and adopted contained a provision for the appointment of a committee of five to "carefully examine all public laws passed by the General Assemblies of 1895 and 1897 and to report what laws should be repealed or amended, and to make such other recommendations in regard to such laws as to them may seem proper."

While of course the Committee made no report as to such "other recommendations," I find that of the 218 statutes then in force which were repealed and amended, 100 of them were of the public laws of the session of 1897, and 51 of the session of 1895. Probably it is the only instance in the history of this or of any other State where "the State's collected will" has undergone so marked a change in so short a time.

It is not my purpose to defend the acts of the Legislature of 1899, but rather to give in a condensed form an account of its work and make suggestions in regard thereto as may be of interest to us as lawyers and citizens. Certainly no more pleasant task could be assigned to me or one which I would, to the extent of my ability, more gladly enter upon. Its members do not claim that they were infallible in judgment or better than those who elected them. That they were honest and patriotic, that they sought to give expression to and formulate into laws the will of the people, they do claim and this claim they will cheerfully submit to the judgment of their constituency.

They were met at the onset with a demand for such amendment to the organic law in regard to the subject of Suffrage law of the State as would prevent a repetition of the evils and dangers through which they had lately passed. To
this difficult and delicate task, long and anxious thought and investigation were
given. If their work in this respect shall receive, as it should; the approval of the
people and the benefits which I most earnestly and sincerely believe will come
from it, the time will come when the labors of the men who formulated and
secured the passage of the amendment should be known, and the honor and
gratitude which they justly merit, awarded them. The amendment, introduced by
Mr. Winston, after thorough examination by the committee, was passed.

I do not think that more honest and arduous public service was ever
rendered than by the members of the Legislature of 1899. The reports show a
careful consideration of bills. The committee meetings were well attended and
the roll calls will compare favorably with any legislative body in the country.30

EXHIBIT 1B
1901 ANNUAL MEETING EXCERPTS

On June 27, 1901, Mr. Charles Blackford of Virginia was recognized by the President of the
Association, Charles M. Stedman, to provide an address to the North Carolina Bar Association
Annual Meeting entitled “THE INFLUENCE OF THE ENGLISH SPEAKING LAWYER IN
PRESERVING THE LIBERTY OF THE ENGLISH SPEAKING RACE”:

THE PRESIDENT. I have the honor to introduce to you a gentleman who
has won eminence as an orator, a lawyer, and a scholar in a State whose sons,
from the earliest days of our republic have illumined its history by the splendor of
their oratory, by their achievements in the science of law, and by their
attainments in the walks of literature. I present to you the Hon. Chas. M.
Blackford.

Mr. Blackford then delivered the annual address. 31

The following is an excerpt from the address of Charles Blackford:

This list of cases, long as it is, might be greatly enlarged, for, both in State
and Federal Courts, the contest has been waged for over thirty years in the effort
to settle the vexed questions which sprung from the general unsettling of the
rights of the citizen incident to the war. Every State and every Court has its
record of some celebrated case involving the rights and liberty of the people, the
result of which was watched with breathless anxiety and in which the ablest
lawyers bore a noble part. With rare exceptions, the strife has ended in a triumph
for the liberty of the people and with fresh laurels for their champions-the lawyers
who defend it.

I have said that instances of the courage of the bar in defense of the
freedom of the citizen can be found in every State; but why go further than your
own? Were it not beyond the scope of this address, how grand would be the list

of the lawyers who defended the rights of their State where battle was fiercest and danger was greatest. Some lie buried on fields where the Southern Cross was borne to victory "midst the" thunders of the captains and the shouting", while some, like Vance and Ransom, survived to do battle for the rights of their people in the Courts and Senates of the land.

Virginia, fortunately, escaped many of the troubles which annoyed North Carolina and States farther South, and which gave rise to, and half justified, the Ku Klux organization. Her people, however, fully appreciated the situation which originally made such organizations almost necessary, and deeply sympathized with their nearest neighbor in her efforts to throw off the yoke which the reconstruction acts and a radical Legislature had imposed upon her people.

The throwing off of this yoke was a most conspicuous triumph for the spirit of freedom which inspired your Bar. The Legislature of 1869-'70, which in nowise represented the true people of your State, passed a bill providing for the resumption of the writ of habeas corpus, and for raising troops to suppress, what Governor Holden termed, an "insurrection". These troops, under the command of an adventurer from Tennessee, arrested many of your best citizens. Writs of error were sued out, returnable before your Chief Justice, but, for reasons which it is not necessary to detail, the sacred writ was not enforced, and prisoners remained in the illegal custody of Kirk, thus imperiling the liberty of every citizen within your borders.

In this crisis, great lawyers, true to the instincts of their training, sprung to the defense of the liberty of the people. General Matthew W. Ransom, Augustus S. Merrimon, and Thomas Bragg fearlessly appealed to George W. Brooks, Judge of the United States District Court,. for writs of habeas corpus, which were promptly issued, returnable before him, the cases heard, and the prisoners restored to freedom.  

The following day, June 28, 1901, a motion was made regarding the address from Charles Blackford:

MR. J. D. MURPHY. I offer the following resolution:

Resolved, That we tender to Hon. Chas. M. Blackford the cordial thanks of the Association for his instructive and learned address-an address replete with historic truth, beauty of diction and loftiness of sentiment.

Resolved further, That this address be published in the Proceedings of the Association, if it meets the approval of the convention.

In this resolution Mr. Blackford is denominated.

I desire to say that North Carolina has done many graceful things in its history Mr. Blackford came among us a Captain, he goes away as Honorable. I move the adoption of this resolution.

32 Third Annual Meeting, 112-113.
THE PRESIDENT. Those favoring the adoption of that resolution will make it known by a rising vote.

Motion was adopted unanimously.

HON. CHAS. M. BLACKFORD. I don't wish it to be understood by reason of my keeping my seat that I voted against that resolution. It is so gratifying to me that I would vote for it with the greatest pleasure, if it applied to some other person. I cannot keep my seat entirely, I feel so much. I said yesterday I was a simple lawyer, nothing else. I am not accustomed to ovations, as the local editors of the newspapers style it. I never get a jury to get up and applaud me. Sometimes they do it very much the reverse; that is about the style of speaking I have done. This ovation has so stuck me up, that I don't know what I will do when I go home and come down to every day life.

I thank you, gentlemen, most sincerely with all my heart, not only for the resolution, but for the touch of the hand I have received since I have been here. I want to make another small suggestion: I said yesterday that we Virginians thought we had a corner on bragging, and that the Colonial History of this country was found in Virginia.

When I undertook the pleasant duty assigned me, I thought it proper to turn my attention to this State and come over here and equip myself by studying your judicial history, and I go back a very much sadder man, but a great deal wiser man. I have learned that the greatest men, in my judgment, are within this State of North Carolina. I don't think, if you will allow me to criticize you, that you have brought your great men prominently enough forward. I have found great deeds at every turn in your colonial history, and I find that the sense of these great men are represented here, upon this floor. I only say to the members of this Association as I do to the Association of my State, that you ought to do all in your power to preserve the records of these great deeds for the generation to come. 33

EXHIBIT 1C
1902 ANNUAL MEETING EXCERPTS

On July 10, 1902, George Rountree was recognized by the President of the Association, Charles M. Busbee, to provide an address to the North Carolina Bar Association Annual Meeting:

Gentlemen of the Bar Association, Ladies and Gentlemen:

It is my pleasure to introduce to you the gentleman who has kindly consented to deliver an address to-night upon "The History of the Supreme Court of the United States," which is a delightful subject and will be discussed by the man in North Carolina most competent to talk about it, Mr. George Rountree. 34

33 Third Annual Meeting, 26-27.
The following is the conclusion George Rountree's address on July 10, 1902:

As the first danger to our system of government was the feebleness of national authority, so, when that authority had been asserted by the Supreme Court and finally established by the arbitrament of arms, there was eminent danger from the fury of partisanship that the process of nationalization, would destroy the essential autonomy of the states—the right of the citizens of each state to work out their own political destiny.

Again the Supreme Court stood as a guardian of the constitution, the defender of the reserved rights of the states, and the conservator of the principles upon which this government was founded.

No southern man will ever forget the debt of gratitude we owe, and civilization itself owes, to that great tribunal for its decisions in the cases arising out of the odious Civil Rights Bill and the infamous election law. Nor do those cases stand alone. They have been followed—and I would call your especial attention to this fact—by numerous decisions establishing and confirming the right of each State to manage its purely domestic affairs as it deems best, subject only to the reasonable limitation against arbitrary discrimination.

Again and again attacks have been made upon legislation of vital importance to the well-being of the southern states only to meet defeat at the bar of the Supreme Court.

The right of the state to pass laws to prevent miscegenation; to provide for a separation of the races in schools, common carriers and places of public entertainment; to provide for jury commissioners, and to regulate the elective franchise have been sustained against the most bitter and most confident attacks. Only the other day the court affirmed the right of the city of Augusta to provide a high school for white children without providing one for colored, when it appeared that the funds were not sufficient to provide necessary primary schools for the latter, and declined to entertain jurisdiction in the Kentucky governorship case.

Undoubtedly the recent Amendments have enlarged the bounds of national authority, but, as Chief Justice Fuller said in one of his earlier opinions: "The Fourteenth Amendment did not radically change the whole theory of the state and federal government to each other and of both governments to the people," and later decisions have strongly confirmed the statement.

To what extent this enlargement has taken place it is impossible at this time to state definitely. The court has, with great caution, uniformly declined to define the scope of the recent Amendments, and confines itself rigorously to the decision of the actual point presented by the facts; trusting to time and the slow process of judicial exclusion and inclusion to run and establish the true boundaries. It may be asserted, however, with confidence that their effect is to grant to the general government corrective, rather than original, power of legislation.
The Thirteenth Amendment abolished slavery; the Fourteenth confers national citizenship; and the Fifteenth confers upon all races, colors and conditions of citizens exemption from discrimination in the elective franchise, solely on account of race, color or previous condition of servitude; all else is believed to be merely corrective of the acts of the states; and this revisory, corrective power has by the wise conservatism of the Supreme Court been confined within such limits as not to impair the fullest development of each state in customs, laws, and institutions, according to its origin and traditions.

Arguments of surpassing power and eloquence from the most eminent members of the Bar, including such great southern lawyers as Jno. A. Campbell and John Randolph Tucker, have been addressed to the Court asking it, under the "privileges and immunities" clause of the Fourteenth Amendment, hold that all of the rights secured by the first eight amendments from infringement by the federal government, were thereby secured from adverse action by the states; but in vain. Those rights are held to be left to the guardianship of the individual states. There are of course "privileges and immunities" of national citizenship - and Justice Peckham mentioned some of them in the recent case of Maxwell vs. Dow – but they do not seem to be of such a nature as to be likely to require vindication at the hands of the court - and if they did, they would probably be protected by the other and far reaching provisions of that Amendment securing to every one "due process of law" and the "equal protection of the laws."

No one will deny the importance of these provisions - their absolute necessity in all free governments, in all governments of law. They were secured against executive invasion by Magna Charta; they are incorporated in the Bill of Rights of the several states; they cannot be too carefully safe-guarded, and it is difficult to see any reason why the protection of these rights should not be committed to the highest judicial tribunal in the land when they are as sacred and of equal value as immunity from "bills of attainder," ex post facto laws," and" laws impairing the obligation of contracts," the protection of which is committed by the original constitution to the Supreme Court of the United States.

No one now asserts that the inhibitions of the original constitution destroyed the autonomy of the states and there is no more reason for asserting it of the limitations of the Fourteenth Amendment as interpreted by the Supreme Court.

Innumerable applications are brought to that Court for revision and reversal of state action upon all sorts of questions; as Justice Miller said, in Davidson vs. New Orleans, it seems that every unsuccessful litigant in a State Court appeals to it to bring his opinions of the abstract justice of state legislation and decisions before the Supreme Court, and generally without success.

A careful study of the cases upon the Fourteenth Amendment shows that the Supreme Court will sustain the action of the state unless it has been oppressively arbitrary or unjustly and unreasonably discriminative.

The attitude of a majority of the justices is indicated by a remark of Justice Peckham in deciding the case of Wilson vs. North Carolina:
"We should be very reluctant to decide that we had jurisdiction in such a case, and thus in an action of this nature to supervise and review the political administration of a state government by its own officials and through its own courts."

It is therefore difficult to see why the most ardent advocates of state rights, provided only they be also lovers of justice, should entertain any feeling of hostility to the federal courts, if they be guided and controlled as they should be, by this the most august of judicial tribunals. 35

EXHIBIT 1D
1903 ANNUAL MEETING EXCERPTS

July 2, 1903.

From the Executive Committee Report:

The Committee congratulates the Association upon securing the Honorable Seymour D. Thompson to deliver an address at this meeting. Judge Thompson's fame as a jurist and as a law writer is world wide. His name is a household word in North Carolina. 36

T. B. Womack, of Raleigh presided over the meetings as a Vice President due to the illness of President Charles Price. He introduced Judge Seymour Thompson, of New York, as follows:

We have with us this morning one, who after achieving distinction at the Bar, served with great eminence for twelve years on the Bench, and devoted fourteen years of his life to bringing into order the law of Private Corporations in the United States; one who is to-day the authority, not only on the law of private corporations and on negligence, but on general matters of law. I take great pleasure, gentlemen, and I esteem it a great honor to introduce to you, the Honorable Seymour D. Thompson, of New York. 37

The following is an excerpt from Judge Thompson’s address, which was entitled “Twentieth Century Problems”:

But the Civil War left on your hands the black problem, - the problem of an alien race domiciled among us, marked as an alien and inferior race by differences of color and physical structure; just emerged from slavery, deep in ignorance, backward in social morals, and utterly incapable of the offices of self-government. What to do with them, how to deal with them so as to be able to live with them in peace, was, and still is the unsolved problem of our politics. The North tried to solve it for you by enfranchising this mass of ignorance,

35 Fourth Annual Meeting, 159 – 162.
37 Fifth Annual Meeting, 27.
Helplessness and corruption. The North tried to solve it for you and failed. The North is now going to let you solve it and manage it for yourselves. It is your "white man's burden." Take it up, stand straight under it if you can, carry it as best you can; and may God have mercy on your souls. The North will look on with interest and with sympathy. No portion of our race ever has consented or ever will consent to be governed by an inferior race. The South has not so consented; the North would not so consent. At the same time all that is noble and chivalric in American manhood calls for humane and Christian treatment of the negro race. They did not come among us voluntarily, but by our compulsion. Their children are not here of their own choice. The white race in America, North or South, has never been chivalric or even just toward the inferior races, whether Indians, or Negroes, or Chinese. The future treatment and status of the negro race in North America rest chiefly with the negroes themselves. When the Civil War drew from the plantations of the South all the able-bodied white men, they left their wives and children in the care of their slaves with a feeling of perfect confidence and security. That confidence was not betrayed other than by the fact of escaping into the lines of the Union armies in search of freedom. There were no servile insurrections, no ravishing of women, no cruelty to children. In the place of these traits the free negro had developed traits of the most vicious character. Wanton and cruel murdering of white men, such as recently took place at Bellville, Illinois, and the hideous ravishing of white women, and even of white girls, such as recently took place at Wilmington, Delaware, and of which many other instances could be recited, have so inflamed the white race against the black race, that the demand of the black for equal political rights meets with a cold response even in the North; while his demand for equal social rights is regarded as mere impudence. In those States, and especially in the North, where the whites greatly outnumber the negroes, the latter, save for an occasional murder or rape, are not a source of danger to society; and these crimes are often redressed by a swift death, and even by a flaming death, at the hands of infuriated citizens. But in the black belt of the South the burden is a serious one, and in bearing it you are entitled to considerate and sympathetic treatment at the hands of your brethren of the North. 38

The following motion was made and adopted, later that day during the Night Session:

MR. CLEMENT MANLY, of Winston-Salem. I don't know whether this is the opportune time, but I move that the thanks of this Bar Association be tendered Judge Thompson for the magnificent address delivered this morning to this Association.

THE PRESIDENT. The Chair will put that motion without waiting for discussion, and I will put it-those in favor of the adoption of this motion will make it known by rising; and the ladies have a right to vote on this question. The Chair does not see any one sitting. The motion is adopted by a unanimous vote.

Judge Thompson arose and bowed his thanks. 39

38 Fifth Annual Meeting, 106-107.
39 Fifth Annual Meeting, 45-46.
The writ on which Ezra Cornell was arrested was signed by Husted Reynolds, Clerk of Bertie Superior Court. Reynolds was a graduate of Yale College, in the class with John C. Calhoun and Timothy Dwight, one of its presidents. He had come South in the capacity of a school teacher, read law and located in Bertie county. He died in 1833, still holding the office of clerk, having amassed a large fortune-mainly in slaves.

I have heard his executor, who was my great uncle, say that he wrote to the distributees of his estate, in Connecticut, stating the condition of the slave property, and asking their instruction as to its future disposition. This was the year following Judge Gaston’s speech containing liberal emancipation views made in the University of North Carolina in 1832. The executor in Bertie county received from the distributees in Connecticut strict instructions to dispose of the slave property for cash at once, giving as a reason that the strong abolition sentiment then prevailing in North Carolina was likely to render their property very unprofitable.

The slaves were sold and the proceeds sent to New England, and I doubt not that some of the descendants of that youth, who sought his fortunes among our people and found them here, are still fattening upon the proceeds of an institution which they condemned when it ceased to be profitable. They were both wise and human. And I do not doubt that under similar circumstances we would have done as they did. At this distance of time we can at least admire their business prudence.  

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40 Fifth Annual Meeting, p 138-139.
The following is an excerpt of the minutes of the June 30, 1965 Board of Governors Meeting:

President Long read the notice of June 18th calling the meeting of the Board of Governors of the North Carolina Bar Association and also briefly discussed the constitutional amendments that were to be considered by the Board. He announced that pursuant to Article XIV, Section 2 of the Constitution, the Board of Governors is authorized to amend the Constitution by a three-fourths vote of the entire Board at any meeting the notice of which is in writing and contains the substance of the proposed amendment and is mailed to the members of the Board not less than ten days before the meeting. He further advised the Board that such amendments, if adopted by the Board, would be effective only until the adjournment of the next Annual Meeting of the Association which would be at noon Saturday, July 3rd. He announced that all of the conditions set forth in the Constitution had been met and that each member of the Board had received the proposed amendments. He also called the attention of the Board to two typographical errors in the proposed amendments: (1) the word "active" in the second line of Section 4, Article III, should read "regular" and (2) the word "chairman" as used in Section 4, Article III, in describing the presiding officer of the Conference of Local Bar Presidents should be stricken and the word "President" substituted. (This correction appearing at the end of the eighth line on page 2.) The President then opened the floor for discussion of the proposed amendments. After extended discussion, and with views being expressed both favorably and unfavorably, and on motion made and seconded, the amendments were adopted by a majority in excess of the three-fourths constitutional requirement. On motion duly made, seconded and carried, the Board voted to refer these constitutional amendments to the incoming Board for its consideration at its meeting on Saturday, July 3rd for such action as it deemed appropriate (copy of amendments as adopted attached hereto).

The following membership language regarding regular members and application and election to membership was first approved by the Board of Governors on June 30, 1965:

Section 2, Regular Members. Any person who is (1) a lawyer licensed to practice law in this or any other state in the United States and residing or practicing law in this State, or (2) a lawyer licensed to practice law in North Carolina and residing outside of the State, or (3) the Judge of a Court of record of the State of North Carolina or the United States, licensed to practice law in North Carolina or any other state, and residing in this State or authorized to hold any Court of record in this State, or (4) a teacher in any regularly organized and accredited law school in this State who is licensed to practice law in North Carolina or in any other state and residing in North Carolina shall be eligible to make application for admission
Section 4. Application and Election to Membership. Persons desiring to make application for election to active or sustaining membership in the North Carolina Bar Association shall submit their applications upon the form prescribed by the Association through the Chairman of the Membership Committee of the Association or through the local chairman or the Membership Committee for the Judicial District in which such applicant resides or through the Executive Secretary of the North Carolina Bar Association. Any such application form when submitted shall have upon it the endorsement of either two members of the Association who are in good standing or of one member of the Membership Committee of the Association or of the local chairman of the Membership Committee for the Judicial District in which the applicant resides. Such application for membership when completed and duly endorsed shall be presented by the Chairman of the Membership Committee of the North Carolina Bar Association, or, in case of his absence or inability, by the Executive Secretary, to the Board of Governors of the North Carolina Bar Association for approval and election to membership. Election to membership shall require the approval of at least two-thirds of the entire membership of the Board of Governors of the North Carolina Bar Association including both elected and ex-officio members of such Board. Ex-officio members shall include only those holding the following positions in the Association: The President, The President-Elect, the three Vice-Presidents, the Executive Secretary, the Immediate Past President, the Chairman of the Young Lawyers Section, and the Chairman of the Conference of Local Bar Presidents. If the required approval by two-thirds is secured from those members of the Board present and voting at any regular or special meeting when such application is considered, then such applicant shall be admitted to membership; but if the required two-thirds approval is not so secured from the Board members present and voting, then written approval shall be secured from a sufficient number of those absent members of the Board necessary for the requirement of approval by two-thirds of the entire Board. Such approval shall be indicated in writing, by mail or otherwise, by those members of the Board not in attendance at any regular or special meeting of the Board when such application is considered.

Excerpt from the minutes of the July 3, 1965:

President Godwin advised the Board that on Wednesday, June 30, 1965 the Board of Governors had, pursuant to the authority contained in the Constitution of the Association, adopted the attached constitutional amendments and that the Board at its meeting on Wednesday, June 30th had referred this matter for further action as appropriate by the new Board now assembled. After brief discussion and on motion duly made, seconded and carried by more than the three-fourths majority required, the Board ratified, affirmed and adopted the Constitutional Amendments hereto attached to be effective through the adjournment of the 1966 Annual Meeting of the Association.
Section 2. Regular Members. A person who is (1) a lawyer licensed to practice law in this or any other state in the United States and residing or practicing law in this State, or (2) a lawyer licensed to practice law in North Carolina and residing outside of the State, or (3) the Judge of a Court of Record of the State of North Carolina or the United States, licensed to practice law in North Carolina or any other state, and residing in this State, or (4) a teacher in any regularly organized and accredited law school in this State who is licensed to practice law in North Carolina or in any other state and residing in North Carolina, may apply for membership in this Association by complying with the provisions hereinafter set forth.

Section 6. Application and Election to Membership. A person desiring membership in the North Carolina Bar Association shall submit an application, upon the form prescribed by the Association, through the Chairman of the Membership Committee of the Association, through the local chairman of the Membership Committee for the Judicial District in which such applicant resides, or through the Executive Secretary. Any such application form when submitted shall have upon it the endorsement of three members of the Association who are in good standing. Such application, when completed and duly endorsed, shall be submitted to the Executive Secretary. The Executive Secretary, after determining that the application is complete and proper in all respects, shall present same to the Board of Governors for consideration. Election to membership shall require the approval of two-thirds of the entire membership of the Board of Governors including both elected and ex-officio members of such Board. If the required approval is secured from those members of the Board present and voting at any regular or special meeting when such application is considered, then such applicant shall be admitted to membership. If the required approval is not so secured from the Board members present and voting, and if the favorable vote of the absent Board members added to the vote of the Board members present would be sufficient to elect the Applicant to membership, then the Executive Secretary shall poll the absent members of the Board to determine, by written ballot, if the applicant has the required two-thirds approval of the entire Board.
EXHIBIT 2C

Resolution regarding the relationship between the Association and the Duke University Law School, as adopted by the Board of Governors on April 11, 1969.

WHEREAS, the North Carolina Bar Association has been notified that at a meeting of the faculty of the Duke University Law School on March 3, 1969 the following resolution was unanimously adopted:

"The Faculty authorizes the Dean to inform appropriate officers of the North Carolina Bar Association of the Faculty's interest in restoring relations between the Duke Law School and the Association, and if the response is cooperative, to confirm the resumption of such relations."

and;

WHEREAS, upon notification of this action the President of the North Carolina Bar Association appointed a special committee which met at the Bar Center in Raleigh on April 1, 1969 with Dean A. Kenneth Pye of the Duke University Law School to explore more fully the application of Duke University Law School for the resumptions of relations with the North Carolina Bar Association; and

WHEREAS, the special committee of the Association is of the opinion, after conferring with Dean Pye, that the Duke Law School Faculty would, if permitted, be willing to restore relations with the North Carolina Bar Association on the same cordial and unconditional basis as existed prior to December 12, 1966 and that the faculty of Duke Law School genuinely desires to cooperate fully with the North Carolina Bar Association in its programs and activities;

NOW THEREFORE, the Board of Governors of the North Carolina Bar Association does hereby grant the application of Duke University Law School for restoration of relations with the North Carolina Bar Association effective on June 28, 1969.

No public or general announcement of this action shall be made until the Annual Meeting of the North Carolina Bar Association in Asheville in June of 1969 at which time the President will report to the members of the North Carolina Bar Association in attendance that such action has been taken.
Negro Studies Action
By Bar Association

Romallus O. Murphy, a Raleigh Negro attorney, said Wednesday he did not know whether he would reapply for membership in the all-white N.C. Bar Association.

Murphy and another Negro attorney, Ralph Fraser of Winston-Salem, were denied membership in the association at its annual convention in Myrtle Beach, S.C. Murphy said "I don't know that I will" again apply for membership. "I'll have to digest this and think about it."

Voted Down

The association's board of governors voted against accepting the two Negro attorneys who were recommended for membership by white law firms.

The action came after the association eliminated a "white only" provision from its membership requirements.

The governors voted 14 to 3 against accepting Frasier as a member, and 17 to 2 against membership for Murphy. A favorable vote of two thirds of the governors is required for membership.

Murphy said that he was under the impression that other Negro attorneys also had applied for membership.

William F. Womble of Winston-Salem, the new bar association president, confirmed that the two Negroes had been refused membership.

All North Carolina lawyers are members of the N.C. State Bar which helps establish rules and procedures for the practice of law. The N.C. Bar Association is a separate organization through which lawyers wield considerable influence in the State's affairs.
MR. ERIC MICHAUX: Gentlemen, I haven't made a long statement because I feel that we can accomplish more through a give and take situation through a two-way communication, than we can if I just sat here and just talked to you. First of all, we would like to thank you very much for having the opportunity to talk to you. But, first, the reason we asked to appear before you is because that so many Negro applicants to the North Carolina Bar Association have been rejected and we felt that at this time it was necessary to at least talk to you before anything else is done to get some understanding of how you feel about the situation so that we might reach some type of understanding.

As Mr. Womble pointed out, it appears that the Board is afraid of setting a precedent as was indicated in our letter — and we are primarily concerned why they have this fear of setting a precedent. Why be afraid of a precedent, and why not take a forward step?

Understanding the Negro problem and the problems of any bar association is, as I said before, brought about through a two-way communication. Abstinence on the part of this Board, or on the part of anyone won't solve anything. The Negro in Durham, the Negro in North Carolina and the Negro in the United States and even the world is not interested in any form of abstinence. There has been exhibited in the last few years a growing unrest — a militancy — in the civil rights movement in the Negro's quest for a free society. He is not asking for equaliness per se, but something far greater — the something that the United States was founded upon. The force for founding of the country. That something that is in the Constitution of the United States and it was based upon — that was formed in the Declaration of Independence — a free society without a care. A society that all men can be equally proud of. A society that every individual, in his own special way, became a member of the team and brought forth a union of faith and a credence of united. The Negro in the United States is a member of that team in every sense of the word and he will go just as far to assert his guarantees as did the founders of this country.

Of course, the situation of today has changed from that of the American Revolution. Rules have been adopted in order that we may solve our differences in a non-combatant and civilized way. Therefore, the problems of today must be solved by the means provided in the situation of today. There has been a turn recently of those in the civil rights movement to abdicate the term of "black power" which I feel is an unfortunate cliche of words. It is true that this term has bankrupted the entire civil rights movement and has slackened its pace. But the advocacy of black power is a result of hate that is far more dangerous than this particular civil rights movement which is primarily geared to help the Negro
minority in the United States. It is the result of this hatred which shuts doors, closes minds and kills the lines of communication from one individual to another.

Society is not trained as a pediatrician. The pediatrician is trained to diagnose an illness pertaining to a child who cannot explain what is wrong with him. But society must diagnose its problems through two-way communication. The cry of "black power" is a frustration. An illness that is produced through the virus of hate. The disease is bilateral and its effect is multi-lateral. For if the virus of racial hatred toward the Negro is to succeed and is not cured, then it will be as a cancer that inflames the author of religious hatred. And again we look for a new land - for a new country to develop and cultivate where every man again can be equal. Each structure of the anatomy of the founding of the basic constitution will break down and destroy what our forefathers gave life and blood to develop - a serum to cure the virus of hatred. They, our forefathers, passed the tools and the serum to us to develop and improve upon. Have we?

The diagnosis is general, but in order to eradicate the disease each crystal of the virus must be eradicated. There exists today a virus in North Carolina. There are many crystals of that virus prevalent throughout the State. One of those crystals perhaps exists in this room today. We have the minds and ability to wipe it out. The question is whether we today take the necessary pain of the needle to combat the virus or go blind and let the cancer destroy our system. An attorney is to society what the pediatrician is to the child. We have the training, the foresight, the dedicated mind, the sworn and solemn confirmation and conviction to engineer society in a better place in which to live. Therefore, if we are slow to take the step, then society will follow at a snowball pace in either direction.

The tools are associations and conferences. From these came the serum of understanding and revolution ejected into the bloodstream of society we might eradicate from the crystal and hence reduce the acuteness of the virus.

The problem is not local. But it is the local problem that infects the whole country and makes it nations. We are on a small space ship, gentlemen, a very small space ship travelling at sound breaking speed to the vastness of space. If our direction is uncertain and ourselves divided, how can we ever hope to navigate our destination.

These are a few comments that I prepared as openers for our two-way communication. As I said, North Carolina and even Raleigh, is a very small speck on the map, but it takes all of us working together in order to create a better society in which to live.

Mr. H. A. Michaux, Jr. Gentlemen, that was my brother's statement and I think he voiced most of the sentiments that I had in mind. However, I think that basically our - we are here today to ask you to admit us to the North Carolina Bar Association for the various reasons set out in his remarks. It is our understanding -
I don't know how true it is - but what we have gathered from most sources - that applications by Negro attorneys have been summarily dismissed and therefore we have no knowledge of any Negroes who are members of the Association. It is our hope that this policy will be changed. We believe that we have a firm dedication to the practice of law and to the upgrading of the profession. We believe that we can make a significant contribution to the society that we're in. We believe that it is time for this Bar Association to take into its hand this matter and resolve the issue one way or the other. We are actually bringing to you an opportunity to put forth a policy that we think should be enacted throughout the country. On this matter of an opportunity - this opportunity to put into practice the theories that we so valiently fight for in the courts of law. Let me - I picked up a little thing that Justice Cardozo once said in a speech. He said this: "The test of character comes to us privately unawares by slow and inaudible approach. We hardly know that they are there until low the hour has struck and the choice has been made. Well or ill, but the choice has been made. The heroic hours of life do not announce there presence by drum and trumpet challenging us to be true to ourselves by appeals to the marshall spirit of peace, bloody peace. Some little unassuming, unobtrusive choice presents itself before us slyly and craftily, glib and insinuating, in the modest garb of evidence. We yield to its blandishments so easily. The wrong it seems is finished. Only hypersensitiveness we assure ourselves to call it a wrong at all. Then it is that you will be summoned to show the courage of the centuries."

Basically, simply and honestly, we are seeking membership in the North Carolina Bar Association and we would appreciate your consideration in this matter.

If you have any questions that you would like to direct to us, we would be happy to answer them to the best of our ability.

MR. WM. F. WOMBLE: Gentlemen, are there any questions?

MR. J. M. HOLLAND, JRL: Do you both practice law?

MR. H. A. MICHAUX, JR.: We have just recently passed the bar examination. My brother is about to serve a commitment with Uncle Sam. Basically, yes. We hope to.

MR. WM. F. WOMBLE: What are you doing now?

MR. H. A. MICHAUX, JR.: Actually, I am in the insurance and real estate business. We have a family owned business but we intend to go into partnership with a couple of other attorneys and practice law.

MR. WARREN C. STACK: Who are the attorneys?

MR. H. A. MICHAUX, JR.: Attorney W. G. Pearson, II, in Durham and possibly Attorney C. C. Malone, Jr. This is something that we have begun to work on. We haven't formulated any plans. If not, then my brother and I will be together.
MEMBER OF THE BOARD: Then, you are not actually engaged in the practice of law.

MR. ERIC C. MICHAUX: No. As I said, I can't become actively engaged in the practice of law because of my military commitment and we haven't had enough time to say whether we are going to go out on our own or whether we are going into association with other attorneys in the State or just what. Passing the bar was a big relief for us and we are over that hurdle.

MR. WM. F. WOMBLE: Did both of you pass this year?

MR. ERIC C. MICHAUX: Yes, we did and we have represented a couple of clients. I guess you might say we are practicing.

MEMBER OF THE BOARD: Is your military commitment definite?

MR. ERIC C. MICHAUX: Yes sir, it is. I tell the people who ask me that every time that the service says that the only way I can get out is that my seeing eye dog has a cane. And, I haven't acquired a cane or a dog. They haven't notified me as to the induction date. But, it is definitely coming up.

MEMBER OF THE BOARD: Do you plan on going into the Judge Advocate General or what?

MR. ERIC C. MICHAUX: I still have my fingers crossed on that sir.

MEMBER OF THE BOARD: Have you applied?

MR. ERIC C. MICHAUX: Yes, I have and I was up at the Pentagon in February and they assured me that they don't lose anyone who has passed the bar examination. That is, as of yet.

MR. WILLIAM F. WOMBLE: Are there any other questions?

MR. PAUL STORY: Have you been actually sworn in?

MR. ERIC C. MICHAUX: Yes, we have.

MEMBER OF THE BOARD: What was the question?

MR. WILLIAM F. WOMBLE: He asked if they had been sworn into practice and they both said they had.

MR. WARREN C. STACK: I would like to ask one more question. In your statement you indicate that something would have to be done. What did you mean by that statement?

MR. ERIC C. MICHAUX: I thought that question might arise. And I want to put it in this form. I'm not a new frontiersman. I'm not a party crasher and I'm not suit happy. But, there has been expression throughout the State of North Carolina on the part of a minority of lawyers, about a hundred and seventy out of however many lawyers there are in North Carolina, that if something is not done that suits will have to be filed. It appears to them, and in many respects to me, that the handwriting is on the wall from the Medical Association and from the Dental Association, and as I expressed to Mr. Storey when I was over here for the Practical Skills Course, that I don't see why the lawyers have to go to court. To me, I don't
see why any association - any legal association has any business in court and the feeling is on the part of many Negro attorneys throughout the State that this may have to be done. I looked at the Awards of Merit that this Bar Association has had. Every speaker that spoke to us at the Practical Skills Course said look at all the Awards of Merit and I just can't see that being taken into court.

MR. H. A. MICHAUX, JR.: Let me add one more point on that. I can assure you that the applications my brother and I made were made wholly and voluntarily on our part with no coercion from anyone else. This is an act of ours and nobody else was involved as some people may have a tendency to think. But, we did this on our own.

MR. WARREN C. STACK: Now, that's what you say, but your brother says that before anything else is done. Now, I infer from what you're saying that if we don't accept you, we are under the threat of some type of law suit.

MR. ERIC C. MICHAUX: No, I did not intend to mean it as a threat. I thought that I explained it. That if we don't do it, then someone else is. There is always somebody to carry the ball and this is what I had reference to. Not that I am personally - I don't think that I'm going to have the time because the dear Uncle has his beckoning finger out at me and I won't be here. But, somebody is going to carry the ball one of these days.

MR. PAUL STORY: Do you both recognize the problems that are involved here? That it is more than passing upon your individual applications to the North Carolina Bar Association and involves a change in policies that in some respects may adversely affect the Association. Do you recognize our problems?

MR. ERIC C. MICHAUX: Sir, I recognize what you are saying, but I also recognize that you have no problem. Lawyers throughout the history of the United States have always been in the forefront; have always taken the forward step. They have always educated society to what is best. Now, as I said before, if a Bar Association is afraid to take a step, then you cannot expect society to take it for you. You are the leaders. You are out front. You have the minds and ability to make the decisions and as I was told in a Practical Skills Course here by one of your members of the Bar Association, no lawyer in any case can afford to be conservative because it hampers his mind. I don't see the problem that you have.

MR. EDWARD RODMAN: One thing bothers me about your opening statement - from what I had learned about you since I got this list of applicants I had the idea that you might be coming here as a lawyer seeking to join an association of lawyers. But your statement indicates to me that you did not come for that purpose but that you came as a Negro seeking to join a previously all-white organization. Which is correct?

MR. ERIC C. MICHAUX: Both of your statements, in a way, are true. I felt that the problem faced by the Bar Association was that of changing of previous tradition, which tradition has been to deny applications from Negroes. I also came as an attorney, but I am both and I cannot deny that fact.
MR. H. A. MICHAUX, JR.: I think also in addition to this - that we do come as attorneys seeking the membership in the Bar Association and the association of the individual members for the betterment of our profession. We cannot escape the fact that we are Negroes. This is blatant, but we are also attorneys.

MR. EDWARD RODMAN: You realize, of course, that this is entirely a voluntary organization?

MR. H. A. MICHAUX, JR.: Yes, we do 100%.

MR. WILLIAM F. WOMBLE: Are there any further questions or comments? If not, we certainly appreciate your coming and being with us and we will certainly take that under consideration.

MR. ERIC C. MICHAUX: We appreciate the opportunity of being heard and we hope that we have passed on some information that will be beneficial.

MR. WILLIAM F. WOMBLE: Thank you very much.

MR. H. A. MICHAUX, JR.: Thank you, gentlemen.
Duke Law School Quits Association

Faculty Panel Condemns Bar Group
For Refusal to Admit Negro Attorney

DURHAM (AP) — The Duke University Law School Wednesday severed ties with the North Carolina Bar Association because a Negro graduate was denied membership in the organization.

Dean F. Hodge O'Neal announced the action after the law school's faculty approved a resolution by a 24-1 margin.

The exclusion of Eric Michaux of Durham, a 1966 Duke Law School graduate, from membership in the State Bar Association, the resolution said, will be an obstacle to Michaux's professional advancement.

The resolution said the association made no inquiries about Michaux's character or legal qualifications before denying him membership.

"Under these circumstances we can only infer that his application was rejected solely because of his race," the faculty said.

It was learned later that Michaux's older brother, Henry M. Jr., also had been denied membership in the association.

Members of the bar association are selected by a statewide election.

Dean O'Neal said this inference has been substantially confirmed by recent conversations with bar association representatives.

Michaux has been admitted to practice before the state bar.

The bar association sponsors social events and continuing education while the North Carolina Bar is the professional organization for the state's jurists and attorneys.
Members of the bar association are selected by a 24-member board of governors. Michelau's application was turned down at the October meeting.

In Winston-Salem, association president William F. Womble said without polling each member of the board he couldn't say why Michelau was denied membership.

Womble said, "I agree with the proposition that applications for membership in the North Carolina Bar Association should be considered and voted on without regard to race.

"On the other hand, I regret to note the Duke law faculty has seen fit to withdraw support of our continuing legal education program which is open to all lawyers in the State regardless of whether they are members of the bar association."

Womble said, "I hope to work things out so the cordial relationship heretofore evident between the North Carolina Bar Association and Duke might be resumed."

As far as the Duke faculty had drawn a fair inference in thinking Michelau was excluded because of race, Womble said the association's board members do not have to explain the basis of their votes.

Womble did say that no Negroes belong to the association, and none ever have. The association formally dropped a white-only provision from its constitution at its last annual convention in June.
DUKE—Attacks Bar

Although the resolution passed by a 2-to-1 margin, O’Neal said all members of the faculty oppose the association’s denial of membership to Negroes.

The difference of opinion among the faculty members he said, was in the form of actions to be taken.

O’Neal said the law schools at the University of North Carolina and Wake Forest College have been advised of the resolution, but were not requested to take any action.

Dean Richard Phillips, dean of the University of North Carolina Law School, said, “I am confident that the law school faculty at Chapel Hill is not in a position to consider Negroes for membership in the association.”

He said the law school will continue to provide formal representation of the faculty on the committees which plan educational programs sponsored by the association.

The faculty resolution praised the association for its contributions to the state, including efforts toward law reform and programs of continuing legal education.

Dean Phillips said, “We look forward to the time when we can re-establish our relationship with the association. We think the bar association and the association need us.”

Henry Michaux said he and his brother both had applied during October and had asked for an appearance before the association’s board of governors “because we knew their policy of no Negroes.”

During their appearance before the board on Oct. 21, they made “several remarks to the group concerning its policy,” he said.

“We told them we thought it was time for a review of their relationship so far as Negro attorneys are concerned and that we felt that since we had passed the same examination, this was qualification enough for membership,” he said.

Eric Michaux said he believed the reason for his denial was that “there is a great deal of arch-conservatism in the association on this question.”

Johnston Man Faces Hearing In Henderson

HENDERSON — A hearing has been set for Tuesday in Vance Recorder’s Court for a 25-year-old Smithfield man who has been charged with criminal assault against a Vance County housewife.

Vance Sheriff Linedo B. Smith said on Oct. 21, Ward has been jailed without privilege of bond following his arrest Monday at his home in Smithfield.

Ward is held in connection with the alleged criminal assault (on a 25-year-old housewife at her rural residence on Rt. 3, Hun-
N. C. Bar President Cites Encouragement

WINSTON - SALEM (AP) -- The president of the North Carolina Bar Association said Friday he is “encouraged that we shall be able to satisfactorily solve our problems in respect to membership during the coming months.”

William F. Womble, a Winston-Salem lawyer, made the statement following an “informal” meeting of “some association members” in Raleigh Thursday.

Womble was referring to Wednesday’s action by the faculty and administration of the Duke University Law School. The law school made public a resolution in which it severed ties with the association because the resolution stated one of its Negro graduates was denied membership in the association “solely because of race.”

An assistant dean at the Durham school said Friday that the administration was aware of the meeting at Raleigh Thursday, but that it did not receive an invitation.

“I know, said the assistant dean, “from the other two law schools (Wake Forest School of Law and the University of North Carolina School of Law at Chapel Hill) attended the meeting—but that’s all I know about it.”

Womble said the board of governors of the bar association will meet next in April and that he feels certain the “membership question” will come up for discussion.

He would not comment on whether meetings are scheduled between the association’s board and the Duke administration anytime soon.