

# The History Of Black Lawyers In North Carolina

by Kenneth Lewis

The history of black lawyers in North Carolina is somewhat fragmented and incomplete. Though scattered largely in broader historical works, program booklets and personal recollections, the remains of this history stand as a testament to the remarkable accomplishments of black lawyers in North Carolina. This article attempts to highlight some of those efforts and more generally to provide an overview of the history of North Carolina's black lawyers.

## The Early Years

Blacks were first admitted to the North Carolina Bar shortly after the Civil War. During the 1800s progress for blacks in the legal profession, like other professions, was slow. According to historian Frenise Logan, the 1890 census revealed only 14 black lawyers in North Carolina.<sup>1</sup> Despite the few number of black lawyers during this period, the practice of law for them "was fraught with economic insecurity."<sup>2</sup> Blacks, on whom most black lawyers relied for business, were relatively poor. In addition, many potential black clients preferred the services of white lawyers.<sup>3</sup>

Despite these problems, many of the state's earliest black lawyers excelled in politics. Nowhere is this better reflected than in the political history of the state's Second Congressional District. Described contemptuously by some as the "Black Second," this district, created by the legislature in 1872, comprised 10 counties in the eastern part of the state and contained a substantial majority of black voters. Two black lawyers, James Edward O'Hara and George H. White, were elected to the U.S. Congress from the Second District. In addition, White and another black lawyer, John H. Collins, served as solicitor of the Second Judicial District for a total of 16 years.

James Edward O'Hara is regarded as the first black lawyer in North Carolina. Born in New York City on February 26, 1844, the son of an Irish merchant and a West Indian woman, O'Hara was reared in the West Indies where he remained prior to moving to North Carolina following the Civil War. He began the study of law in North Carolina and completed his training at Howard University in Washington, D.C., while also working in the U.S. Treasury Department.<sup>4</sup> In 1868, O'Hara was reportedly admitted to the North Carolina Bar by the General Assembly.<sup>5</sup> His illustrious political career included service as chairman of the Halifax County Board of Commissioners and as a delegate to the 1875 State Constitutional Convention. In 1878, he received the Republican party nomination for Congress.<sup>6</sup>

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<sup>1</sup> F. Logan. *The Negro In North Carolina, 1876-1894*, at 108 (1974).

<sup>2</sup> *Id.*

<sup>3</sup> It is reported that the lack of support for black lawyers exhibited by the black community prompted two black lawyers in Raleigh, Edward Augusts Johnson and J.H. Branch, to consider moving to another locality in 1893. *Id.*

<sup>4</sup> D. Terry, *Chronicle Of Black Lawyers In North Carolina. The Pioneers: 1865-1950* at 5 (volume 1, March 1981) [hereinafter *Pioneers: 1865-1950*].

<sup>5</sup> F. Logan, *supra*, at 33.

<sup>6</sup> *Pioneers: 1865- 1950* at 5.

Despite losing the general election after questionable actions by the Democratic canvassing board,<sup>7</sup> O'Hara, undeterred, gained new political strength as a leader of the anti-prohibition movement.<sup>8</sup> His eventual election to Congress in 1882 marked the first time in the history of North Carolina that a black citizen represented the state in the U.S. Congress, O'Hara served two terms in Congress and is reported to have successfully submitted an amendment to an interstate commerce bill seeking equal treatment and accommodations on interstate transportation systems. After losing a bid for a third congressional term in 1886, O'Hara returned to North Carolina where he became the proprietor and editor of an Enfield newspaper entitled *The Progress* and later established a law practice in New Bern that his son, Raphael O'Hara, eventually joined.<sup>9</sup>

In 1878, another black lawyer, John H. Collins, also made his mark on the politics of this region. Collins, a Civil War veteran, was elected solicitor of the Second Judicial District and thus became the first black to hold that office in North Carolina. Collins served two four-year terms as the solicitor of this district, but lost his bid for a third term to George H. White in 1886.<sup>10</sup>

George H. White, an ex-slave born in 1852, was perhaps the most esteemed black lawyer and politician of his day. White graduated from Howard University in 1877 and was admitted to the North Carolina Bar in 1870, after reading law under Superior Court Judge and later Chief Justice of the N.C. Supreme Court, Walter Clark.<sup>11</sup> White's involvement in politics began early in his legal career. He served in both houses of the General Assembly representing Craven County. While in the state senate, he sat on the highly respected judiciary committee, an accomplishment that at the time required support from members of both parties.

In 1886, White was elected solicitor of the Second Judicial District and held this position until elected in 1896 to serve the first of two consecutive terms in the U.S. Congress.<sup>12</sup> While in Congress, he was an active legislator, as well as a "great orator for black causes."<sup>13</sup> He is remembered as the last black congressman to serve during this era. After this stint in Congress, White received a license to practice law in Washington, D.C., and later settled in New Jersey, having reportedly concluded that he could not "live in North Carolina and be a man."<sup>14</sup>

## The Shaw Era

Blacks could not receive a law school education in North Carolina prior to 1888. Therefore, many of the early black lawyers obtained their legal educations through apprenticeships, usually in the offices of white lawyers.<sup>15</sup> On June 29, 1888, the board of trustees of Shaw University established a law department on its campus located in Raleigh and renowned as the first institution of higher learning for blacks in the South. The doors to the law department opened December 11, 1888<sup>16</sup> with John Sinclair Leary of Fayetteville serving as its first professor and dean. Having passed the bar in 1873, Leary

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<sup>7</sup> See O'Hara v. Powell, 80 N.C. 103 (1878).

<sup>8</sup> D. Terry and F. McKissick, *Black Lawyers in North Carolina—A History 1865 to 1950*, in *The Pioneers: 1865-1950*, at 20.

<sup>9</sup> *Pioneers: 1865-1950* at 5.

<sup>10</sup> *Id.* at 6.

<sup>11</sup> F. Logan, *supra* at 108.

<sup>12</sup> *Id.* at 28.

<sup>13</sup> *The Pioneers: 1865-1950* at 6.

<sup>14</sup> *Id.*

<sup>15</sup> F. Logan, *supra* at 108.

<sup>16</sup> W. Carter, *Shaw's Universe* 43 (1973).

is believed to have been the second black lawyer to practice law in North Carolina. Leary also distinguished himself as an accomplished politician, having served as a state legislator, a city alderman and a delegate to each Republican National Convention from 1876 to the end of Reconstruction.<sup>17</sup>

Under Leary's direction, the curriculum at Shaw's law school included courses in international law and admiralty,<sup>18</sup> in addition to the traditional law school subjects. The law school graduated 54 students with bachelor of law degrees (L.L.B.) before the board of trustees closed the department in 1914. Although no reason was given by the board for this action, low enrollment is believed to have been the cause.<sup>19</sup>

During its brief existence, Shaw's law school provided a legal education for most of the state's pioneer black lawyers. According to one source, graduates of Shaw comprised the majority of black lawyers practicing in North and South Carolina until the mid-1930s.<sup>20</sup> In North Carolina, Shaw graduates distinguished themselves in education, politics, and business, as well as in the practice of law.<sup>21</sup> Perhaps the law school's most notable graduate was its first, Edward Augustus Johnson, an ex-slave freed by the Emancipation Proclamation at age four.<sup>22</sup>

Johnson received his L.L.B. from Shaw in 1890 after completing college training at Atlanta University. Prior to entering law school, he served as the principal of schools in Atlanta and Raleigh. After receiving his law degree, he made numerous contributions as an attorney, educator, politician and author. At one point, Johnson served as an assistant U.S. attorney. For over a decade, he enjoyed tenure at Shaw, serving the law department, alternately and simultaneously as a professor and dean. Johnson was also a Raleigh alderman and a chairman of the Fourth District of the Republican Party. In 1894, he published a primary school textbook entitled, *A School History of the Negro Race in the United States*.<sup>23</sup>

Several black lawyers in addition to the Shaw graduates entered the practice of law in North Carolina during the early years of this century. The careers of a few are particularly worthy of note: John T. Sanders, a Charlotte businessman in the finance and real estate areas, was admitted to the bar in 1906 after a period of self-instruction and only three months of study under a local attorney. Sanders also edited the *Charlotte Advertiser* for 15 years and was active in politics.<sup>24</sup> Roger D. O'Kelly, a graduate of Yale Law School, was also admitted to the bar in 1906 and practiced in Raleigh. Because he was deaf and partially blind, O'Kelly limited his practice to title work and was renowned for his meticulousness.<sup>25</sup> Also, Mack Daniel was admitted in 1915 and reportedly served one term as mayor of Dudley.<sup>26</sup>

## **Black Lawyers in The 1920s And 1930s**

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<sup>17</sup> See F. Emory, *Paths Toward Freedom* (1976).

<sup>18</sup> W. Carter, *supra* at 43.

<sup>19</sup> *Id.* at 45.

<sup>20</sup> Washington, *History and Role of Black Law Schools*, 18 How. L.J. 385, 395 (1974).

<sup>21</sup> Among its graduates were James Youman Eaton, Vance County Attorney (1896), state legislator (1898) and principal of an elementary school in Henderson that still bears his name, Eaton-Johnson School; Lovelace Capehart Brown, A.B., M.A., L.L.B., M.D., English professor, lawyer and medical doctor; Raphael O'Hara, the son of James E. O'Hara and valedictorian of the 1895 class; George Henry Mitchell, 1897 graduate, L.L.M., University of New York, maintained an extensive real estate business and law practice in Greensboro; Henry Melvin Edmondson, 1913 graduate, predominantly civil practitioner in Winston-Salem.

<sup>22</sup> W. Carter *supra* at 45.

<sup>23</sup> J. Crow & F. Hatley, *Black Americans In North and South Carolina*, 4-6 (1984).

<sup>24</sup> *The Pioneers: 1865-1950* at 13.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 16.

During the 1920s, blacks could not receive a formal legal education in North Carolina and were therefore forced to attend law schools outside the state. Many black lawyers during this period received their law degrees from Howard University in Washington, D.C. One such lawyer was Meredith Hugh Thompson. Admitted to the North Carolina Bar in 1923, Thompson was a highly respected lawyer in Durham for more than 50 years. He was the first black president of the Fourteenth Judicial District, as well as an organizer of the predecessor to the present-day North Carolina Association of Black Lawyers.<sup>27</sup> In addition, Thompson successfully litigated a pre-Brown v. Board of Education decision case in which a federal district court held that Durham City Schools attended by black students were separate but not equal.<sup>28</sup> Thompson associated himself in a general practice with another black Durham lawyer, Caswell Jerry Gates, who was admitted to the bar in 1927. Thompson and Gates are believed to have been among the first black lawyers to associate themselves in practice.<sup>29</sup> Other black lawyers to be admitted during the 1920s included William Avery Jones, who was a pioneer in the business world and a past president of Winston Mutual Life Insurance of Winston-Salem; Hosea Van Buren Price, also of Winston-Salem; McKinley Battle of Kinston; and Robert McCants Andrews, a Durham practitioner and Harvard law school graduate.

In the 1930s, an aggressive legal attack on segregation and discrimination began to take hold in North Carolina. Conrad O. Pearson is widely recognized as the pioneer of this movement. Pearson, the state's first NAACP general counsel, was admitted to the North Carolina Bar in 1932, prior to graduation that year from Howard Law School. The following year, Pearson filed the first lawsuit in the South seeking the admission of a black student to a state-supported graduate school, Hocutt v. Wilson.<sup>30</sup> The plaintiff in that case sought admission to the pharmacy school at the University of North Carolina. Although the plaintiff was denied relief, the lawsuit served as a forerunner to civil rights cases seeking the desegregation of state-supported universities.

Subsequent suits filed by Pearson led to the desegregation of the UNC law school, graduate school and undergraduate school. Over the years, Pearson remained a stalwart in the struggle of blacks for equality and justice. He directed many of the significant cases challenging discrimination in the state. He also trained and advised many younger black lawyers. Before retiring in the late 1970s, Pearson served as a professor of law at North Carolina Central University School of Law and later as an assistant state attorney general. In 1976, his lifelong efforts were recognized when he became one of the first recipients of the NAACP Legal Defense Fund's Francis Ellis Rivers Award.<sup>31</sup>

Today, two of Pearson's contemporaries—also Howard Law School graduates—still practice law on a limited basis. Fred J. Carnage, a member of the bar since 1931, currently practices on a semi-retired basis in Raleigh. In 1932, the Negro Voter's League, organized at Carnage's urging, registered 1,500 black voters, many of whom voted for the first time in a subsequent Raleigh Democratic primary. When the names were struck from the books by the Wake County Board of Elections, Carnage and another black attorney, Robert McCants Andrews of Durham, successfully challenged this action in the Superior Court. In 1949, Carnage was

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<sup>27</sup>B. Foreman & V. Boone, *Chronicle Of Black Lawyers In North Carolina, Civil Rights Pioneers: 1950-1970* 23 (volume 2, October 1984) [hereinafter *Civil Rights Pioneers: 1950-1970*].

<sup>28</sup> *Blue v. Durham Board of Education*, 95 F. Supp. 441 (M.D.N.C. 1951).

<sup>29</sup> *Civil Rights Pioneers: 1950-1970*, at 23.

<sup>30</sup> *Hocutt v. Wilson*, N.C. Superior Ct., County of Durham, Civil Issue Docket 1-888 (March 28, 1933).

<sup>31</sup> *Civil Rights Pioneers: 1950-1970*, at 18.

named to the Raleigh City School Board by the city council. Always an outspoken foe of segregation, Carnage served as counsel to sit-in demonstrators in Raleigh<sup>32</sup> and also successfully litigated the case that integrated public schools in Raleigh in 1961.<sup>33</sup> Today a junior high school in Raleigh bears the name Fred J. Carnage.

Charles W. Williamson was admitted to the bar in 1932. He currently lives in Henderson, where he was the only black lawyer when starting there in 1933 and remained so until the mid-1970s. Williamson's wife reports that during their first year in Henderson she received several death threats. She further recalls that her decision to continue work as a school teacher came only after a reassuring visit by an FBI agent who volunteered to secretly follow and protect her for one year. Today Williamson's portrait hangs in the local courthouse as a tribute to his contributions over the years to the Henderson community.<sup>34</sup>

### **State-Supported Legal Education for Blacks: The North Carolina Central University Law School**

In 1933, 19 years after the closing of Shaw's law school, the N.C. General Assembly amended the charter of the North Carolina College for Negroes—now North Carolina Central University—to authorize the establishment of a law department.

It is generally recognized that the legislature in establishing this law school was motivated primarily by the desire to prevent black students from attending the University of North Carolina School of Law.<sup>35</sup> In 1940, five students enrolled in the first class of the newly created law school.<sup>36</sup> Several years later Robert Bond and John Willis Langford became the first graduates of the school.

During World War II years, the law school suffered a considerable depletion in the size of its student body. Rather than close the program, however, the school offered night classes that afforded local businessmen the opportunity to study law.<sup>37</sup> During this period many businessmen of Durham-based black financial institutions,<sup>38</sup> as well as several women, earned law degrees from the school.<sup>39</sup>

By 1949, however, the law school was grossly underfunded, ill-equipped and as a result unaccredited.<sup>40</sup> It is reported that “students toured the state appealing to officials to upgrade the school, but to no avail.”<sup>41</sup> Students then picketed the State Capitol, carrying signs urging state

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<sup>32</sup> *Raleigh Times*, Sept. 25, 1985, at 6, col. 1.

<sup>33</sup> Interview with Mr. Fred Carnage (March 11, 1987).

<sup>34</sup> Interview with Mr. and Mrs. Charles W. Williamson (May 8, 1987).

<sup>35</sup> Federal district court Judge Johnson J. Hayes strongly suggested such a motivation in *Epps v. Carmichael*, 93 F. Supp. 327 (1950). He pointed out that: Following the *Gaines* case [305 U.S. 337 (1938) which held that Missouri could not exclude Negroes from a state-maintained law school even though it paid the tuition for Negroes to attend law schools outside the state], the legislature of North Carolina established the College of Law [at Durham] without a lawsuit or the threat of a lawsuit and it has proceeded with the development of the school of law with the fixed purpose to provide equal facilities for the Negroes with those furnished to the white students at the University of North Carolina. *Id.* at 331. See also Washington, *supra* at 399.

<sup>36</sup> Dean M.T. Van Hecke of the University of North Carolina served as the first dean and was joined during the initial years by instructors from Duke and the University of North Carolina law schools.

<sup>37</sup> *North Carolina College Law School, Apocrisarius 5* (1950).

<sup>38</sup> James J. Sansom Jr. and John H. Wheeler (Mechanics and Farmers Bank); C.C. Spaulding Jr. and Wilford A. Kenny (North Carolina Mutual Life Insurance Company).

<sup>39</sup> *North Carolina College Law School, supra* at 5.

<sup>40</sup> D. Terry & F. McKissick, *supra* at 20.

<sup>41</sup> *Id.*

officials to provide better support for the school. On February 27, 1950, the law school received ABA accreditation.<sup>42</sup>

In 1968, the North Carolina Board of High Education, at the Governor's request, recommended phasing out the law school. In responding to this recommendation, officials at the law school surveyed graduates and compiled what became known as the Sampson Report, named for then dean, Daniel G. Sampson. This report revealed the accomplishments of many of the school's graduates in North Carolina and other jurisdictions around the country. Many believe that the Sampson Report saved NCCU Law School from efforts to close its doors.<sup>43</sup>

Despite chronic concerns with funding for the law school and its students, a fire that destroyed the school facilities and periodic opposition to its existence, the North Carolina Central School of Law stands today as the pre-eminent educator of black lawyers in North Carolina. In addition to its traditional task of training lawyers to meet the needs of the underrepresented in this state, the law school has trained many black lawyers who have served in a variety of capacities. Its graduates include Maynard Jackson, former mayor of Atlanta; Samuel Chess, the first black special superior court judge in North Carolina; Clifton Johnson, the first black chief district court judge and the first black resident superior court judge in the state; Leroy Johnson, the first black state legislator in the South in the 20<sup>th</sup> century; John Wheeler and Joseph Sansom Jr., both of whom served as president of Mechanics and Farmers Bank, the largest black-controlled bank in the South; H.M. Michaux, Jr., the first black in the 20<sup>th</sup> century to serve as a U.S. attorney in the South; and Paul Jones, former assistant clerk, U.S. Supreme Court, and the first black member of the clerk's staff.

## **Black Students and the University of North Carolina Law School**

The accreditation of the then North Carolina College School of Law was a significant accomplishment in the provision of legal education for blacks in North Carolina. However, equal access to state-supported law schools was still denied.

In 1950, Harold Epps, a law review student at the North Carolina College School of Law, filed a lawsuit, joined by seven other students as the school,<sup>44</sup> seeking admission to the University of North Carolina School of Law. Plaintiffs were initially denied admission when a federal district court held that "the best interests of the plaintiffs will be served by denying the relief sought."<sup>45</sup> This decision was reversed by the Fourth Circuit Court of Appeals in *McKissick v. Carmichael*.<sup>46</sup> As a result, six black law students enrolled in the University of North Carolina School of Law during the summer of 1950, thus making one of the first occasions in the history of North Carolina that black and white students attended a state-supported school together.<sup>47</sup>

In 1952, Harvey Beech, who had transferred from the North Carolina College School of Law after his first year, became the first black graduate of the University of North Carolina School of Law. In 1956, Henry E. Frye, a graduate of North Carolina A&T State University, became the first black student to enter the first-year class at the UNC Law School. Frye served on the *North Carolina Law Review* staff and in 1959 graduated with honors. Just two years later,

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<sup>42</sup> *Id.*

<sup>43</sup> Interview with Clarence C. Malone Jr. (April 4, 1987).

<sup>44</sup> William Marsh, James Lassister, Pery Gilliard, Floyd B. McKissick, Richard Powell, Ruben Dailey and Blanchard Cook.

<sup>45</sup> *Epps v. Carmichael*, 93 F. Supp. 327, 331.

<sup>46</sup> 187 F.2d 949 (1951), *cert. denied*, 341 U.S. 951 (1951).

<sup>47</sup> Interview with Harvey Beech, (July 15, 1987).

Julius L. Chambers a graduate of North Carolina Central University, became the first black student to serve as Editor-in-Chief of the *North Carolina Law Review*.

In 1985, some 35 years after blacks first enrolled in the University of North Carolina Law School, Teresa Roseborough achieved another milestone at the school by becoming the first black woman to serve as Editor-in-Chief of the school's law review. In the fall of 1987, Roseborough began serving as a law clerk for U.S. Supreme Court Justice John P. Stevens.

## **The Civil Rights Era**

Black lawyers in North Carolina have made significant contributions to the advancements of civil rights. During the protest years of the 1960s, many of the state's black lawyers devoted their time and talents to defending the rights of citizens involved in protest against legal segregation. Often these attorneys did so in the face of threats of bodily harm and for little or no financial compensation. During this period, some of the state's black lawyers also became leaders in organizing protests. Floyd McKissick, for example, served as Executive Director of the Congress for Racial Equality (CORE), a non-violent protest organization.

North Carolina's most noted civil rights lawyer is Julius L. Chambers. Chambers, who is today one of the most widely respected lawyers in the history of the state, has throughout his career been a champion of civil rights. After receiving a Masters of Law degree from Columbia, Chambers worked as the first legal intern with the NAACP Legal Defense and Education Fund, Inc., where he was involved primarily with civil rights cases in the South. He returned to North Carolina in 1964, and shortly thereafter became a founder and principal partner of an integrated law firm that specialized principally in civil rights litigation.<sup>48</sup> His accomplishments with this firm include landmark U.S. Supreme Court victories in school desegregation<sup>49</sup> and employment cases.<sup>50</sup> In 1984, Chambers was appointed to his present position as the director-counsel of the NAACP Legal Defense and Education Fund, Inc. in New York.

## **Gains In The Post Civil Rights Era**

The civil rights movement of the early 1960s broadened opportunities for the black citizens of North Carolina. Henry E. Frye led the reemergence of blacks in state politics. In 1968, Frye, upon election to the State House, became the first black elected to the General Assembly since 1899. After serving 12 years in the House, he was elected to the Senate. Before serving in the General Assembly, Frye was an assistant U.S. attorney and the first black lawyer in this century to hold that position in North Carolina. He also served as a professor of law at North Carolina Central School of Law.

In the years that have followed the peak of the civil rights movement, black lawyers have made some significant professional advancements. Many have served in the N.C. General Assembly and have begun to participate in other areas of the political process. In 1982, H. M. Michaux Jr., a state legislator and former U.S. attorney for the Middle District of North Carolina, launched a vigorous bid for the Second District Congressional seat. After leading the field in the

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<sup>48</sup> *The Civil Rights Pioneers: 1950-1975* at 5-6.

<sup>49</sup> *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971).

<sup>50</sup> *Moody v. Albemarle Paper Company*, 420 U.S. 98, 95 S.Ct. 1419, L.Ed.2d 668 (1975); and *Griggs v. Duke Power Company*, 401 U.S. 424, 91 S.Ct. 489, 3 EPD 8137, 28 L.Ed.2d 158 (1971).

initial Democratic primary, Michaux lost in the second or “runoff” primary. Two years later, Kenneth Spaulding also made an unsuccessful bid for the Second District Congressional seat.

Black lawyers have also gained entrance to appointive positions of public service. For example, Kenneth Lee, the second black to graduate from the UNC Law School, now sits on the State Banking Commission, and William Marsh of Durham, a plaintiff in the suit to integrate the UNC Law School, now serves as a member of the N.C. Board of Elections. There are currently four black attorneys who serve on the N.C. State Bar Council: Karl Adkins and Ronald Gibson (Twenty-sixth District); William Marsh (Fourteenth District); and Kaye Webb (Tenth District).

In 1986, black lawyers made several significant accomplishments within the legal profession: Eric Michaux, the brother and law partner of H. M. Michaux, was appointed chairman of the N.C. Board of Law Examiners; Anthony Brett became the first black partner in a major North Carolina-based corporate law firm.<sup>51</sup> Three black lawyers were elected to the office of district attorney: Carl Fox, District 15B; Thurmond Hampton, District 17A; and Calvin Hamrick, District 27A; and a black female attorney, Barbara Gore Washington, was elected Clerk of Court in Guilford County.

Perhaps the most significant strides made by black lawyers in North Carolina, however, have come within the ranks of the judiciary. The first black judge in North Carolina, Samuel S. Mitchell, served in Raleigh's Recorder's Court beginning in the first part of 1967. Elreta Alexander-Ralston was the first black judge elected in North Carolina. This marked yet another first for the trailblazer. She had already distinguished herself as the first black woman to graduate from Columbia Law School, and in 1947 became the first black woman to pass the North Carolina Bar. In 1968, her election as a district court judge in Guilford County further distinguished her as one of the first black judges elected in the country. In 1972, Judge Alexander Ralston ran in the Republican primary for the Chief Justice of the state Supreme Court nomination, but lost the race to a fire extinguisher salesman who had neither judicial experience nor a law degree.

The first black to be appointed a special superior court judge was Samuel Chess, who joined the bench in 1971. Clifton Johnson was the first black to serve as a resident superior court judge. Johnson, a former district court and now state Court of Appeals judge, was appointed to the superior court bench in 1978. That year he ran unchallenged in the general election. Not until 1986 did a black lawyer, Terry Sherrill, win a contested election for a resident superior court judgeship. Further, Johnson and Sherrill are the only blacks to hold such seats in the history of North Carolina. In 1977, Richard Erwin, a former state legislator, made history by becoming the first black to serve on the N.C. Court of Appeals. Erwin broke ground again in 1980 when he was appointed U.S. District Court Judge for the Middle District of North Carolina. In 1983, Henry E. Frye was appointed an associate justice of the N.C. Supreme Court. In 1984, he was elected to an 8-year term that he presently serves. Erwin and Frye are the first and only blacks to hold the respective positions of federal district court judge and state Supreme Court justice in North Carolina.

Presently, there are 21 black judges sitting in North Carolina: 14 black state district court judges, one resident superior judge, two special superior court judges, two state Court of Appeals judges, one state Supreme Court justice and one federal district court judge.<sup>52</sup>

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<sup>51</sup> Womble, Carlyle, Sandridge and Rice (Winston-Salem office).

<sup>52</sup> I. Joyner, *The Black Lawyer In North Carolina. The Joyner Report*. 6 (June 1987) [unpublished manuscript].

## **The North Carolina Association Of Black Lawyers**

In 1935, black lawyers responded to the need for a professional organization by forming the Old North State Bar Association.<sup>53</sup> This organization met on an annual basis for several years. But by 1954, there had again arisen a need for black lawyers to organize. That year, they met in Durham and formed the North Carolina Lawyers Association. Herman Taylor was elected the first president. A few years later, members of the organization realized the need for a regional organization. In 1957, black lawyers from North Carolina, Virginia and South Carolina met in Winston-Salem and formed the Southeastern Lawyers Association. Floyd McKissick was elected the first president. This organization met on a regular basis in each of the three states until the early 1960s.

The localized civil rights activities of this era led to the sectioning of the Southeastern Lawyers Association by state. Eventually, organization of the black bar was interrupted altogether as the time and energy of black lawyers in the Southern states became increasingly consumed by the civil rights movement. However, in 1971, the North Carolina section of the Southeastern Lawyers Association formed the present North Carolina Association of Black Lawyers.<sup>54</sup> Frank Ballance Jr. was elected president. The goals of the N.C. Association of Black Lawyers today include the promotion of justice and equality for blacks and poor people and the enhancement of competence and professionalism among the black bar. Nearly two-thirds of the estimated 428 black lawyers in North Carolina currently belong to this Association.

## **Conclusion**

The status and professional life of black lawyers in North Carolina has varied considerably. To be sure, the segregated courtrooms in which witnesses swore upon Bibles labeled "white" and "colored" or the persistent threats of physical violence endured by Charles Williamson and other black lawyers of his day no longer exist in North Carolina. Similarly, the legal barriers to equal educational opportunities have long since been removed. Nevertheless, in some respects the black lawyer today has merely begun to make progress in the effort to regain the status enjoyed by his predecessors just prior to the turn of the century. For during that rather brief period, black lawyers served on a regular basis as state legislators, as district attorneys and as U.S. Congressmen. One only hopes that the footholds in the profession gained by black lawyers during the past 20 years or so evidence a commitment by our society and profession to equal opportunity and just reward for all of North Carolina's lawyers, irrespective of race.

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<sup>53</sup> Interview with Fred Carnage (March 11, 1987).

<sup>54</sup> Marsh Jr., *History of the Organization In A Nutshell* (unpublished manuscript).

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