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A PORTRAIT OF J. SPENCER BELL

Judge, United States Court of Appeals for the Fourth Circuit

By ALBERT COATES*

J. Spencer Bell was born in Charlotte, North Carolina in 1906; graduated from Charlotte City Schools in 1926, from Duke University in 1927, from the University of North Carolina Law School in 1930; practiced law in Charlotte for thirty years; went on the bench as Judge of the United States Circuit Court of Appeals in 1961 by appointment from the President of the United States.

In the years from 1930 to 1961 he worked his way to the top echelon of the Charlotte Bar—one of the strongest in the state.

He went beyond the private practice of the law into the extra curricular work of the legal profession, pulled in the traces in committee work and the day by day processes of the Bar, and on his record was chosen President of the Charlotte-Mecklenburg County Bar Association.

He went beyond his local bar association into the work of the Charlotte-Mecklenburg community. In the early 1950's he was elected to the Mecklenburg County Planning Board—with no funds and no staff; saw the City Planning Board had one secretary and no staff; pushed through local legislation combining the boards into one over-all board which could look at the inter-locking problems of city and county clearly and see them whole; continued plugging through the years until his efforts were rewarded with a budget and a full-time professional staff; and with its help prepared the first sound, scientific, and comprehensive zoning plan and ordinance for his community and fought it through both city and county governing boards.

He went beyond community work with the Zoning and Planning Boards to become President of the Social Planning Council of the Charlotte-Mecklenburg United Service Organizations, and in this capacity headed the study of hospitals which led to building a new five million dollar wing to Memorial Hospital; headed the study of Park and Recreation which produced the Allen Report and led to an expanded program of recreation activities serving all sections

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and races; extended the functions of the Social Planning Council to pass on all new social agencies seeking United Funds, to check on the performances of existing agencies, and to cut out duplicating services and overlapping functions.

These community services brought him the award of Man of the Year for Charlotte-Mecklenburg in 1955, with the leading editorial in the Charlotte News saying:

In a drawing room, surrounded by friends, the face of J. Spencer Bell is almost cherubic.

Stand him before a city council or at the head table of an important committee and there's the lofty, determined, square-jawed face of a Hollywood Prussian general or a man of mid-western pioneer stock.

These are the strangely diverse facets of his personality which seem to merge well in crisis.

And he is a man who stands well in crisis, who thinks calmly and clearly under pressure, who gives every ounce of his energy and ability unselfishly to a cause. He is a fighter, not a wrestler, and a winner.

The Man of the Year, 1955, is a leader in his field, the bar, in city planning, social planning and other civic enterprises.

In a community of outstanding, forward-thinking, action-minded citizens and leaders, J. Spencer Bell stands out. In 1955 his untiring efforts established him as front horse in a spectacular field.

The selection committee, made up of past Men of the Year, tapped Mr. Bell because he was the champion of just and good causes. Into his lap was dumped serious problems, controversial problems, touchy problems and he and his loyal and good helpers came up with what appears to be the right answers.

But it should be pointed out that he is not a bogus "do-gooder" or a bandwagon climber or a flag-waving general. His has been a stern, relentless, carefully planned look at all sides of issues with the end result being solid foundations and sound answers.

It took a determined, sincere man to follow the fight, yet lead the battle, for the city's far-reaching perimeter zoning ordinance. It was a long and tiring ordeal to see it through the back trails of politics, to hear the cheers and boos, to face an oft-reluctant council, and to finally proclaim, "Cooperate or else."

And it is a monument to him that the visionary City Council did cooperate and enact a measure which may mean more to the future of Charlotte and Mecklenburg than any other in modern history.

His most recent fight, when he was a chairman of the City-County Planning Commission, came after a successful climax to another major contribution in 1955.

As president of the Social Planning Council, Spencer Bell fathered the recommendation for a Negro wing to Charlotte Memorial Hospital. The report was made by one of his committees and he shares this glory with a score of our people.

It is significant that this recommendation came when many were wallowing in the sea of misunderstanding and confusion over the race issue.

He went beyond the Charlotte-Mecklenburg Community into state-wide service as Chairman of the North Carolina Bar Association Committee of Continuing Legal Education for members of the North Carolina Bar; as President of the North Carolina Bar Association; as Chairman of the North Carolina Bar Association Committee on Improving and Expediting the Administration of Justice in North Carolina; as representative from Charlotte-Mecklenburg in the Senate of the North Carolina General Assembly.

His activities in the public service of the city, the county, and the state widened into national relationships: As he went into military service as a private in 1942 and rose through the ranks of Lieutenant and Captain to Major in Field Artillery; as the work of his Court Improvement Committee won the American Bar Association award for the most significant work in any state for the year; as this over-all record as lawyer and citizen won him appointment to the Federal Judiciary on the United States Circuit Court of Appeals for the Fourth Circuit; as his work in this court stood out in the eyes of his professional associates to the point that the Chief Justice of the Supreme Court of the United States picked him to head a Committee of Federal Judges to draw up guidelines for courts, judges, and lawyers to use in protecting a citizen's rights to a fair trial and a free press.

He took on all of these responsibilities as active starting points for public service rather than honorary stopping points of accepted recognitions. To illustrate:

He led the lawyers and the law schools of the state into cooperative effort which turned the program of continuing legal education into a permanent educational institution of growing usefulness to members of the Bar and the people they serve.

He turned the North Carolina Bar Association from a social

organization with annual meetings and sideline activities into a positive working force, with a continuing budget and a full-time staff working year in and year out to lift the performing standards of the Bar. This extract from his speech to the North Carolina Bar Association illustrates the incisive analysis and driving force he brings to everything he undertakes:

Let us look frankly at the organization we have. . . . We meet once a year—about one-tenth of the practicing lawyers of the State—we pass high sounding resolutions—we appoint committees—we mouth platitudes about justice and citizenship and the Constitution and our great profession—then we go our several ways and forget these problems, doing absolutely nothing to implement our resolutions and pledges, leaving it up to our officers and committees to perform miracles. . . .

It will not be enough for us simply to agree that these are the problems and these the solutions for which they call. We must go one step further. . . . We must make up our minds that we are going to take definite concrete action here and now to put into effect a plan of action which will solve these problems. . . .

Throughout the remainder of this meeting you will have outlined to you a definite concrete program to correct this situation. But the implementation of that program requires a strong statewide organization. If you do not want to carry out such a program, then let us dissolve and cease to sail under false colors, to pretend to do what we are not doing and thereby lull the profession into a false sense of security and deceive the public by letting it think we are making a real effort to overcome our faults. I say, in all earnestness, if we are not going to do the job with this organization, let us quit deceiving ourselves, then we can turn our efforts to the Incorporated Bar, broaden the statute to include these functions, and levy a license fee collectible by law, which will properly finance them.

He guided the work of the North Carolina Court Improvement Committee into the most thoroughgoing study of the administration of justice in the Courts of North Carolina ever undertaken in three hundred years of the State's history, laid the foundation for amendments to the North Carolina Constitution authorizing and directing the reorganization of the State's judicial system, and won the John J. Parker Award for Conspicuous Service to Jurisprudence—the highest honor within the gift of the North Carolina Bar.

He worked for three terms in the State Senate tirelessly and effectively enough to be voted by the newspaper men covering the

General Assembly as the most useful and helpful member of that body—where his work for redistricting seats in the North Carolina General Assembly pointed the way to the coming necessity of redistricting seats in the National Congress, work that is going forward in the hands of his successors today within the letter and the spirit of guidelines he helped to draw as a member of the Fourth Circuit Court of Appeals.

There is an enlarging quality in the make-up of this man—running as a common denominator through the widening ripple of activities in private practice and in public service at local, state, and national levels. This enlarging quality is illustrated by his visit to my home in Chapel Hill on a Sunday afternoon during the closing days of the General Assembly of 1959. For years he had been giving up considerable income from his law practice to throw his life at the foot of the cause of improving the administration of justice in the courts of North Carolina. I had seen him paying his own travel expenses throughout the state and nation on this mission and adding money from his pocket for research staff when public funds were not at hand. The court improvement bill on which he had staked his hopes had been crippled by amendment to the point where he had to decide whether to kill it with his own hands in the hope of a better bill in a later session from another's hands, or to let it go forward for limited gains as a record of his personal efforts in his own name.

He had not come to ask for advice; for he knew all along what he was going to do. He had come to talk out his thoughts and feelings in the presence of friends who knew and loved him. I saw the sharp calculations which personal ambition makes fade out of the picture as he refused to sell the day to serve the hour. On the next day I went to the General Assembly to see him stand up in the Senate and move to table his own bill in the faith that his dreams of court reform would come true to other men in later sessions in the name of the state which is the mother of us all. There was enough of the mortal in him to count the costs and enough of immortality to throw the costs aside. Enough of calculation and of courage to "make one heap of all his winnings, and risk it all upon one turn of pitch and toss, and lose, and start again at the beginning, and never breathe a word about his loss."

His faith has been rewarded as later legislators and members of

the present Court Commission with their own painstaking efforts have been bringing his dreams to a fulfillment denied to him. Not stepping on his toes but standing on his shoulders as they build a superstructure worthy of the underpinning.

He had the manner, form, and bearing illustrated by Auguste Rodin's sculpture—not of "a man walking," as the English label calls it, but of a man "en marche," on the go and on his way, with a swing and rhythm in his stride—interrupted on his way to work on the morning of the seventeenth of March, 1967 with ominous warnings of a coming heart attack.

I do not know what went on in his mind while he lay in the hospital on that fateful weekend till Sunday noon. But I know what went on in my mind when I heard he had plowed to the end of his furrow: That Spencer Bell kept up the stride which carried him across the border into that rare company of men described in Stephen Spender's poem:

Who never allowed gradually the traffic to smother
With noise and fog the flowering of the spirit.
One of those who wore at his heart the fire's center.
One of those who were born of the sun,
Traveled a short while toward the sun, and
Left the vivid air signed with his honor.