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BILL AYCOCK IN LAW SCHOOL

JUDGE J. DICKSON PHILLIPS, JR.†

Others in these pages and at occasions marking his retirement will talk about aspects of William Brantley Aycock's great career of public service. My contribution is the informal, fond personal reminiscence of a devoted friend and admirer whose life for forty years has been blessed by the warmth of his friendship and the inspiration of his noble spirit and character. For many reasons, it is confined to the brief but happy period of our days together as law students at Chapel Hill.

I first met Bill Aycock, probably somewhere in or around Manning Hall, then the law school building at Chapel Hill, in September of 1945. World War II had just ended with the Japanese surrender in August. By different fortuities, he and I were in the small vanguard of what would soon be a flood of military veterans returning to start or resume law school study at Chapel Hill.

The immediate pre-war college student generation out of which that group was drawn—reflecting the slice of North Carolina society it mainly represented—was remarkably interconnected by friendship and kinship. (“Yeah, I know him; from Tarboro; his brother married my second cousin,” etc.) Many of us coming together in Chapel Hill had known each other, or of each other, before the war. New connections came easily. (“Want you to meet Bill Dees from Goldsboro; he says your daddies were in Chapel Hill together before World War I,” etc., etc.)

Aycock and I had missed connections during our undergraduate years before the war, he at State a few years ahead of my time at Davidson. Exactly how we met in Chapel Hill, I don't recall; likely as not by a smiling, “Hi, I'm Bill Aycock from Selma, glad to know you.” However it came about, it hit, and it stuck.

The law students, mainly returning military veterans, who assembled and reassembled in Chapel Hill that fall and over the next months were, overall, a remarkably able group. Their achievements over the years since testify to the breadth and depth of the assemblage of raw talent. For example, it included a future Governor and Lieutenant-Governor of the state, a President for almost thirty years of the state university system, and a Chancellor of the University at Chapel Hill. Looking back now, one might be tempted, as I've heard some parties in interest speculate, to attribute this to Providence. As ultimate explanation, that possibility cannot in reverence or simple prudence be discounted. But at least the more immediate explanation is a much simpler and considerably less pompous one. The GI Bill had now made it possible for a sizeable segment of an

† Judge, United States Court of Appeals for the Fourth Circuit. Judge Phillips, a law school classmate of Professor Aycock, was Dean of the University of North Carolina School of Law from 1964-1974.

entire war-diverted undergraduate college generation to pursue graduate and professional studies. A considerable number of those chose law school, and Chapel Hill got its fair share (and more, some might immodestly claim) of the talent pool.

I run through that little bit of social history, which undoubtedly seems to have very little to do with Bill Aycock, simply as preface to a fact that has a great deal to do with him. It is that, very quickly and quietly, he emerged from the pack of considerable talent in our class as the clear academic frontrunner. Emerge is not quite the word; he effectively went off and left the pack. He simply operated at a different level from the rest of us, and he continued to do so for the full three years of our passage.

That he did this is an interesting enough fact; but it probably is not a fact worth writing about forty years later if that were all there was to it. The important thing about it, because of what it says about him, is that the respect that his quickly established academic preeminence earned him was matched by the affection that his personal qualities as quickly earned. Unassuming, unfailingly civil and sensitive, good-humored, ungrudgingly helpful, even-tempered—he was from the outset and by common consent our peerless leader.

There was about him that indefinable extra gift of personal charm and attractiveness, of sturdy but unpretentious character, that all too rarely accompanies great ability. Even then you could sense that whatever power might come his way, he was—at odds with the maxim—congenitally incorruptible. This gained for him the mingled admiration and devotion of his student friends and associates. And the circle of those who considered him friend in that setting is incalculable, for though I never saw him court any friendship either then or later, neither have I ever known him to rebuff a friendship sincerely offered, from whatever station, high or low.

In a word, some Straight Arrows are insufferable; this one was a lovable one.

There were many reasons for his immediate preeminence at the business of law study itself: maturity, high intelligence, discipline—to mention the most obvious. A part of his discipline—to me the most remarkable—was his ability to concentrate wholly on the task at hand. This applied not only to the immediate tasks of the day or hour, but to the larger experiences of life. I think he never wasted time or emotional energy looking back at what might have been, nor even in too much idle reminiscing about earlier experiences—of which he'd had an unusually interesting variety by then. An example was his attitude, at least as I saw it, toward his quite recent wartime experience.

We knew, though not by any volunteered information from him, that he'd had a distinguished military record, full of honors. Before going overseas into combat, he'd had the sensitive and fascinating assignment of training some of the great Japanese-American troops who for precautionary reasons of supposed security were trained and later fought in segregated units. These great soldiers, the Nisei, of course turned out to be some of our finest combat troops, performing magnificently in the bitter Italian campaign.

But for Aycock, all that was behind now; life had moved on to something else; law and law study were the matters at hand. More than most of us, he seemed simply to have moved on away from that recent, all-consuming experience of our then young lives. If you wanted to hear anything about his war, you had to ask. And then you'd get precious little—though his record was guarantee of much that could have been recounted with justifiable pride. Totally absorbed in what he was now about, he seemed resolutely to have consigned that overpowering experience to oblivion.

Pondering this about him, I've suspected that warfare was for him so dreadful an enterprise—so much at odds with his nature—that it was not something to be kept unduly alive in memory. Aside from its brutalizing and dehumanizing aspects, so inimical to his essential gentleness of spirit, I'm sure that the sheer chaos of actual combat must have been an affront to all his powerful instincts for order and planned control over events. While I never recall his failing to listen with respectful attention and interest to others' war stories, I never recall his foisting any of his own upon others.

This resolute attention to the task and obligations immediately at hand ran to matters small as well as large. Some years later, when asked by a neighbor if it didn't bother him to have the neighborhood children, including his own, trampling on his hard-won lawn, Aycock's response was, "I'm raising children now; I'll raise grass later."

The law professors of course were equally impressed by and appreciative of Aycock's dedication and learning, as well as of his consummate good manners in the classroom. In class, Aycock, true to his nature, was not one to show off. Neither was he one to show up anyone—including the professors—though we all knew that frequently he could have if he'd wanted to. Not only was he not in the showing-off or showing-up business, he quickly became a sort of de facto adjunct professor. For a while I thought that when any of our professors turned with an expectant look to let Mr. Aycock supply the answer, they were simply pursuing some variation of the Socratic method—asking a question to which they of course already knew the answer in order to help the unlearned at least learn to think.

Alas, one day the scales were caused to fall from my eyes, courtesy of Aycock's unannounced, unsought role as back-up man for beleaguered professors. One of our great professors, an absolute master of his subject, was nevertheless likely to become a little flustered in class if pushed too hard and from too many quarters at once. On this occasion, some earnest students had pushed him into a pretty hard corner. But there, blessedly, sat Mr. Aycock, as ever minding his own business. As the professor turned in obvious relief to get Mr. Aycock to set things straight, it all suddenly came clear to me: Aycock wasn't being enlisted to impart knowledge that he shared with the professor; he was the *only* person in the room who had it figured out.

There are of course many other vignettes from those years that could give different glimpses of Aycock as he then appeared to us. There's the one illustrating that, then as now, when the school bell rings, Aycock will be there.

One winter day we woke to find that we'd had one of our rare hip-deep snowfalls overnight. I looked out the window of my house on the Pittsboro Road on the south edge of town and went back to bed. In a little my wife looked out and came back to tell me that she'd just seen Aycock walking up the middle of the road from his house three miles out, up to his hips in snow, headed for school.

Here was a man who the winter before, under the compulsion of war's circumstances, had been trying to stay alive and avoid frozen feet in the Ardennes, and who now under no compulsion but that of felt duty, was plowing through Ardennes-depth snow to go up and talk about "last clear chance," or the Rule in Wild's Case or something equally inconsequential over the long haul.

As usual, his influence was felt. Under the compulsion of shame, I struggled out and up the hill, following the path he'd plowed. I'd like to report that on that fateful day some great revelation of the very essence of the law was given us as a reward for our devotion to her calling. Alas, as I recall it, nothing happened out of the ordinary. Only a handful of students and a mere remnant of the faculty showed up.

Inevitably, when law school days were over, Aycock stayed on. From being a *de facto* adjunct professor he stepped quite naturally into being a formal one, now with a title to prove it, and a modest professor's paycheck once a month to confirm it. It must have been a relief in a way to the professors to get him finally on the side of the podium he'd belonged on all the while.

There's always the danger that an admiring biographer—or even an informal reminiscer—will depict a character too good to be true. As George Washington's great biographer, James Thomas Flexner, has pointed out, Parson Weems and others following him did such a sugar-coating job on Washington that for years we've been deprived of an appreciation of the true grandeur of our First Hero.

I have not intended to sugar-coat my hero. He won't sugar-coat. If my selective reminiscence has suggested a student so consumed by the academic enterprise that he had no room or time for play, or even worse, a person incapable of play, the portrayal has been false. No one who has enjoyed the idle pleasures of a Saturday-night-time-off at the Aycocks' home during those years could have any such notion of him. Nor could anyone who has had him demonstrate what was going wrong on the exchange between the T-formation center and quarterback, or seen his eyes glisten as he described a move by Billy Cunningham.

But I have deliberately emphasized the qualities that allow me to use the heavy words "hero" and "noble" freely and advisedly in my references to him. For I have no doubt that in the Grand Reckoning as well as in the appraisal of all of us who down through the years have known him best—fellow law students, colleagues in the University, most of all his family and his law students—he deserves that grand appraisal.