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# HARRY EDWARD GROVES, LATE EMERITUS HENRY BRANDIS PROFESSOR OF LAW: IN MEMORIAM\*

JOHN CHARLES BOGER\*\*

During the years 1981–86 the University of North Carolina School of Law was privileged to claim among its faculty Harry Edward Groves, who had been recruited by then-dean Kenneth Broun as the School's second African American professor of law. Groves had earlier been the Dean of North Carolina Central University School of Law, and on his arrival in Chapel Hill was named Henry Brandis Professor of Law, one of Carolina Law's most distinguished professorships. A soft-spoken, urbane, and personally charming member of the faculty, Dean Groves taught civil procedure and constitutional law for five years before beginning what proved to be a 'retirement' in name only. His modesty was such that many of his students and even some UNC Law faculty colleagues were unaware of his extraordinary professional career, which included academic leadership positions in both the United States and in Asia. A principal author of the Malaysian Constitution, dean, and president of various academic institutions, Groves came from an exceptionally accomplished family whose talents had blossomed in many directions. His death on August 24, 2013, at age 91 brought an outpouring of tributes to his remarkable life, especially at Carolina Meadows, the Chapel Hill-area retirement community that had benefited so deeply from his touch in his later years.

Harry Groves was the grandson of a talented forebear, later known as John Groves, who had been born into slavery in Virginia. According to family records and memory, John was the child of a white plantation owner and a female slave of mixed African and Native American heritage. Kept separate from other slaves in a wooded grove on the plantation during his youth, John was a bright youth, taught to read by his father at a time when Virginia law forbade extending any education to slaves. Tapped at age sixteen to take charge of some of the plantation's ongoing work, he came to be

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known by the other slaves as “John of the groves.” When the Civil War came, John fled the plantation and headed west to Missouri to assist the Union army effort. In 1864, when the Union formally began to accept blacks as troops, John enlisted and elected to take as his own the name John Groves.<sup>1</sup>

After the War, informed that he had tuberculosis and that western air would be better for his health, John moved to Manitou Springs on the Front Range of the Rocky Mountains, just west of Colorado Springs, where he and his sons began a lumber and construction business in the rapidly expanding mining town. One son was Harry Augustus Groves, our dear colleague’s father, who helped the business to prosper. When the community in 1885 wanted to build a carriage road up the steep and precarious slopes of 14,115-foot Pike’s Peak, no white contractor was willing to tackle the job. Young Harry Augustus Groves accepted the challenge and recruited a mixed-race crew of white, African American, Latino, and Native American workers who completed the formidable feat. The family continued in the family business and eventually played a part in the construction of the United States Air Force Academy in Colorado Springs, completed in 1954.<sup>2</sup>

The Groves family’s talent, independence, and initiative were manifest in many ways. Harry’s brother Harvey eschewed business and commerce to become a cowboy, soon making himself the finest trick rider in Colorado. Indeed, during the 1904 Colorado State Fair, his uncanny ability to snatch a handkerchief from the ground while riding a horse at full gallop won him a splendid prize: two golden spurs, awarded personally by President Theodore Roosevelt, himself a great horseman, who had been an admiring spectator of Groves’s feat.

Harry Edward Groves, born September 4, 1921, thus began life among a family that was bright, confident, and accomplished. He himself proved a stand-out as a student, graduating as valedictorian of Manitou Springs High School in 1939 and earning a full scholarship to the University of Colorado at Boulder. One of few African American students there, Groves was undaunted; he earned a Phi Beta Kappa key and a B.A. degree cum laude, graduating in 1943, midway through World War II. Harry then followed his grandfather by enlisting in the United States Army, where he served as a Second

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1. Telephone Interview with Jason Groves, grandson of Harry Groves (Mar. 27, 2014).

2. *Id.*

Lieutenant in artillery in the European theater. After World War II ended, he enrolled at the University of Chicago, initially intending to earn a master's degree in education. Finding himself unchallenged, however, he switched to Chicago's renowned law school, where he graduated in 1949 and received a Ford Foundation Fellowship to study at Harvard. In Cambridge, he developed a deep interest in comparative constitutional law, especially the constitutional law of Asian and emerging nations, which was to bear fruit throughout his lifetime.

Harry conjoined his first stay in North Carolina with his first experience as a legal educator when he moved to Durham in 1949 to become an associate professor at what was then North Carolina College School of Law, now known as North Carolina Central University School of Law. Two years later, as the Korean conflict ignited, he found himself recalled to military service. He soon arranged to become a captain in the Judge Advocate General's Corp for the 82nd Airborne, stationed in Fayetteville, NC. Remarkably, in the sharply segregated era before the Supreme Court's 1954 decision in *Brown v. Board of Education*, the young captain was elected to the Fayetteville City Council in 1951, serving for a term before entering private law practice in Fayetteville in 1952.

After four years of private practice, Harry returned to academic life in 1956 when he was called to become Dean of Texas Southern University School of Law during the challenging time when that historically African American institution was admitting its first white students. After four years in Houston, Groves's already bright career took another remarkable turn when he was recruited to Singapore's University of Malaya in Singapore, where he rose from visiting professor in 1960 to 'head' of the Department of Law and eventually to Dean of the Faculty of Law, in an era in which that school was graduating its first law class ever. During this period, Harry not only assumed the administrative responsibilities of a law dean; he actively worked with the non-profit Asia Foundation, a society founded in 1954 by a group of American business and academic leaders that included the presidents and chancellors of Brown, Columbia, Stanford, and UCLA, to strengthen democracy and the rule of law throughout Asia. Dean Groves would serve for decades as a regular consultant for the Asia Society; his most active role came as he worked for over 20 years with Malaysian governmental officials to reframe their constitution.

In 1965, Harry returned to the United States for what would become a twenty-year rotating stint of academic, administrative, and

private law firm work. He began as President of Central State University in Wilberforce, Ohio, from 1965–68. Having moved from its original association with Wilberforce University (founded as a private college by the African Methodist Episcopal Church in 1887) to become in 1947 a state-supported college for education and industrial arts, with the coming of President Groves in 1965 Central State became Ohio's first and only historically black public university. Here Harry's administrative mettle was once again tested, when some of the school's black students protested against the integration of the university. Groves recalled that the student body president came to him and demanded that all white students be removed from campus. Groves refused: "You can't do that. I can't permit you to do that."<sup>3</sup> His life was threatened, a riot ensued, and state police were eventually called in. Groves thought it his duty to resign, but students and faculty petitioned for his return. After some additional months, with his wife's health in decline and his principal mission accomplished, Groves laid down his administrative duties in 1968, to return to full-time legal academic status, first as a summer visitor at the University of Utah School of Law, then as a full-time professor of law at the University of Cincinnati.

During the summer of 1970, Groves and UNC School of Law made their first formal acquaintance when he served as a visiting professor. Following several subsequent years spent in private law practice in Dayton, Ohio, Harry found himself called back into academic life at the University of Dayton School of Law in 1974, while he simultaneously acted as a hearing officer for the Ohio Civil Rights Commission.

Meanwhile, North Carolina Central University School of Law in the mid-1970s was experiencing challenges with its accreditation, and its University's leadership undertook a nationwide search for a strong, experienced leader. They found him in Harry Groves, who in 1976 was recruited back to lead the law school where he had first been an associate professor in 1949. His five years spent as Dean of NCCU School of Law were marked by significant achievements. Groves oversaw the school's move into the Turner Building, named after its first African American dean. Always having a keen eye for positive changes, Dean Groves considered carefully both the lay of the law school landscape in North Carolina and the growth of the

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3. Taylor Sisk, *Harry Groves: Championing the Rights of Seniors and Others*, N.C. HEALTH NEWS (Mar. 18, 2013), <http://www.northcarolinahealthnews.org/2013/03/18/harry-groves-championing-the-rights-of-seniors-and-others/>.

Research Triangle, concluding that North Carolina Central could and should pioneer an evening law school program. The plan was to draw mature students heavily from science, engineering, and business professionals working throughout the Triangle, in the belief that their greater work experience and real-world expertise might help lift the school's bar passage rate. Opened in 1981, Dean Groves's evening JD program creation became for a time the only such program between Washington, DC, and Atlanta.

Others who knew him well during those years—including Charles Daye, who succeeded Groves as Dean of North Carolina Central Law in 1981 and would himself follow Groves by returning to Carolina Law as a Henry Brandis Professor—describes Groves as a fair-minded dean who held high standards and would not brook academic compromise. He steadily urged his faculty colleagues to become more deeply engaged in scholarship and stood firmly behind high academic standards for students as well.<sup>4</sup> Yet Dean Groves was not only a fine administrator and an exemplary scholar but a compassionate dean. Ronald S. “Steve” Douglas, presently the Assistant Dean for Scholarships and Financial Aid at North Carolina Central University School of Law, remembers how Dean Groves reached out to mentor him. A Howard University undergraduate who had returned to NCCU to earn a J.D. degree as an older student, Douglas found himself on a very limited budget. One day he shared his economic plight with Groves, and within a week, the Dean came to him with a question: “Do you want to live on my farm? You can feed my cow, ducks, geese, and chickens, and I’ll charge you very little in rent.” As Douglas soon discovered, the rent would be only \$20 (eventually, even less), and the fortunate law student found himself every week with a dozen eggs and a few loaves of bread, thanks to the quietly generous dean who continued to serve as his mentor throughout Douglas’s life.<sup>5</sup>

In 1981, as Groves’s five-year term as North Carolina Central’s law dean drew to a close, Dean Kenneth S. Broun extended an offer to join the Carolina Law faculty as a Henry Brandis Professor of Law. It is these five years that we celebrate as a School. David Parker, a student in Groves’s first “small section” course, remembers a professor who seemed initially formal and polished, but whose wit

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4. Interview with Charles Daye, Henry Brandis Professor of Law, Univ. of N.C. Sch. of Law, in Chapel Hill, N.C. (Mar. 12, 2014).

5. Telephone interview with Ronald S. Douglas, Assistant Dean for Scholarships and Financial Aid, N.C. Cent. Univ. Sch. of Law (Mar. 26, 2014).

and humane qualities emerged over the course of the year.<sup>6</sup> During these years, when not teaching constitutional law to Carolina students, Harry traveled internationally to lecture on comparative constitutional law—in Bangladesh (1983), Russia (1983), Singapore (1982–84), and South Africa (1984)—even as he remained a consultant to the Asia Society.

Harry was long active in service to the legal profession throughout the State and nation, serving as President of North Carolina Prisoners Legal Services Corporation from 1979–81, as a member of the Board of Directors of the Law School Admission Council from 1980–82, as President of the Legal Services Corporation of North Carolina from 1983–85, and as Vice President of the Board of Governors of the North Carolina Bar Association in 1986–87. In 1987, the year of his formal retirement, he was awarded the N.C. Bar Association’s prestigious John J. Parker Award for his outstanding service.

Perhaps Harry’s least successful effort was his attempt in 1987 to retire to Springmoor Retirement Community in Raleigh with his wife Evelyn and their two mothers, both of whom were still alive. When Harry early voiced his concern during a community meeting about the quality of the meals available to residents, the executive director of the facility—clearly misjudging his new retiree—came to Harry’s apartment to admonish him for publicly sharing his dissatisfaction. Harry later stated, “I didn’t like that; I didn’t like that at all. . . . So I decided, well, I better know what kind of rights I have at this place.”<sup>7</sup> The long-time scholar and drafter of national constitutions did closely examine the prevailing North Carolina statutes on continuing care communities, found them wanting, and decided that this then relatively new form of community living needed stronger statutory protection. He began by identifying the best state statutes nationwide and decided to draft even stronger protective laws for North Carolina. His work didn’t end with drafting; Groves formed a non-profit organization, still extant as the North Carolina Continuing Care Residents Association, and personally led a prolonged, daily lobbying campaign in the General Assembly that met with opposition but ultimately succeeded in the closing hours of the 1989 session.<sup>8</sup> Former UNC Chancellor Paul Hardin later praised Groves as “North Carolina’s most prominent legal expert” on continuing care

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6. Telephone interview with David M. Parker, Class of 1984, Univ. of N.C. Sch. of Law (Mar. 29, 2014).

7. Sisk, *supra* note 3.

8. *Id.*

communities, noting that his fellow Chancellor William Aycock, like Hardin also a resident of Carolina Meadows, had remarked that “Harry practically ‘wrote the book’ on this industry.”<sup>9</sup>

Groves’s retirement included far more than a successful effort to place the state’s continuing retirement communities on a just and solid legal foundation. He also served three times as a visiting professor of law, first at Memphis State University School of Law in 1989–90, then at the University of Minnesota in 1992, and finally at Wake Forest University School of Law in 1993. That same year, he was named Chair of the Ethics Committee of the United States Olympic Committee, one of many senior leadership roles in his retirement, including service as a member of the Board of Directors of the American Bar Foundation from 1986–90 and as a member of the American Bar Association’s Council of the Section on Legal Education and Admission to the Bar from 1989–95. In 1997, in recognition of his years of national service, Groves received the American Bar Association’s prestigious Robert L. Kutak Award.<sup>10</sup>

Over his lifetime, Harry Groves continued to write prolifically as well: a legal textbook on comparative constitutional law in 1963, a definitive book on the constitution of Malaysia in 1964, and 30 additional law review articles and other scholarly works. Indeed, the University of North Carolina has received and catalogued some 2,500 items of Harry Groves’s papers, including papers related to his family history, the constitutional development of Malaysia, affirmative action and the future of African American institutions and to his years spent administering the educational institutions he served so well.

His grandson, Jason Groves, who has built a distinguished legal career of his own, recalls that his grandfather was a continuing source of inspiration to him and his broader family. Harry had years ago inherited the golden spurs bestowed on his uncle Harvey Groves by President Roosevelt at the 1904 Colorado State Fair. “They were always displayed prominently in my grandfather’s living room,” said his grandson, who now cherishes one of the two in his own home—plainly a visible symbol of the Groves family’s nearly two-century-long drive toward excellence and achievement.<sup>11</sup> Harry Edward

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9. Paul Hardin, *Harry Groves Speaks on “Race in a Changing Triangle: A Memoir,”* AROUND THE MEADOWS (Nov. 26, 2011), [http://blog.carolinameadows.org/blog\\_posts/38-Harry-Groves-speaks-on-Race-in-a-Changing-Triangle-A-Memoir-](http://blog.carolinameadows.org/blog_posts/38-Harry-Groves-speaks-on-Race-in-a-Changing-Triangle-A-Memoir-)

10. *Harry Edward Groves, in WHO’S WHO AMONG AFRICAN AMERICANS* (Katherine H. NemeH ed., 2005).

11. Telephone interview with Jason Groves, *supra* note 1.

Groves was a man of golden warmth and grace, someone who wore easily the sophistication and erudition he had gained as a citizen of the world. In recent years I was occasionally privileged to enjoy lunches at Carolina Meadows with Harry and his good friend Bill Aycock. Harry's mind remained keen until his death; he invariably manifested great and continuing interest in Carolina Law and its future. He was a wonderful member of our faculty. All who knew him will miss him greatly.