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The Integration of UNC-Chapel Hill -- Law School First

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THE INTEGRATION OF UNC-CHAPEL HILL—LAW SCHOOL FIRST*

DONNA L. NIXON**

In June 1951, five African Americans, Harvey E. Beech, James L. Lassiter, J. Kenneth Lee, Floyd B. McKissick, and James R. Walker enrolled in classes at the University of North Carolina School of Law in Chapel Hill (“Carolina Law”). Their enrollment and attendance at Carolina Law was the result of years of effort to desegregate higher education in the United States. The National Association for the Advancement of Colored People (“NAACP”) litigated case after case, building precedent for United States Supreme Court challenges to racial segregation in education and in all areas of society. McKissick v. Carmichael, the 1951 case that removed the legal barrier to African American admission to Carolina Law, was one of those cases. The goal of this Essay is to fill a space in the scholarship by telling the story of how these men came to be the first, how their case fit into the context of a broader civil rights campaign, and how that experience impacted the young men’s lives and the lives of many others.

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INTRODUCTION

In June 1951, five African Americans—Harvey E. Beech, James L. Lassiter, J. Kenneth Lee, Floyd B. McKissick, and James R. Walker—enrolled in classes at the University of North Carolina School of Law in Chapel Hill (“Carolina Law”).¹ Their enrollment and attendance at Carolina Law was the result of years of effort to desegregate higher education in the United States. The National Association for the Advancement of Colored People (“NAACP”) litigated case after case, building precedent for United States Supreme Court challenges to racial segregation in education and in all areas of society.² *McKissick v. Carmichael*,³ the 1951 case that removed the legal barrier to African American admission to Carolina Law, was one of those cases.⁴ It originated as *Epps v. Carmichael*⁵ and was brought by Harold T. Epps and Robert D. Glass.⁶ The decision details the basic facts of the case and the legal foundations of the holding.⁷ However, statements of legal issues and concepts mask the deeper story of that moment, the human beings involved, and the massive change it augured for the university and the entire state of North Carolina. The goal of this work is to fill a space in

1. *4 Negroes Are Students at UNC Now*, TAR HEEL, June 12, 1951, at 1; *Fifth Negro Enters UNC Law School*, TAR HEEL, June 19, 1951 at 1. McKissick had, by then, graduated from North Carolina College School of Law but attended UNC for one summer course. See Charles E. Daye, (*Sesquicentennial*) *African American and Other Minority Law Students and Alumni*, 73 N.C. L. REV. 675, 681 (1995). At the time, the UNC School of Law was commonly referred to as the “University Law School.” For brevity and consistency, this Essay refers to it by its current commonly used name, “Carolina Law.”

2. MARK V. TUSHNET, MAKING CIVIL RIGHTS LAW 116 (1994).

3. 187 F.2d 949 (4th Cir. 1951).

4. *Id.* at 950.

5. 93 F. Supp. 327 (M.D.N.C. 1950), *rev'd sub nom.* *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951).

6. *Id.* at 328. When Epps graduated from North Carolina College School of Law and withdrew from the case, intervenor Floyd McKissick became the lead plaintiff. *Id.*

7. See *McKissick*, 187 F.2d at 950.

the scholarship by telling the story of how these men came to be the first, how their case fit into the context of a broader civil rights campaign, and how that experience impacted the young men's lives and the lives of many others.

This Essay builds upon the work of scholars like Charles Daye, Augustus M. Burns III, and Wendy Scott, who have chronicled the history of African Americans at Carolina Law,⁸ and the work of numerous scholars who have chronicled other aspects of the struggle for racial equality.⁹ It developed from my involvement in a project by the Kathrine R. Everett Law Library to build a digital collection of material recognizing the young men who integrated Carolina Law and to document the legal battle that brought them to the University of North Carolina at Chapel Hill ("UNC-Chapel Hill"). The digital collection focuses on events surrounding that history-making integration of Carolina Law, which was also the first integration of the UNC-Chapel Hill campus.¹⁰ This Essay outlines events before, during, and after the young men's groundbreaking attendance. The information is gleaned from court documents, news accounts, university and organization archives, oral histories, scholarly writings, and documented interviews.

Part I outlines the background surrounding the young men's enrollment. Part II chronicles the *Epps* and *McKissick* cases. Parts III and IV record the young men's involvement; challenges that they dealt with before, during, and after their time at Carolina Law; and some ways in which they, UNC-Chapel Hill administration officials, and other students handled those challenges. *McKissick* opened a door of opportunity for the five young men and for future students. However, the transition was not easy for the men, Carolina Law, or UNC-Chapel Hill. Despite their admission, the men could not fully enjoy the privileges and benefits of enrollment at the state's flagship university, the first public university in the country.¹¹ At UNC-Chapel Hill, they experienced ostracism, threats, hostility, and further discrimination. They also found occasional allies and

8. See, e.g., Daye, *supra* note 1, at 676–703; Wendy B. Scott, *McKissick v. Carmichael Revisited: Legal Education in North Carolina Through the Lens of Desegregation Jurisprudence*, 34 N.C. CENT. L. REV. 38, 58–61 (2011).

9. W.E.B. Du Bois, John Hope Franklin, Jack Greenberg, Richard Kluger, Genna Rae McNeil, and Mark Tushnet are just a few.

10. *Law School First—The African Americans Who Integrated UNC-Chapel Hill*, KATHERINE R. EVERETT L. LIB., <http://integration.law.unc.edu/> [<https://perma.cc/G8LT-V8P8>]. The collection includes links to interviews, legal documents, correspondence, news accounts, and reports. *Id.* Audio of the oral history interviews, where available, are linked. *Id.*

11. See K McKay, *How UNC Chapel Hill Became the Nation's First Public University*, OUR STATE MAG. (Feb. 10, 2017), <https://www.ourstate.com/how-unc-chapel-hill-became-the-nations-first-public-university/> [<https://perma.cc/RJ8L-2M3K>].

moments of breakthrough. Their story is not one of “happily ever after.” Instead, it is a story of trauma, struggle, and progress.

I. BACKGROUND: SEGREGATION IN THE UNITED STATES—1877 TO 1951

A. *Reconstruction and the Road to Segregation*

Reconstruction is the period of United States history following the Emancipation Proclamation.¹² It had largely wound down by the spring of 1877.¹³ During Reconstruction, the federal government sent troops and government officials into the South to organize reconstruction of a South burned and battered by the Civil War and to coordinate assistance to the newly freed African Americans and other southerners who had suffered in the war.¹⁴ In 1865, the federal government established the Bureau of Refugees, Freedmen, and Abandoned Lands (“Freedmen’s Bureau”) to manage confiscated lands and to help refugees and the formerly enslaved recover from the war and transition to new lives.¹⁵ The Bureau accomplished a great deal. It brought much-needed aid to the newly freed slaves as well as to many southern whites.¹⁶ It provided to both white refugees and freedmen supplies, medical aid, and relocation assistance, including restoration to the former rebels of most of their confiscated lands.¹⁷ One of the Freedmen’s Bureau’s enduring legacies is that it supported numerous schools for African Americans at all levels of education, including Hampton Institute (now Hampton University), Howard University, and Fisk University.¹⁸ However, white southern leaders greatly resented the Bureau, considering it an occupying force.¹⁹ They particularly opposed the Bureau educating African Americans and taking on a judicial role, mediating disputes between laborers and planters, and adjudicating civil and criminal matters involving freedmen.²⁰ President Andrew Johnson, a southerner and former slaveholder who assumed the presidency after Abraham Lincoln was assassinated, was also hostile to the

12. When Reconstruction began and ended is open to debate. Scholars generally focus on the period of 1863 to 1877. See ERIC FONER, RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION: 1863–1877, at xxxv–xxxvi (Henry Steele Commager & Rickard B. Harris eds., updated ed. 2014).

13. JOHN HOPE FRANKLIN, RECONSTRUCTION AFTER THE CIVIL WAR 203, 211 (2d ed. 1994).

14. *Id.* at 36–37.

15. *Id.* at 36.

16. *Id.*

17. *Id.* at 36–37.

18. *Id.* at 38.

19. *Id.* at 38–39, 151.

20. *Id.*

Bureau.²¹ In 1866, he vetoed two bills to extend the Bureau's life.²² When Congress overrode the second veto, Johnson undermined the Bureau's effectiveness by removing Rufus Saxton, the Bureau's second-in-command, replacing Republican officers in the Bureau with conservative Democrats hostile to Bureau reforms, and refusing to provide necessary support to the Bureau.²³ Encouraged by Johnson's actions, southern state government leaders generally ignored or dismissed Bureau recommendations against enacting laws that discriminated against African Americans.²⁴ They also complained bitterly about the Bureau and used their influence in the federal government to remove particularly mettlesome Bureau officials.²⁵ Worse, from the beginning, the newly emerged Ku Klux Klan and other groups began systematic attacks on Bureau officials—threatening, beating, and running them out of towns.²⁶ With the federal government having withdrawn most troops from the South by 1866, the Bureau and the freedmen it was tasked with protecting had little or no defense against an escalating campaign of violence.²⁷ Eventually, the mounting opposition and Johnson's malevolent neglect forced the Bureau to cut staff and the Bureau's effectiveness diminished substantially.²⁸

In 1877, federal authorities handed political power back to local, white, southern Democrats and essentially withdrew from the South.²⁹ Long before then, southern leaders had already begun reasserting physical, social, and political control over freed African Americans with violence, intimidation, and racially oppressive laws such as Black Codes.³⁰ Over

21. See FONER, *supra* note 12, at 247; FRANKLIN, *supra* note 13, at 39.

22. FONER, *supra* note 12, at 247.

23. See DOUGLAS R. EGERTON, *THE WARS OF RECONSTRUCTION* 128 (2014); FRANKLIN, *supra* note 13, at 39.

24. FRANKLIN, *supra* note 13, at 38.

25. *Id.* at 38–39.

26. *Id.* at 150–53, 155–56.

27. See EGERTON, *supra* note 23, at 18–20.

28. FONER, *supra* note 12, at 143; FRANKLIN, *supra* note 13, at 38–39.

29. FRANKLIN, *supra* note 13, at 189–91; JERROLD M. PACKARD, *AMERICAN NIGHTMARE: THE HISTORY OF JIM CROW* 60–62 (2002). Scholars dispute whether or to what extent the withdrawal was attributed to an unwritten “Compromise of 1877,” a deal by Rutherford Hayes to end a dispute over the election results for his presidential bid. FRANKLIN, *supra* note 13, at 205–10; see also C. VANN WOODWARD, *REUNION AND REACTION: THE COMPROMISE OF 1877 AND THE END OF RECONSTRUCTION* 3–4 (1951). At question is whether, in exchange for being granted the presidency, Hayes agreed to withdraw federal troops from the South and to provide other benefits to southern white leadership. See Allan Peskin, *Was There a Compromise of 1877?*, 60 J. AM. HISTORY 63, 70–72 (1973).

30. Black Codes were laws instituted after the Civil War in many southern states, severely circumscribing the rights and movement of free African Americans and subordinating their rights to those of white citizens. See Gabriel Mendes, *Black Codes in the United States*, OXFORD AFR. AM. STUD. CTR., <http://www.oxfordaasc.com/article/opr/t0002/e0526> [https://perma.cc/3AGB-4FXM (dark archive)]. Examples include laws creating curfews for African Americans,

time, racial oppression spread widely within and beyond the southern United States.³¹ Many localities, states, and even the federal government instituted harsh laws and other tactics to control African Americans and segregate them into inferior accommodations and positions within society.³² Those social practices and laws collectively came to be called “Jim Crow.”³³

The 1896 United States Supreme Court decision in *Plessy v. Ferguson*³⁴ gave legal sanction to segregation.³⁵ It was a major setback for civil rights. The basis of that decision was a Louisiana law that required railway companies to provide “equal, but separate, accommodations for the white and colored races.”³⁶ With the United States Supreme Court’s decision, the doctrine of “separate but equal” was born.³⁷ That legal principle provided a small space to maneuver a case against segregation—the question of whether separate could ever truly be equal.

restricting them from voting or holding office, making them subject to arrest as vagrants if they could not prove employment, prohibiting them from owning firearms, and providing harsher penalties for African Americans convicted of offenses. See THEODORE BRANTNER WILSON, *THE BLACK CODES OF THE SOUTH* 26–34 (1965); see also Mendes, *supra*.

31. See PACKARD, *supra* note 29, at 69–70.

32. Segregation laws prohibited African Americans from using the same public facilities as whites: bathrooms, restaurants, hotels, drinking fountains, schools, train cars, parks, performance venues, and more. They also restricted African Americans from voting, hamstringing African Americans’ ability to change the discriminatory laws. Social intimidation against African Americans included employment discrimination, housing segregation, denial of services, threats, verbal abuse, beatings, rape, and lynching. For detailed discussions of segregation in the South, see generally PACKARD, *supra* note 29, at 56, 60. See also C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* 6–7 (commemorative ed. 2002); Ruth Thompson-Miller & Leslie H. Picca, “*There Were Rapes!*”: *Sexual Assaults of African American Women and Children in Jim Crow*, 23 *VIOLENCE AGAINST WOMEN* 934 (2017); Jennifer Ritterhouse, *Daily Life in the Jim Crow South, 1900–1945*, OXFORD RES. ENCYCLOPEDIAS AM. HIST. (2018), <https://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-329> [<https://perma.cc/73A9-CL75>].

33. See PACKARD, *supra* note 29, at 84–92. The term “Jim Crow,” though obscured by history, is derived from a widely performed character in nineteenth-century traveling minstrelsy performances in which white performers in black face paint mimicked African Americans, often portraying them as buffoons. See *id.* at 14. For a discussion of the history of minstrelsy, see James Sellman, *Minstrelsy*, OXFORD AFR. AM. STUD. CTR., <http://www.oxfordaasc.com/article/opr/t0002/e2672> [<https://perma.cc/ERD9-ZQH9> (dark archive)].

34. 163 U.S. 537 (1896).

35. *Id.* at 548.

36. 1890 La. Acts 152; *Plessy*, 163 U.S. at 537.

37. HARVEY FIRESIDE, *SEPARATE AND UNEQUAL: HOMER PLESSY AND THE SUPREME COURT THAT LEGALIZED RACISM* 205–07 (2004).

B. *The Move Toward Integration*

The effort to enroll African Americans at UNC-Chapel Hill was just one part of a national struggle to dismantle Jim Crow in the United States. Many different entities worked toward that goal, most notably from the 1930s through the 1960s.³⁸ Those efforts came to be termed broadly “the Civil Rights Movement.”³⁹ It was no singular organism, however, but many movements, often with different and sometimes conflicting goals and strategies.⁴⁰ For example, two of the more prominent civil rights activists of the time, Martin Luther King Jr. and Malcolm X, took different positions and employed different strategies against racial oppression of African Americans. King promoted peaceful mass action in service of integration and equality while Malcolm X initially promoted armed defense in service of strengthening and maintaining a strong African American community not dependent upon (and separate from) the white power structure.⁴¹ The NAACP, under the leadership of Walter White and legal counsel Charles Hamilton Houston, became a major player in civil rights efforts.⁴² Founded in 1909, the organization was a social and political action group with both African American and white members dedicated to advancing the rights of

38. See generally Davarian L. Baldwin, *The Civil Rights Movement*, N.Y. PUB. LIBRARY: AFRICANA AGE (Aug. 24, 2018, 11:02 AM), <http://exhibitions.nypl.org/africanaage/essay-civil-rights.html> [<https://perma.cc/ZKH7-9TVR>] (discussing the Brotherhood of Sleeping Car Porters during World War II, the National Negro Congress, the Southern Christian Leadership Council, and the Mississippi Freedom Democratic Party, among others).

39. See *id.*

40. See generally Charles V. Hamilton, *The Nationalists vs. Integrationists*, N.Y. TIMES MAG., Oct. 1, 1972, at 36 (summarizing the differences between nationalist and integrationist views); *Black Nationalism*, STAN. MARTIN LUTHER KING, JR. RES. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/black-nationalism> [<https://perma.cc/SVX4-H7D5>] (discussing black nationalism).

41. See *Black Nationalism*, *supra* note 40; *Black Power*, STAN. MARTIN LUTHER KING, JR. RES. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/black-power> [<https://perma.cc/GZK8-TSKP>]. Various Black nationalist organizations like the Black Panther Party, the Nation of Islam, and the Revolutionary Action Movement took aggressive stances advocating self-defense, if not armed rebellion, while the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and others were initially committed to non-violent action. *Black Nationalism*, *supra*. Proponents of integration also were split on strategy, with some advocating for a gradualist approach while others pushed for immediate change. See Scott, *supra* note 8, at 41 (discussing different legal strategies for school desegregation).

42. See generally TUSHNET, *supra* note 2 (detailing how Houston initiated and guided the NAACP litigation campaign that challenged segregation in education and other fronts). The campaign ultimately succeeded in garnering Supreme Court decisions outlawing racial segregation in education and throughout society. See *id.* *Brown v. Board of Education* was one of the NAACP’s most famous cases.

African Americans.⁴³ In the late 1920s, the American Fund for Public Service (“the Garland Fund”), underwritten by Charles Garland, “offer[ed] the NAACP about \$100,000 to support a coordinated campaign of litigation against Jim Crow laws in transportation, education, voting, and jury service.”⁴⁴ Though the fund ultimately provided only \$30,000, the initial funding helped the NAACP establish a plan for a legal campaign against segregation focused on voter disenfranchisement, jury exclusion, transportation, housing, and public education.⁴⁵

When Nathan Margold, the Harvard-trained lawyer who developed the Garland Fund report and action plan for the NAACP, took a federal position as Solicitor General in the Department of the Interior, the NAACP sought someone else to execute the plan.⁴⁶ After Karl Llewellyn of Columbia University declined the role, citing limited courtroom experience, both Margold and Justice Felix Frankfurter recommended Charles Hamilton Houston, vice-dean of Howard University School of Law.⁴⁷

Houston, an African American graduate of Amherst College and Harvard Law School as well as a protégé of Justice Frankfurter, had successfully executed a plan to transform Howard University School of Law from a largely part-time, unaccredited program producing practitioners to serve the African American community to a well-resourced, accredited law school that produced young, skilled, idealistic African American lawyers who would use the law to attack racial discrimination.⁴⁸ Among other things, Houston instituted higher admissions standards at Howard, greatly expanded and improved the anemic library collection, shut down the evening program, removed low-performing instructors, and brought in talented legal scholars both as faculty and consultants.⁴⁹ Under his leadership, lawyers litigating civil rights cases began sending their

43. See JACK GREENBERG, *CRUSADERS IN THE COURTS* 14 (1994); see also *Nation's Premier Civil Rights Organization*, NAACP, <https://www.naacp.org/nations-premier-civil-rights-organization/> [<https://perma.cc/4AEC-4MPA>].

44. TUSHNET, *supra* note 2, at 12.

45. GENNA RAE MCNEIL, *GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS* 114 (1983) (discussing the planned use of the funds); TUSHNET, *supra* note 2, at 12–13.

46. See RICHARD KLUGER, *SIMPLE JUSTICE* 138–39 (2004); see also MCNEIL, *supra* note 45, at 116 (discussing Charles Hamilton Houston replacing Nathan Margold to begin the NAACP litigation campaign).

47. MCNEIL, *supra* note 45, at 116.

48. TUSHNET, *supra* note 2, at 6–7. A degree from an accredited law school was significant because it gave graduates the opportunity to take the bar and to practice law in any state. See JOHN W. WERTHEIMER, *LAW AND SOCIETY IN THE SOUTH: A HISTORY OF NORTH CAROLINA COURT CASES* 135 (2009); Jay Jenkins, *Negroes Request Improved School*, *NEWS & OBSERVER* (Raleigh), Mar. 31, 1949, at 1.

49. KLUGER, *supra* note 46, at 126–27.

litigation records to the law school.⁵⁰ Because many bar associations denied membership and bar association library access to African American lawyers, the lawyers had limited access to case opinions, legal briefs, appellate records, and other legal documents and books needed for their work.⁵¹ With the influx of documents from African American lawyers throughout the United States, Howard's law library soon built a rich data bank of civil rights case law and litigation documents organized both by topic and state.⁵² It became a valuable resource for civil rights lawyers and students.⁵³

Houston was just the leader the NAACP needed to begin its daunting litigation campaign. Houston, however, had a vision and strategy for the NAACP that deviated from that recommended by Margold.⁵⁴ Rather than directly attack the constitutionality of *Plessy*, Houston chose to chip away at its foundation by showing that the separate resources and places in society allotted to African Americans were far from equal to those provided to whites.⁵⁵ He hoped to make maintaining equally resourced, separate institutions so burdensome that state and local government leaders would have little choice but to integrate.⁵⁶ He focused first on bringing test cases to establish a model set of litigation procedures local communities could use in similar cases.⁵⁷

His strategic focus and insistence on inclusion of the African American community in the fight was pivotal.⁵⁸ Houston understood that the fight would be long, extensive, and costly and that the African American community would need to be integrally involved both as supporters and participants if the fight were to be sustained. In 1934, the NAACP hired Houston as part-time counsel to begin implementing that plan.⁵⁹ In 1935, once he had wound down his work at Howard, the NAACP appointed him full-time special counsel.⁶⁰

50. *Id.* at 127.

51. *Id.*

52. *Id.*

53. *See id.*

54. MCNEIL, *supra* note 45, at 116.

55. *Id.* at 116–17.

56. *See id.* at 117; TUSHNET, *supra* note 2, at 13, 15. One early case litigated by Thurgood Marshall, Houston, and the NAACP, *Pearson v. Murray*, 182 A. 590 (Md. 1936), illustrates Houston's strategy. In *Pearson*, the NAACP successfully argued that when Maryland provided no school for African Americans, the provision allowing scholarships or aid for African Americans to attend an out-of-state school was not equivalent to attendance at the state's flagship law school. *See id.* at 593.

57. MCNEIL, *supra* note 45, at 116.

58. TUSHNET, *supra* note 2, at 13.

59. *Id.*

60. MCNEIL, *supra* note 45, at 121; TUSHNET, *supra* note 2, at 13.

Houston's work at the NAACP was wide-ranging and included defending African Americans accused of crimes, testifying before Congress, participating in NAACP mass meetings, and planning legal attacks on institutional discrimination.⁶¹ He was particularly focused on the idea of attacking segregation in schools, believing "education is a preparation for life" that determines one's ability to compete for jobs.⁶² He also believed that educated African Americans would provide the leadership for the future of the African American community.⁶³ Houston decided to focus on three issues: unfair differences in teacher pay between African American teachers and white teachers holding the same credentials and doing the same work; inequalities in transportation, which affected rural school access; and inequalities in graduate and professional education.⁶⁴

C. *The Importance of Education in the African American Community*

Long before emancipation, African Americans held the desire to be educated as one of their highest aspirations.⁶⁵ Historical accounts show that many took the initiative to learn to read and write and to teach others while they were enslaved despite the risk of severe punishments, such as being put to death or having one's forefingers cut off.⁶⁶ After emancipation, African Americans' education initiatives expanded and flourished.⁶⁷ Though most accounts credit the post-Civil War education of African Americans to missionaries, the Freedmen's Bureau, and northern white liberals, it was the ex-slaves themselves who first established and sustained formal and informal education associations and networks of schools.⁶⁸ Additionally, it was African Americans who pushed in the South for universal, government-supported public education.⁶⁹ However, opportunities for education beyond high school became limited for African

61. MCNEIL, *supra* note 45, at 132.

62. TUSHNET, *supra* note 2, at 13.

63. *Id.*

64. Tentative Statement Concerning Policy of N.A.A.C.P. in its Program of Attacks on Education Discrimination, Charles Hamilton Houston, Nat'l Ass'n Advancement of Colored People (July 12, 1935) (Papers of the NAACP: 001509-002-0242 Part 3, Series A, Group I). For the reader's sake, throughout this Essay, sources contained within the NAACP's Records collection as well as sources contained within the UNC-Chapel Hill University Archives have their unique identifiers included in parentheses after the date parenthetical as part of those sources' citation. *See, e.g., infra* note 148.

65. JAMES D. ANDERSON, THE EDUCATION OF BLACKS IN THE SOUTH, 1860-1935, at 16-17 (1988).

66. *See id.* at 16-17, 281-82.

67. *See id.*

68. *See id.*

69. *See id.*

Americans with the tightening stranglehold of Jim Crow.⁷⁰ Some colleges for African Americans were chartered in the years after emancipation,⁷¹ but they were often significantly under-resourced and had limited curricula.⁷²

As legal challenges to segregated schools developed, segregationist state leaders throughout the South worked to further create or shore up separate African American programs to avoid integrating established whites-only programs.⁷³ However, there was resistance among some white leaders to the costs and the provision of higher education to African Americans in any form.⁷⁴ Thus, schools for African Americans were few and continued to be given significantly fewer resources than their whites-only counterparts.⁷⁵ Options for African Americans to obtain graduate and professional school education were even more limited.⁷⁶ Some law schools in the Northeast had enrolled African American students as early as 1869,⁷⁷ but they tended to allow only a few African American students.⁷⁸ Howard University, founded in Washington, D.C., in 1866 as part of the Freedmen's Bureau's efforts toward educating the formerly enslaved and others, opened the first law school primarily for African Americans in 1869.⁷⁹ Beyond D.C., options in the South were more severely limited for African Americans.⁸⁰ By 1939, North Carolina had a dozen higher education institutions for African Americans.⁸¹ Five were state funded.⁸²

70. Monica Anderson, *A Look at Historically Black Colleges and Universities as Howard Turns 150*, PEW RES. CTR. (Feb. 28, 2017), <https://www.pewresearch.org/fact-tank/2017/02/28/a-look-at-historically-black-colleges-and-universities-as-howard-turns-150/> [https://perma.cc/VC3Z-8NXD] (demonstrating that the number of historically black colleges decreased around 1930 from 121 to 101).

71. ANDERSON, *supra* note 65, at 238–40.

72. For a more detailed look at African American education in the southern United States, see *id.* See generally DWIGHT OLIVER WENDELL HOLMES, *THE EVOLUTION OF THE NEGRO COLLEGE* 47 (1946).

73. R. Scott Baker, *The Paradoxes of Desegregation: Race, Class, and Education, 1935–1975*, 109 AM. J. EDUC. 320, 328–29 (2001); *Current Events: Results of Missouri Ex Rel Gaines*, 25 A.B.A. J. 815, 815 (1939).

74. KLUGER, *supra* note 46, at 255–56.

75. *Id.*

76. *Id.*

77. George Lewis Ruffin, an African American, graduated from Harvard in 1869. See Ernest Gellhorn, *The Law Schools and the Negro*, 1968 DUKE L.J. 1069, 1069 (1968). Though it is not clear when he began classes, he is said to have completed the three-year curriculum in just one year. See *id.*

78. *Id.*

79. *Id.*

80. See Augustus M. Burns III, *Graduate Education for Blacks in North Carolina, 1930–1951*, 46 J. S. HIST. 195, 203–04 (1980).

81. See Kelly Agan & Christine Alston, *North Carolina's Historically Black Colleges and Universities (HBCUs)*, NCPEDIA, <https://www.ncpedia.org/education/hbcu> [https://perma.cc/J5P9-R3SY].

82. *Id.*

The North Carolina legislature acquired North Carolina College in 1923 to provide segregated higher education for African Americans in Durham.⁸³ There were no graduate schools available to African Americans in North Carolina between 1914 and 1939.⁸⁴

D. Early Efforts at Higher Education Integration in North Carolina and Beyond

The *McKissick* case was not the first major integration case brought against UNC-Chapel Hill. In 1933, two Durham attorneys, Conrad Pearson and Cecil A. McCoy, filed suit in state court against UNC-Chapel Hill to force the admittance of Thomas R. Hocutt, an African American applicant to the pharmacy school.⁸⁵ Pearson was a Houston protégé and a 1932 Howard University School of Law graduate.⁸⁶ He and McCoy requested the assistance of the NAACP, which NAACP president Walter White readily granted.⁸⁷ Locally, their suit was controversial and created a divide among proponents of a gradualist approach to integration and advocates for bolder action.⁸⁸

James Shepard, Chancellor of North Carolina College, feared the litigation would endanger funding and support for North Carolina College,

83. Charles W. Wadelington, *North Carolina Central University*, NCPEDIA, <https://www.ncpedia.org/north-carolina-central-university> [https://perma.cc/96U9-WCZ2]. North Carolina College began as the National Religious Training School and Chautauqua for the Colored Race in 1910. *Id.* In 1915, it was sold and reorganized, becoming the National Training School. *Id.* In 1923, the state purchased the school and renamed it Durham State Normal School, changing its name again in 1925 to North Carolina College for Negroes and dedicating it to liberal arts education and the training of teachers and principals. *Id.* It was later renamed North Carolina College at Durham. *Id.* For consistency and brevity, this Essay refers to its historic name as “North Carolina College.” The school is now North Carolina Central University, *id.*, and is often ranked among the top Historically Black Colleges and Universities, *Our Rankings*, N.C. CENT. U., <https://www.nccu.edu/rankings/index.cfm> [https://perma.cc/7BS3-7ZX7]. It serves a diverse student body of all races and provides full and part-time programs of study in various undergraduate and graduate programs, including law. *See About NCCU*, N.C. CENT. U., <https://www.nccu.edu/discover/index.cfm> [https://perma.cc/R8MS-KLSC].

84. *See* REPORT AND RECOMMENDATIONS OF THE COMMISSION TO STUDY PUBLIC SCHOOLS AND COLLEGES FOR COLORED PEOPLE IN NORTH CAROLINA 39–40 (1938), <https://babel.hathitrust.org/cgi/pt?id=nc01.ark:/13960/t2z330j2b;view=1up;seq=5> [https://perma.cc/5JMJ-C2WM]; Burns, *supra* note 80, at 201.

85. *See* Judgment at 1, *Hocutt v. Wilson* (N.C. Super. Ct. Mar. 28, 1933) (on file with author); *see also* Jerry Gershenhorn, *Hocutt v. Wilson and Race Relations in Durham, North Carolina, During the 1930s*, 78 N.C. HIST. REV. 275, 293–94 (2001).

86. KLUGER, *supra* note 46, at 155; Gershenhorn, *supra* note 85, at 286.

87. *See* Letter from C.C. Spaulding to Walter White (Feb. 6, 1933) (Papers of the NAACP: 001509-015-0589, Part 3, Series A); *see also* Gershenhorn, *supra* note 85, at 291.

88. Burns, *supra* note 80, at 196–98 (“Younger blacks . . . had little faith in a legislative process from which they were effectively excluded, and under such conditions it would be a part of folly if Negro leaders should preach that everything was all right . . . young blacks did not believe in the leadership of older Negroes because it smacked of servility.”).

where Hocutt had been a student.⁸⁹ Because of his opposition, Shepard refused to provide Hocutt's college transcript when Hocutt applied to UNC-Chapel Hill.⁹⁰ The local Durham branch of the NAACP also withdrew support, fearing long-term damage if the case were lost.⁹¹ But other local leaders supported the litigation effort, and the national office of the NAACP provided legal support, guidance, financial assistance, and publicity throughout the suit.⁹² Additionally, Pearson and McCoy worked closely with NAACP lawyer William H. Hastie to prepare the case.⁹³

In March 1933, a superior court judge in Durham dismissed the case.⁹⁴ Because the court could require the university to consider fairly an applicant but could not force the university to admit someone, the court held the mandamus petition was not the proper remedy.⁹⁵ The court also held that Hocutt had failed to comply with UNC-Chapel Hill's application rules by not providing a transcript from his enrollment at North Carolina College in his application.⁹⁶ Though the plaintiffs lost the case, it provided a model for later litigation.⁹⁷

Thurgood Marshall, another Houston protégé, graduated first in his class at Howard University School of Law in 1933 and then opened a law practice in Baltimore.⁹⁸ Marshall quickly became heavily engaged in revitalizing the Baltimore branch of the NAACP.⁹⁹ He was also itching to bring litigation to challenge segregation at the University of Maryland School of Law, which had denied his own application.¹⁰⁰

In April 1935, the NAACP—with the assistance of the African American fraternity Alpha Phi Alpha, the local NAACP chapter, and local leaders—initiated a lawsuit in Baltimore City Court on behalf of Donald G. Murray, an African American Amherst College graduate whose application to the University of Maryland School of Law had been rejected because of

89. Gershenhorn, *supra* note 85, at 296.

90. *Id.* at 300.

91. *Id.* at 297.

92. *Id.* at 296–99.

93. *Id.* at 292, 299.

94. Judgment at 2–3, *Hocutt v. Wilson* (N.C. Super. Ct. Mar. 28, 1933) (on file with author).

95. *Id.* A writ of mandamus is an order from a court to compel some government or other entity to do something it is, by law, obligated to do. *See Mandamus*, CORNELL L. SCH.: LEGAL INFO. INST., <https://www.law.cornell.edu/wex/mandamus> [<https://perma.cc/VZK6-P7KX>].

96. Judgment at 2, *Hocutt*; Gershenhorn, *supra* note 85, at 300.

97. *See* Letter from Thurgood Marshall to Conrad “Pug” Pearson (Dec. 12, 1933) (Papers of the NAACP: 001469-00-0099, Part 2) (requesting copies of the *Hocutt* case files to assist with planning a case challenging segregation at the University of Maryland).

98. Mark Tushnet, *Marshall, Thurgood*, OXFORD AFR. AM. STUD. CTR., <http://www.oxfordaasc.com/article/opr/t0001/e0379> [<https://perma.cc/VE5A-2YD9> (dark archive)].

99. TUSHNET, *supra* note 2, at 10–11.

100. *Id.*

his race.¹⁰¹ Marshall and Houston soon took on *Pearson v. Murray*¹⁰² for the NAACP.¹⁰³ They looked to *Hocutt* for guidance, with Marshall writing to his Howard University School of Law classmate Pearson requesting the documents from *Hocutt*.¹⁰⁴ The legal team filed in Baltimore City Court and requested a writ of mandamus granting Murray admission.¹⁰⁵ The court granted the writ and the university appealed.¹⁰⁶ The Maryland Court of Appeals rejected the university's argument, teased from dicta in the United States Supreme Court case *Cumming v. Board of Education of Richmond County*,¹⁰⁷ that the appropriate remedy was to order the state to create a separate law school for African Americans.¹⁰⁸ The appellate court affirmed the writ granting Murray admission to the University of Maryland School of Law.¹⁰⁹ Murray subsequently enrolled at Maryland and obtained a law degree there, going on to work with the NAACP on other civil rights cases.¹¹⁰

Marshall continued to bring civil rights cases.¹¹¹ He juggled his civil rights work with efforts to build a paying law practice.¹¹² The combination

101. *Bill to Break U. of Md. Jim Crow is Prepared*, AFRO-AMERICAN (Baltimore), Apr. 27, 1935, at 23; Letter from B.V. Lawson Jr. to Charles Hamilton Houston (Dec. 5, 1934) (Papers of the NAACP: 001469-004-0099, Part 2).

102. 182 A. 590 (Md. 1936).

103. Though Alpha Phi Alpha attorney Belford Lawson was the initial counsel, he and co-counsel William Gosnell wrote to Charles Hamilton Houston requesting that the NAACP take the case over. See Letter from B.V. Lawson Jr. to Charles Hamilton Houston (Dec. 5, 1934), *supra* note 101; see also Letter from William Gosnell to Charles Hamilton Houston (Dec. 18, 1934) (Papers of the NAACP: 001489-004-0099, Part 2).

104. Letter from Thurgood Marshall to Conrad "Pug" Pearson (Dec. 12, 1933), *supra* note 97.

105. See *supra* text accompanying note 101.

106. See *Murray*, 182 A. at 594.

107. 175 U.S. 528 (1899). In *Cumming*, taxpayers who were parents of high-school-age African American children in Richmond County, Georgia petitioned for an injunction against the county board of education to prevent it from providing taxpayer dollars to whites-only high schools in the county while not providing high school funding for African American children. *Id.* at 529. In 1897, the county had shut down the high school for African American children that the petitioners' children had been attending and repurposed the building for elementary education of African American children. *Id.* The petitioners argued that using tax dollars for the whites-only high schools while not providing similarly for African American high school education violated their Fourteenth Amendment equal protection rights. *Id.* at 539–41. The lower court granted an injunction against the board of education, but the Georgia Supreme Court reversed that decision. *Id.* at 536. Justice Harland, writing for the United States Supreme Court, affirmed the Georgia Supreme Court decision stating that the decisions concerning state schools maintained by state taxation is for states to decide and the federal government should not interfere except in the case of "clear and unmistakable disregard of rights secured by the supreme law of the land." *Id.* at 545. The Court concluded that the case before it was no such situation. *Id.*

108. *Murray*, 182 A. at 594.

109. See *id.*

110. Obituary, *Donald Gaines Murray Sr. Dies at 72; Sued, Entered UM Law School in 1935*, BALT. SUN, Apr. 10, 1986, at 4B.

111. TUSHNET, *supra* note 2, at 15–16.

of his difficulty making a living during the Depression and his keen interest in bringing challenges to segregation eventually led Marshall to officially join Houston's NAACP legal team in October 1936.¹¹³

The NAACP used a combination of factual, historical, and social science research to document the disparities among the resources and opportunities available to African Americans compared to white residents and to counter arguments against equal rights.¹¹⁴ It gathered extensive data on the disparities in education at both the primary and secondary school levels, as well as in higher education, using some of that evidence in the litigation campaign.¹¹⁵

By insisting on equally resourced African American schools, the NAACP planned to force state leaders to realize that maintaining two parallel, segregated sets of institutions was costly and unsustainable.¹¹⁶ The NAACP's higher education attacks focused in on an Achilles heel for segregated states: programs in which there was no comparable public option for African Americans.¹¹⁷ Houston specifically targeted segregated graduate and professional school programs for litigation.¹¹⁸

112. *See id.* at 10–11. *See generally* Thurgood Marshall Correspondence on University of Maryland and Baltimore County Educational Discrimination Cases (Papers of the NAACP: 001489-004-0099, Part 2) (documenting Marshall's work at his law practice and for the NAACP).

113. TUSHNET, *supra* note 2, at 11, 17–19.

114. For example, in *Shelley v. Kraemer*, 334 U.S. 1 (1948), a case fighting racially restrictive housing covenants, the NAACP presented demographic, health, economic, and other data showing the overcrowding of African Americans into slums as a result of restrictive covenants in the Detroit area and detailing subsequent poor health, social, economic, and other outcomes that followed for African Americans as a result. *See* Brief for Petitioner at 47–83, *Shelley*, 334 U.S. 1 (No. 72). The NAACP additionally cited a scholarly journal article that debunked the claim that African American owners could not afford to maintain and tend to destroy “better property,” causing property values to go down. *See id.*

115. *See id.*; *see also* NATHAN MARGOLD, PRELIMINARY REPORT TO THE JOINT COMMITTEE SUPERVISING THE EXPENDITURE OF THE 1930 APPROPRIATION BY THE AMERICAN FUND FOR PUBLIC SERVICE TO THE N.A.A.C.P. 28 (1930); Kenneth K. Wong & Anna C. Nicotera, “Brown v. Board of Education” and the Coleman Report: *Social Science Research and the Debate on Educational Equality*, 79 PEABODY J. EDUC. 122, 124 (2004).

116. Kevin M. Kruse, *Personal Rights, Public Wrongs: The Gaines Case and the Beginning of the End of Segregation*, 22 J. SUP. CT. HIST. 113, 114 (2011).

117. MCNEIL, *supra* note 45, at 136–37.

118. Kruse, *supra* note 116, at 114–15, 125. Beginning in the 1930s, the NAACP partnered with local attorneys to bring a number of cases against graduate schools. *See, e.g.*, *Sweatt v. Painter*, 339 U.S. 629 (1950); *McLaurin v. Oklahoma*, 339 U.S. 637 (1950); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Pearson v. Murray*, 182 A. 590 (Md. 1936); *Hocutt v. Wilson* (N.C. Super. Ct. Mar. 28, 1933).

E. *The State of Legal Education in Early Twentieth-Century North Carolina*

A handful of law schools were established in North Carolina between the late 1800s and the early 1900s, but some struggled and closed.¹¹⁹ One for African Americans, established at Shaw University in 1888, closed in 1914.¹²⁰ By 1936, when the Maryland Court of Appeals issued the *Murray* decision, there was still no North Carolina law school that would accept African Americans and state leaders justifiably became concerned about litigation.¹²¹

Between 1940 and 1951, four law schools continuously operated in North Carolina: Carolina Law, Wake Forest University School of Law, Duke University School of Law, and North Carolina College School of Law.¹²² The American Bar Association (“ABA”) accredited only Carolina Law, Wake Forest University School of Law, and Duke University School of Law between 1938 and 1949.¹²³ The unaccredited North Carolina College School of Law was the only institution open to African Americans for enrollment.¹²⁴ It was specifically created by the state in 1939 to avoid integrating Carolina Law, the state’s flagship university, and the *only* public law school at the time.¹²⁵ The North Carolina legislature acted

119. See Memory F. Mitchell, *Law Schools*, NCPEDIA (Jan. 1, 2006), <https://www.ncpedia.org/law-schools> [https://perma.cc/NR64-FHZB].

120. Harold R. Washington, *History and Role of Black Law Schools*, 36 N.C. CENT. L. J. 158, 165–66 (2014).

121. See Davison M. Douglas, *Rhetoric of Moderation: Desegregating the South During the Decade After Brown*, 89 NW. U. L. REV. 92, 101 (1994); see also Scott, *supra* note 8, at 54.

122. A.B.A., ANNUAL REVIEW OF LEGAL EDUCATION FOR 1938, at 24 (1938); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 6, 9 (1942); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 11–12, 16 (1944); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 12, 16 (1947); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 11, 17 (1948); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 11, 17 (1949); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 11–12 (1950); A.B.A., LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS IN THE UNITED STATES, ANNUAL REVIEW OF LEGAL EDUCATION 11–12 (1951). North Carolina College initially was to open in 1939, but the opening was postponed because only one “qualified applicant” applied. *Operation of Negro Law School in N.C. Postponed*, 25 A.B.A. J. 897, 899 (1939). North Carolina College’s law school initially appeared in accounts without a formal name and was referred to as the North Carolina College law program. For consistency, I refer here to the North Carolina College School of Law.

123. See sources cited *supra* note 122.

124. See *id.*

125. See *Negros to Read Law: North Carolina College Will Open New Department Sept. 25*, N.Y. TIMES, Sept. 17, 1939, at 58; *North Carolina Closes Jim Crow Law School*, CHI. DEFENDER (NAT’L EDITION), Oct. 14, 1939, at 3; *North Carolina to Open First Graduate School: Move to Meet Decision of Supreme Court*, ATLANTA DAILY WORLD, July 6, 1939, at 1; see also JOHN E.

swiftly to establish the North Carolina College School of Law, situated approximately eleven miles from UNC-Chapel Hill, after the United States Supreme Court decided *Missouri ex rel. Gaines v. Canada*,¹²⁶ a 1938 case against the University of Missouri School of Law. In that case, Lloyd Gaines, an African American graduate of Missouri's Lincoln University applied to the all-white University of Missouri School of Law, the only public law school in the state.¹²⁷ He was told to apply for tuition funding to attend an out-of-state school instead.¹²⁸ When the United States Supreme Court held that Missouri could not delegate its educational responsibilities to another state and that its refusal to admit Gaines was a violation of his constitutional rights, the North Carolina legislature established the North Carolina College School of Law.¹²⁹

When the North Carolina College School of Law began, the dean of Carolina Law temporarily headed both schools.¹³⁰ UNC-Chapel Hill and Duke provided funds, professors, and library resources to North Carolina College School of Law.¹³¹ Additionally, some part-time instructors were hired.¹³² Creating parallel school systems was an expensive proposition and, as mentioned, programs created for African Americans were far more

BATCHELOR, RACE AND EDUCATION IN NORTH CAROLINA: FROM SEGREGATION TO DESEGREGATION 21 (2015); Douglas, *supra* note 121, at 101.

126. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 342 (1938).

127. *Id.*

128. *Id.* The University of Missouri registrar rejected his application and directed him to speak with the president of Lincoln University. *Id.* At Lincoln, he was told to apply for funding to attend a university in another state, as authorized by Missouri state law. *Id.* That statute stated in part that “[p]ending the full development of the Lincoln university [sic]” the board of curators

shall have the authority to arrange for the attendance of negro residents of the state of Missouri at the university of any adjacent state to take any course or to study any subjects provided for at the state university of Missouri, and which are not taught at the Lincoln university [sic] and to pay the reasonable tuition fees for such attendance.

1927 Mo. Laws 692. Gaines argued that rejecting his application based on his race was a violation of his Fourteenth Amendment equal protection rights. *State ex rel. Gaines v. Canada*, 113 S.W.2d 783, 791 (Mo. 1938), *rev'd* 305 U.S. 337 (1938). Citing Missouri constitutional provisions, which make it unlawful for “any colored child to attend any white school” or vice versa, 1889 Mo. Laws 1861, and which provide for separate schools for African American children, *see id.*, the Missouri Supreme Court rejected Gaines’ petition, *Gaines*, 113 S.W.2d at 791. On review, the United States Supreme Court held that the State of Missouri has a federal constitutional obligation to provide equal protection that it cannot delegate to another state. *Gaines*, 305 U.S. at 351–52. The Court instructed the Missouri court to issue a judgment directing that Gaines be admitted to the Missouri law school. *Id.* at 352.

129. *McKissick v. Carmichael*, 187 F.2d 949, 951 (4th Cir. 1951); Scott, *supra* note 8, at 170.

130. *See* Washington, *supra* note 120, at 170.

131. *Id.*

132. *Negros to Read Law: North Carolina College Will Open New Department Sept. 25*, *supra* note 125, at 58; *North Carolina Closes Jim Crow Law School*, *supra* note 125, at 3; *see also* *White University Professors Will Teach Law Students at North Carolina College*, PITTSBURGH COURIER, Apr. 20, 1940, at 13.

poorly resourced than their whites-only counterparts.¹³³ North Carolina College, including its law school, was one of those under-resourced entities.¹³⁴

There were many glaring disparities between Carolina Law and the North Carolina College School of Law, which were later enumerated in the *McKissick* opinion.¹³⁵ J. Kenneth Lee, who attended the North Carolina College School of Law before transferring to Carolina Law, recalled the sparseness of the North Carolina College School of Law facilities, which held only a rudimentary library with no shelving and few legal books.¹³⁶ He said, “[a]t that time . . . [the law school] was in two rooms on the third floor of the library at North Carolina College in Durham. The library books were all stacked on the floor, they had no—no shelves to put any of them on.”¹³⁷ The ABA had similar concerns and withheld accreditation from the North Carolina College School of Law prior to 1949, citing lack of library facilities.¹³⁸ To add to its woes, the faculty had no offices, no secretarial staff, and the library had only one part-time employee.¹³⁹

The *McKissick* case against UNC-Chapel Hill, originally *Epps v. Carmichael*,¹⁴⁰ spurred the state to upgrade the North Carolina College School of Law facilities, which the North Carolina College law students had, up to then, been petitioning and picketing for to no avail.¹⁴¹ After the upgrades, the state applied for the North Carolina College School of Law’s accreditation, which the ABA granted in February 1950.¹⁴² However, significant disparities remained between the schools.¹⁴³

II. THE CAROLINA LAW DESEGREGATION CASES—*EPPS* AND *MCKISSICK*

The discrepancies between the facilities, academics, and opportunities at Carolina Law and those at North Carolina College School of Law gave the NAACP an opening for its efforts to desegregate UNC-Chapel Hill. In

133. TUSHNET, *supra* note 2, at 13.

134. See WERTHEIMER, *supra* note 48, at 135.

135. 187 F.2d 949, 951–53 (4th Cir. 1951).

136. *Id.* at 953.

137. Interview by Eugene E. Pfaff with J. Kenneth Lee (1980), <http://libcdm1.uncg.edu/cdm/ref/collection/CivilRights/id/850> [<https://perma.cc/3NED-T3HV>].

138. See *Negro Law Facilities to Get Accreditation*, DAILY TAR HEEL, Oct. 27, 1949, at 1; see also *Law Library*, NEWS & OBSERVER (Raleigh), Aug. 25, 1949, at 1.

139. Burns, *supra* note 80, at 209–10.

140. *Epps v. Carmichael*, 93 F. Supp. 327 (M.D.N.C. 1950), *rev’d sub nom. McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951).

141. Jenkins, *supra* note 48, at 1.

142. See *Court Postpones Action on Negro Admittance*, DAILY TAR HEEL, Mar. 22, 1950, at 1; see also *Proceedings of the House of Delegates: Mid-Year Meeting, February 27–28, 1950*, 36 A.B.A. J. 329, 332 (1950).

143. See *McKissick v. Carmichael*, 187 F.2d 949, 949 (4th Cir. 1951).

October 1949, Harold T. Epps and Robert D. Glass, both African Americans, filed suit in federal court seeking admission to Carolina Law.¹⁴⁴ Pearson—the Durham civil rights lawyer who had litigated *Hocutt*¹⁴⁵—represented the plaintiffs in the litigation in both the trial and appellate proceedings, along with Marshall and the NAACP legal team.¹⁴⁶ Epps and Glass had applied to Carolina Law and were denied admission.¹⁴⁷ The rejection letters from the UNC-Chapel Hill administration and correspondence from the UNC System president to the UNC-Chapel Hill chancellor made it clear that the denial was because of their race.¹⁴⁸

Marshall assembled what Lee remembered as a “blue ribbon panel of lawyers” for the lawsuit.¹⁴⁹ In addition to Marshall (who later became the first African American justice on the United States Supreme Court), Lee estimated there were twenty-five to thirty very prominent attorneys on the team, including Erwin Griswold (then-dean of Harvard Law School), Jack Greenberg (who later became chief counsel for the NAACP Legal Defense Fund), and Constance B. Motley (who later became the first African American woman appointed to the federal bench).¹⁵⁰

The NAACP legal team’s core argument, as with *Gaines*, was that segregated higher education violated the Equal Protection Clause of the Fourteenth Amendment to the Constitution.¹⁵¹ In their brief to the Court of Appeals for the Fourth Circuit, the plaintiffs presented the question

144. *Id.* at 951–53.

145. Pearson had, as early as 1933, filed suits against the university on behalf of Thomas Hocutt, an applicant to UNC’s pharmacy school, and on behalf of African American children in North Carolina public schools. *See* Burns, *supra* note 80, at 195–96.

146. *See McKissick*, 187 F.2d at 950; *Epps v. Carmichael*, 93 F. Supp. 327, 328 (M.D.N.C. 1950), *rev’d sub nom. McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951).

147. *See Negro Students Enter Suit Following University Refusal of Entrance to Law School*, DAILY TAR HEEL, Oct. 26, 1949, at 1.

148. In a letter dated May 6, 1949, President Carmichael wrote to Chancellor House, in part,

[W]e will instruct the Dean of the Law School to write the following letter to any Negroes who apply for admission to the University Law School: ‘Your application for admission to this Law School is herewith returned. As you know, our State maintains its Law School for our Negro residents at the North Carolina College at Durham.’

Letter from William D. Carmichael, President, Univ. of N.C. at Chapel Hill, to Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill (May 6, 1949) (UNC Archives: 40019, Box 2). UNC-Chapel Hill apparently made no pretext that the men were denied admission for any other reason than their race. In its opinion, the Fourth Circuit noted as much: “The applications of four qualified Negro students, citizens of North Carolina, for admission to the School of Law of the University of North Carolina were rejected solely on account of their race and color by the school authorities.” *McKissick*, 187 F.2d at 950.

149. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 7.

150. *Id.*

151. *See* U.S. CONST. amend. XIV, § 1; *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 342 (1938).

“whether refusal to admit appellants to the University of North Carolina School of Law solely because of their race and color constitutes a deprivation of rights secured under the [E]qual [P]rotection [C]ause of the Fourteenth Amendment.”¹⁵² They worked to show that the North Carolina College School of Law was both quantifiably unequal and unequal in intangible qualities.¹⁵³ They demonstrated this inequity by examining the offerings of both schools and by questioning witnesses, including defendant William D. Carmichael (Acting President of the University of North Carolina), Henry P. Brandis (Dean of Carolina Law), Lucille Elliott (Carolina Law librarian), and plaintiff J. Kenneth Lee.¹⁵⁴ The litigation progressed slowly, taking so long that Epps graduated from North Carolina College School of Law before the case was settled.¹⁵⁵ The trial court also determined that Glass was ineligible to remain a plaintiff because he was not a North Carolina resident.¹⁵⁶ Therefore, the NAACP asked McKissick and others to join the litigation to keep the case from becoming moot.¹⁵⁷ McKissick, Beech, Lassiter, Lee, and Solomon Revis,¹⁵⁸ all of whom had attended North Carolina College School of Law and had applied to Carolina Law, were allowed to intervene and became plaintiffs in the ongoing litigation.¹⁵⁹

As the case prepared for trial, the NAACP scored wins in other cases that would bear directly upon *McKissick*. On June 5, 1950, the United States Supreme Court ruled in *Sweatt v. Painter*¹⁶⁰ that the University of

152. Brief for Appellant at 2, *McKissick*, 187 F.2d 949 (4th Cir. 1951) (No. 6201) (Feb. 19, 1951).

153. *See id.* at 8–13.

154. *See generally* Appendix to Appellant’s Brief, *McKissick*, 187 F.2d 949 (1951) (No. 6201) (transcripts of testimony and exhibits, record on appeal).

155. *See* Notice of Motion of Intervention at 26, *Epps v. Carmichael*, 93 F. Supp. 327 (1950) (No. 144).

156. Brief for Appellant, *supra* note 152, at 1–2, *McKissick*, 187 F.2d 949 (No. 6201).

157. Interview by Bruce Kalk with Floyd B. McKissick (May 31, 1989), <http://docsouth.unc.edu/sohp/L-0040/menu.html> [<https://perma.cc/FXJ7-4LCE>].

158. Both McKissick and Solomon Revis graduated North Carolina College School of Law before winning the lawsuit. Although one newspaper report quoted Revis as saying that both he and McKissick planned to attend summer school at the Carolina Law just after winning the suit, McKissick did attend class there, but Revis did not. *See Carolina Must Admit Negroes to Law School*, STATESVILLE DAILY RECORD, June 5, 1951, at 9.

159. *See* Notice of Motion of Intervention at 24, *Epps v. Carmichael*, 93 F. Supp. 327, 328 (M.D.N.C. 1950), *rev’d sub nom.* *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951); *Epps*, 93 F. Supp. at 328. According to newspaper accounts and court documents, additional parties requesting to be joined were Perry B. Gilliard and Walter Nivins. However, neither Gilliard nor Nivins appears named on other court documents. Walker did not appear to have joined the suit but, having applied to the law school and being qualified, he was eligible to attend when the suit succeeded. *Judge Admits Extra Cases*, NEWS & OBSERVER (Raleigh), Feb. 10, 1950, at 30; *Under the Dome: Segregation*, NEWS & OBSERVER (Raleigh), Aug. 8, 1950, at 3. It is not clear when those plaintiffs withdrew from the lawsuit.

160. 339 U.S. 629 (1950).

Texas School of Law must admit African Americans despite Texas having created a segregated public law school for African Americans.¹⁶¹ The Court stated the question narrowly, asking to what extent the Equal Protection Clause of the Fourteenth Amendment allowed a state to discriminate between students of different races in graduate education at a state university.¹⁶²

In a unanimous decision, the Court concluded in *Sweatt* that the University of Texas flagship law school was substantially superior to the segregated law school at Texas State University for Negroes, considering both tangible measures—such as number of faculty, variety of courses, opportunities for specialization, scope of the library, and availability of law review—and intangible attributes that are difficult to measure objectively, such as reputation of the faculty, position and influence of alumni, and prestige.¹⁶³ The Court, citing *Murray* as persuasive precedent, ordered the state to admit the African American student.¹⁶⁴ However, the Court refused to address the plaintiffs' broader issue: the constitutionality of segregation generally.¹⁶⁵

A judge on the United States District Court for the Middle District of North Carolina heard *Epps v. Carmichael* in Durham, in August 1950.¹⁶⁶ The similarities to the *Sweatt* case were stark. But in October 1950, just four months after the United States Supreme Court decided *Sweatt*, the judge refused to apply *Sweatt* to the *Epps* case.¹⁶⁷ Instead, he issued a decision dismissing the case.¹⁶⁸ In his written opinion, referring to Carolina Law as “the University Law School” and the North Carolina College School of Law as the “College Law School,” he compared the two schools favorably to one another, dismissing contrary expert testimony from several witnesses, including the deans of Harvard Law School, Howard University School of Law, and University of Chicago School of Law.¹⁶⁹ The judge minimized the differences between the two libraries, for example, focusing on the number of volumes each school had rather than

161. *Id.* at 633.

162. *Id.* at 631.

163. *Id.* at 633–34. The law school hastily established for African Americans in Texas was housed in Austin but later moved to Texas Southern University in Houston and was named the Law School of Texas Southern University. See *History of Thurgood Marshall School of Law*, TEX. S. UNIV., <http://www.tsulaw.edu/history.html> [<https://perma.cc/2DP8-PA68>]. In 1978, it was renamed Thurgood Marshall School of Law. *Id.*

164. *Sweatt*, 339 U.S. at 636.

165. See *id.* at 635–36.

166. *Epps v. Carmichael*, 93 F. Supp. 327, 327 (M.D.N.C. 1950), *rev'd sub nom.* *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951).

167. *Id.* at 330.

168. *Id.* at 331.

169. *Id.* at 329.

whether the volumes available were appropriate, accessible, or adequate for legal study.¹⁷⁰ He also downplayed the fact that Carolina Law had a law review and an Order of the Coif chapter, while North Carolina College School of Law had neither.¹⁷¹ He instead focused on testimony by other leaders in legal education who testified to the “equality of opportunity” between the two schools and upon the planned upgrades which, the court held, would leave the schools “substantially equal” once completed.¹⁷² In skewed reasoning, the judge voiced approval for the claim that because no white person was likely to hire an African American lawyer, the African American students would be better off at a school where they could meet potential African American contacts from throughout the state.¹⁷³

The court also asserted that *Epps* was distinguishable from *Sweatt*, but the judge provided no coherent grounds for that conclusion.¹⁷⁴ Instead, addressing the equal protection claim, the judge reached back to a 1927 case in which the United States Supreme Court held that segregation of Chinese children into “colored” schools was within a state’s power and not a federal constitutional issue.¹⁷⁵ The judge concluded that it was in the plaintiffs’ best interest for the court to deny the African Americans admission to Carolina Law.¹⁷⁶

170. *Id.* In interviews, students at North Carolina College School of Law, including Lee, spoke about the inadequacy of the library facilities, which, according to them, lacked shelving, held incomplete sets in unorganized piles on the floor, and were crowded in inappropriate storage spaces in which they sustained damage. See Jenkins, *supra* note 48, at 1; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137. An article in the Raleigh newspaper, *The News and Observer*, on March 31, 1949, with an accompanying picture backs up the claims of inadequate library facilities. See Jenkins, *supra* note 48, at 1. It shows books piled high in a crowded room rather than on shelves organized for access. *Id.*

171. See *Epps*, 93 F. Supp. at 329.

172. *Id.* at 328–29.

173. See *id.* at 329. He wrote in part:

The evidence disclosed that the Negro lawyers of the state derive their practice from members of their race and there was no evidence to show that any member of their race ever represented a white client. In the opinion of some of the witnesses the advantages which the plaintiffs would derive from attending the College Law School, by reason of their contacts and acquaintances of the members of their race attending the College from all parts of the state, would far exceed any advantages which might accrue to them if they attended the Law School at the University of North Carolina.

Id.

174. See *id.* at 330 (stating that “[t]he situation with regard to legal training offered to Negroes in North Carolina is quite different from the conditions which prevail in the Texas case, *Sweatt v. Painter*,” but providing no support for that claim).

175. See *id.* at 330–31 (citing *Gong Lum v. Rice*, 275 U.S. 78, 87 (1927)).

176. *Id.* at 331.

The plaintiffs disagreed. They appealed the decision to the Court of Appeals for the Fourth Circuit.¹⁷⁷ Judge Soper wrote for the unanimous three-judge Fourth Circuit panel in an opinion released in March 1951.¹⁷⁸ He similarly outlined the facts of the case but then deviated sharply from the trial court's analysis of the two schools.¹⁷⁹ Just as the Supreme Court did in *Sweatt*, he noted the tangible and intangible attributes of Carolina Law that made the opportunities there superior to those available at North Carolina College School of Law, including the variety and quality of the teaching and scholarship, the opportunities for students to interact with the UNC Institute of Government, and the opportunity to serve on a law review.¹⁸⁰

After enumerating the disparities, the Fourth Circuit panel came to the opposite conclusion from the trial court. Addressing the trial court's statement that it was better for the African Americans to attend the segregated school because they were not likely to have white clients, Soper wrote that the race problem is one that merits consideration, but he dismissed the idea that having the students acquiesce to being segregated was the appropriate response.¹⁸¹ The panel ruled in favor of McKissick and the other African American plaintiffs, ordering that the lower court grant the relief plaintiffs sought: admission to Carolina Law.¹⁸²

The university and state fought on, requesting review by the United States Supreme Court, but the Court denied certiorari on June 4, 1951, one year after its *Sweatt* decision.¹⁸³ Beech, Lassiter, Lee, McKissick, and Walker enrolled within a week,¹⁸⁴ beginning summer session classes on June 22, 1951.¹⁸⁵ The major North Carolina newspaper, the *News & Observer*, quoted the president of the North Carolina branch of the NAACP after the decision.¹⁸⁶ Calling "equal but separate" a farce, he stated that

177. See *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951); see also *BATCHELOR*, *supra* note 125, at 21.

178. *McKissick*, 187 F.2d. at 949–50.

179. See *id.* at 950–54.

180. See *id.*

181. *Id.* at 953–54.

182. *Id.* at 954.

183. See *Carmichael v. McKissick*, 341 U.S. 951, 951 (1951) (per curiam).

184. See *4 Negroes Are Students at UNC Now*, *supra* note 1, at 1; *Fifth Negro Enters UNC Law School*, *supra* note 1, at 1.

185. Although they were the first to attend, the law students were not the first African Americans accepted to UNC. *4 Negroes Are Students at UNC Now*, *supra* note 1, at 1. Walter Diggs was accepted to the UNC School of Medicine in March 1951 because there was no separate state medical school in North Carolina. *Id.*

186. *UNC Law School Enrolls Negroes*, *NEWS & OBSERVER* (Raleigh), June 8, 1951, at 1.

Epps was only the beginning of a series of suits for equality in education for African Americans.¹⁸⁷

III. STARTING AT UNC

A variety of actors were involved when the first African American students applied and later enrolled at UNC-Chapel Hill.¹⁸⁸ Consolidated University President William D. Carmichael Jr., UNC-Chapel Hill's Board of Trustees, UNC-Chapel Hill Chancellor Robert House, the dean and faculty of the law school, students, staff, state officials, and the ABA all played a part.¹⁸⁹ Opposition to African American admission was not monolithic.¹⁹⁰ Within the Consolidated University and UNC-Chapel Hill some accepted the African American students, while others remained determined to make their path difficult. Still others chose to neither help nor hamper their progress. Students, in several instances, proved more accepting than the administration.¹⁹¹ Correspondences, reports, and personal and news accounts from the period show some of the obstructions the young men encountered when they arrived on campus and reveal how they navigated them.¹⁹²

187. *Id.*

188. UNC-Chapel Hill was the first state university in North Carolina. See WILLIAM D. SNIDER, *LIGHT ON THE HILL* 3 (1992). Though chartered in the 1776 North Carolina Constitution, it was founded in 1789. *Id.* at 7, 12. Over time, the State acquired or started other colleges and universities. *Id.* In 1931, responding to Governor O. Max Gardner's proposal and a Brookings Institution report, the legislature consolidated the three existing state higher education institutions—UNC-Chapel Hill, State College at Raleigh (now North Carolina State University), and North Carolina College for Women at Greensboro (now University of North Carolina at Greensboro)—largely to eliminate unnecessary duplication of functions, cut costs, and increase efficiencies. *Id.* at 212–13. Confusingly, the consolidated entity came to be called the University of North Carolina, and its administration was housed at UNC-Chapel Hill. *Id.* at 213. For this Essay, I will refer to the consolidated university system as the Consolidated University and the Chapel Hill campus as UNC-Chapel Hill.

189. See Letter from S. J. Wright, Sec'y, Comm'n on Higher Educ., to Robert H. Wettach, Dean, Univ. of N.C. at Chapel Hill Sch. of Law (Nov. 13, 1951) (UNC Archives: 40046, Publicity 1951–1952 folder).

190. See *Law Students Answer 'Yes' to Unsegregated Dance*, DAILY TAR HEEL, Jan. 15, 1952, at 1; see also Interview by Ann S. Estridge with J. Kenneth Lee 67–68 (Sept. 26, 1995), <https://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/12432/rec/1> [<https://perma.cc/VS6X-QPAT>].

191. The student body vote to integrate the law school dance and reports about students sitting with the African Americans at the football game are just two examples. See *Law Students Answer 'Yes' to Unsegregated Dance*, *supra* note 190, at 1; see also Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 67.

192. See *No Further Action Regarding Negroes at UNC Is Taken*, DURHAM MORNING HERALD, Mar. 8, 1952; Letter from Henry Brandis Jr., Dean, Univ. of N.C. at Chapel Hill Sch. of Law, to Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill (May 19, 1952) (UNC Archives: 40046, Publicity, 1951–1952 folder); Letter from Henry Brandis Jr., Dean, Univ. of N.C. at Chapel Hill Sch. of Law, to S. J. Wright, Sec'y, Comm'n on Higher Educ. (Nov. 29,

One of the first issues that arose was housing.¹⁹³ It appeared to Beech that the university and law school had not considered where he and Lee would be housed until they had already arrived.¹⁹⁴ Ultimately, they were assigned to the top floor of the Steele Building.¹⁹⁵ McKissick, who had already graduated from North Carolina College School of Law, attended law school classes at Carolina Law that summer and stayed in the Steele Building along with Beech and Lee.¹⁹⁶ At the time, it was common for most students to stay on campus.¹⁹⁷ Despite there being a housing shortage on campus, no other students were assigned to that floor of the Steele Building that summer or the following year.¹⁹⁸

Another of their challenges came in the form of exclusion from, or isolation at, university and law school social events, as well as recreational and dining facilities.¹⁹⁹ Football games at Kenan Stadium were a significant social event for both the university and the local community.²⁰⁰ Community members not directly affiliated with the university attended football and other UNC-Chapel Hill athletic events as they do today.²⁰¹ According to

1951) (UNC Archives: 40046, Publicity, 1951–1952 folder); Letter from Robert A. Leflar, Chairman, Comm. On Racial Discrimination, to Henry Brandis Jr., Dean, Univ. of N.C. at Chapel Hill Sch. of Law (May 19, 1952) (UNC Archives: 40046, Publicity, 1951–1952 folder).

193. See Interview by Anita Foye with Harvey E. Beech 17 (Sept. 25, 1996), <https://docsouth.unc.edu/sohp/J-0075/menu.html> [<https://perma.cc/ZJ9Z-NHJQ>].

194. *Id.*

195. See *4 Negroes are Students at UNC Now*, *supra* note 1, at 1; Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5.

196. See Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5.

197. Though the report for 1951 was unavailable, the spring 1952 Central Records Office report on enrolled students shows that roughly 5,283 students attended UNC-Chapel Hill. *Statistical Report by Schools, Spring Quarter, 1952*, UNIV. N.C. CHAPEL HILL (1952). There was, according to the 1951 catalog, dorm space for approximately 3,620 students, more than half the student population. UNIVERSITY OF NORTH CAROLINA RECORD: THE GENERAL CATALOGUE ISSUE FOR THE 157TH SESSION, 1950–1951, at 99–100 (1951) https://archive.org/stream/universityofnort19501951/universityofnort19501951_djvu.txt [<https://perma.cc/U6FG-RU8L>].

198. See Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 17; see also *Epps v. Carmichael*, 93 F. Supp. 327, 328–29 (M.D.N.C. 1950), *rev'd sub nom.* *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951) (noting the overcrowded housing at both institutions); *Negros Sign Up, Assigned Dorm Space*, HIGH POINT ENTERPRISE, June 8, 1951, at 1.

199. In an oral history interview, McKissick discussed students knocking his food tray out of his hands at the student dining facility, Lenoir Hall, as well as threats and “pranks” perpetrated against him. Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, 6–7.

200. See Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James L. Lassiter (Oct. 12, 1951) (UNC Archives: 40046, Publicity 1951–1952 folder); see also *Negroes Will Use Tickets*, NEWS & OBSERVER (Raleigh), Oct. 15, 1951, at 1.

201. See Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James L. Lassiter, *supra* note 201; Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James R. Walker (Oct 12, 1951) (UNC Archives: 40046, Publicity 1951–1952 folder); Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to John Kenneth Lee (Oct. 12,

correspondence from the chancellor of UNC-Chapel Hill and the law school dean as well as news accounts, the university had at least three separate sets of seats in Kenan Stadium: one for students, one for the (white) general public, and a segregated section referred to as the “colored” or “Negro” section.²⁰² For athletic events, students were generally given a passbook with tickets to seats in the student section.²⁰³ The newly enrolled African American students were instead given tickets in the segregated section.²⁰⁴ News accounts note that Walker turned in his tickets and requested a passbook with tickets to the student section.²⁰⁵ Then, the five African American students sent a telegram of appeal to Governor William K. Scott to protest being assigned to the segregated section of Kenan Stadium during home football games rather than being allowed to sit with the other students.²⁰⁶ They asked the governor to have the attorney general give a ruling about the legality of the university’s policy and implied they might bring legal action.²⁰⁷

A few days later, in replicated individual letters, Chancellor House responded to the African American students.²⁰⁸ In the letters, he capitulated to their request for student section athletic event passes, but he attempted to differentiate what he defined as “curricular essentials” (e.g., classes, laboratories, and libraries) and student extracurricular activities (e.g., dining halls, dormitories, publications, literary societies, and fraternities) to which the African American students were entitled, from state-wide events (e.g., intercollegiate games).²⁰⁹ He further warned them not to use the

1951) (UNC Archives: 40046, Publicity 1951–1952 folder); *see also* *Negroes Will Use Tickets*, *supra* note 200, at 1.

202. HENRY BRANDIS, JR., REPORT FOR THE ASSOCIATION OF AMERICAN LAW SCHOOLS COMMITTEE ON RACIAL DISCRIMINATION REGARDING THE SITUATION AS TO NEGRO STUDENTS AT THE UNIVERSITY OF NORTH CAROLINA LAW SCHOOL 5–6 (Aug. 29, 1952) [hereinafter REPORT TO AALS], https://finding-aids.lib.unc.edu/40046/#folder_178#1 [<https://perma.cc/AH7W-6HZD>].

203. *See Segregation of Walker to Bring Suit by NAACP*, DAILY TAR HEEL, Sept. 28, 1951, at 1; *see also* REPORT TO AALS, *supra* note 202, at 5–6; *Negro Student Asks Tickets as Student*, GREENSBORO DAILY NEWS, Sept. 27, 1951, at 1.

204. *Segregation of Walker to Bring Suit by NAACP*, *supra* note 203, at 1; *see also*, *Negro Student Asks Tickets as Student*, *supra* note 203, at 1.

205. *See Negroes Will Use Tickets*, *supra* note 201, at 1; *On Football Tickets: UNC Negro Raises Question*, NEWS & OBSERVER (Raleigh), Sept. 27, 1951, at 10; *Segregation of Walker to Bring Suit by NAACP*, *supra* note 203, at 1.

206. *Five Negroes Send Telegram to Gov. Scott*, DAILY TAR HEEL, Oct. 7, 1951, at 1.

207. *Id.*

208. Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James L. Lassiter, *supra* note 201; Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James R. Walker, *supra* note 201; Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to John Kenneth Lee, *supra* note 201.

209. *See, e.g.*, Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James R. Walker, *supra* note 201; *see also* News Release, William D. Carmichael, Jr., (Oct. 13,

tickets, implying that the members of the public in attendance might react negatively.²¹⁰ He recommended the students observe “for the present” the custom of segregation at intercollegiate games.²¹¹

The students chose to attend the game and sat in the student section.²¹² In asserting their intent to attend, Beech stated, “We certainly plan to use the passbooks like any other student in the university.”²¹³ Lee recounted how white student allies formed a protective buffer for them by swapping tickets with other students, so that they could surround the African American students with friendly classmates.²¹⁴

Further issues arose when the law school student body voted eighty-two to sixty-three to integrate the law school’s traditional spring dance.²¹⁵ Despite a recommendation by the law school dean,²¹⁶ the chancellor vetoed the plan, writing to the dean that after discussing the matter with the Board of Trustees, the decision was reached that “[n]o mixed social function shall be held on the University campus.”²¹⁷ Days later, Walker sent a two-page letter to the chancellor protesting that decision.²¹⁸

The law school dean’s 1952 report to the American Association of Law Schools outlines the football stadium seating and other issues.²¹⁹ In that report, the dean emphasized that his administration chose to take a hands-off approach to dealing with the social issues that might arise, while letting the African American students know that “they were more than welcome to discuss anything with [him] at any time.”²²⁰ In the report, the dean stated, “[n]o organized campaign was put on by the law faculty, the

1951) (noting that football game passbooks had been given to the African American students and providing the text of the accompanying letter).

210. See, e.g., Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to James R. Walker, *supra* note 201.

211. *Id.*

212. *Negroes Will Use Tickets*, *supra* note 201, at 1.

213. *Id.*

214. See Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 67; see also REPORT TO AALS, *supra* note 202, at 6.

215. *Law Students Answer ‘Yes’ to Unsegregated Dance*, *supra* note 190, at 1.

216. Letter from Henry Brandis Jr., Dean, Univ. of N.C. at Chapel Hill Sch. of Law, to Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, *supra* note 192.

217. Letter from Robert B. House, Chancellor, Univ. of N.C. at Chapel Hill, to Henry Brandis Jr., Dean, Univ. of N.C. at Chapel Hill Sch. Of Law (Jan. 15, 1952) (UNC Archives: 40046, Publicity 1951–1952 folder).

218. Nicholas Graham, *From the Archives: James Walker to Robert House: “I Have Made Footprints Around the World Defending a Free Society.”*, FOR THE RECORD (May 3, 2016), <http://blogs.lib.unc.edu/uarms/index.php/2016/05/from-the-archives-james-walker-to-robert-house-i-have-made-footprints-around-the-world-defending-a-free-society/comment-page-1/> [<https://perma.cc/WGJ9-8KHE>] (including James R. Walker’s letter to Chancellor Robert House, dated January 21, 1952, protesting Chancellor’s ruling against integrated dance).

219. REPORT TO AALS, *supra* note 202, at 5–6.

220. *Id.* at 4.

Dean of Students, or other administrative officials to secure any particular climate of student opinions” about the African American students.²²¹ At the time of that report, he appeared unaware of incidents of harassment and discrimination that McKissick would later recount in his oral history interview.²²² The dean wrote, “So far as I was able to observe, the personal attitude of white students toward the Negro students was somewhat neutral. I saw no instances of personal discourtesy and had none reported to me.”²²³ He further wrote, “I believe that matters will have to be worked out primarily by the students. I do not believe that any attempt by the Dean or by the faculty to relieve the students of the responsibility would be successful.”²²⁴

Some of the difficulties for the young men were not directly attributable to roadblocks at the university.²²⁵ Lee spoke about the problem of coming from an environment of inadequate educational resources and limited exposure to legal concepts and of having to catch up enough to succeed at Carolina Law.²²⁶ He gave an example of similar issues from his earlier college career at North Carolina Agricultural & Technical College (“A&T”). In an A&T chemistry lab, a professor asked him to get a Bunsen burner, but Lee did not know what a Bunsen burner was, having graduated from a small, segregated high school in a poor, rural community.²²⁷ In his memoir, he noted:

Well, this situation was magnified ten times at Carolina. I was thrown in with students whose prior training and opportunities were so superior to mine until there was absolutely no comparison. Most of them came from three or four generations of lawyers, while I had never been in a courthouse except for the time the UNC case was being tried.²²⁸

IV. THE MEN WHO MADE INTEGRATION A REALITY

The men who integrated UNC-Chapel Hill’s student body had very little time to revel in their victory in the federal courts. Beech, Lassiter, Lee, and McKissick registered for summer classes just a week after the

221. *Id.* at 2.

222. *See id.* at 3; Interview by Bruce Kalk with Floyd R. McKissick, *supra* note 157, at 6.

223. REPORT TO AALS, *supra* note 202, at 3.

224. *Id.*

225. Some of the African American students struggled academically, for example. *See* Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 6–7.

226. J. KENNETH LEE, NO WAY! MEMOIRS OF J. KENNETH LEE, ESQ. 18 (Winona Lee Fletcher ed., 2008).

227. *See* Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 6–7.

228. LEE, *supra* note 226, at 18.

United States Supreme Court denied UNC-Chapel Hill's petition to consider the case.²²⁹ Walker registered soon after.²³⁰ Their legal victory and their presence at UNC-Chapel Hill made them simultaneously a lightning rod for segregationists' hatred, anger, and contempt, and a repository for the aspirations and dreams of many in the African American community.²³¹ Each of the five men who began classes in June 1951 had distinguished himself by relentlessly pursuing a legal education, persevering, and emerging victorious through a protracted set of court battles. Throughout those court battles, they remained mostly in the background. In the coming months, they would find themselves under a heat lamp of media and public attention.²³² The young men were pursued daily by reporters asking them questions, and they were escorted everywhere by armed highway patrolmen.²³³ They immediately confronted the intense pressure of trying to succeed in a highly competitive law school while dealing daily with racial bias from the very people tasked with fostering their educational success and with the pressure of having many other people's hopes and dreams riding on them.²³⁴ They lived under those stresses and, for some of them, the additional burden of working to support themselves and their families.²³⁵

Each man dealt with their new reality in his own way. Below are individual accounts of what we know of each man's journey to UNC-Chapel Hill and some of the challenges they encountered.

A. *Harvey E. Beech*

Harvey Elliott Beech was born on March 22, 1924, in Kinston, North Carolina.²³⁶ After finishing high school, he attended barber college at his

229. See *4 Negroes Are Students at UNC Now*, *supra* note 1, at 1.

230. See *Fifth Negro Enters UNC Law School*, *supra* note 1, at 1.

231. See LEE, *supra* note 226, at 16; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 58–59; see also Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 6; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 7.

232. See LEE, *supra* note 226, at 16; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 58–59; see also Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 6; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 7.

233. Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 58–59.

234. See LEE, *supra* note 226, at 16; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190; see also Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 58–59; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 7.

235. Lee, along with his wife, owned several businesses, including a radio repair shop, a “soda shop,” and a performance venue, all of which he continued to work in while attending law school. See Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 118–22. McKissick waited tables during law school. See Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5–6.

236. *Index to Births of Lenior County, North Carolina, Jan. 1, 1913 to Dec. 31, 1999*, ANCESTRY, https://search.ancestryinstitution.com/cgi-bin/sse.dll?_phsrc=qci1&_

father's insistence.²³⁷ He was determined, however, to attend an academic college.²³⁸ In the summer of 1941, he obtained enough cash to travel to Atlanta with the intent of going to New Orleans to attend Xavier University, a historically black Catholic college where his sisters and brothers had been students.²³⁹ He stayed overnight at an Atlanta YMCA, where a man recommended that he attend Morehouse College instead.²⁴⁰ Presenting himself at Morehouse, he convinced an initially skeptical bursar to provide him lodging, a job, and the opportunity to register for classes.²⁴¹ Between campus jobs and cutting hair, he was able to earn his way.²⁴² While attending Morehouse, he was in a car accident in which he sustained a brain concussion that left him unconscious for six days.²⁴³ Recovering from the accident enabled him to postpone being drafted into wartime military service.²⁴⁴ He took courses in religion, taking one class alongside Martin Luther King Jr., but Beech found no vocation in that subject.²⁴⁵ Instead, he pursued a degree in business administration.²⁴⁶ He graduated from Morehouse in 1944 in three-and-a-half years.²⁴⁷

After graduating from Morehouse, Beech returned to Kinston and opened an entertainment venue that put on events showcasing famous headliners, including Ella Fitzgerald, Dizzy Gillespie, James Brown, and Fats Domino.²⁴⁸ When he passed the courthouse in Kinston, which was crowned by Lady Justice holding the scales, Beech was struck by the

phstart=successSource&usePUBJs=true&qh=52Q8U73wHSkSXOPTGCuvPA%3D%3D&gss=angs-c&new=1&rank=1&msT=1&gsfn=Harvey&gsfn_x=0&gsln=beech&gsln_x=0&msbdm=3&msbdy=1924&msbnp__ftp=Lenoir%20County,%20North%20Carolina,%20USA&msbnp=1737&MSAV=1&uidh=yn9&pcat=BMD_BIRTH&h=4553687&dbid=8783&indiv=1&ml_rpos=1 [https://perma.cc/QZC3-NRSU (dark archive)]; *Draft Registration Card—Harvey Elliot Beech*, ANCESTRY, https://search.ancestryinstitution.com/cgi-bin/sse.dll?_phsrc=qci1&_phstart=successSource&usePUBJs=true&qh=52Q8U73wHSkSXOPTGCuvPA%3D%3D&gss=angs-c&new=1&rank=1&msT=1&gsfn=Harvey&gsfn_x=0&gsln=beech&gsln_x=0&msbdm=3&msbdy=1924&msbnp__ftp=Lenoir%20County,%20North%20Carolina,%20USA&msbnp=1737&MSAV=1&uidh=yn9&pcat=BMD_BIRTH&h=4553687&dbid=8783&indiv=1&ml_rpos=1 [https://perma.cc/NTD7-UYBG (dark archive)].

237. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 3.

238. *See id.* at 3–4.

239. *See id.* at 4. Xavier University is now named Xavier University of Louisiana and should not be confused with Xavier University in Cincinnati. *See* XAVIER UNIVERSITY OF LOUISIANA, <https://www.xula.edu> [https://perma.cc/A7VT-ZEQD].

240. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 4.

241. *Id.* at 4–6.

242. *Id.* at 6–7.

243. *Id.* at 9.

244. *Id.*

245. *Id.* at 8.

246. *Id.* at 9.

247. *Id.* at 8–9.

248. *Id.* at 11–12.

hypocrisy of the image above the separate “Colored” and “White” water fountains in front.²⁴⁹ He said that his desire to become a lawyer stemmed from the injustices that display symbolized.²⁵⁰ By 1949, the entertainment venue profits and those from his soda shop in which he and his wife worked seven days a week selling hamburgers and drugstore goods, allowed him to save enough to attend law school.²⁵¹

Beech began his legal studies at North Carolina College School of Law.²⁵² When McKissick was about to graduate, *McKissick* was still dragging on.²⁵³ Beech and Lee were roommates and friends at Morehouse and were classmates of McKissick’s at Morehouse and North Carolina College School of Law.²⁵⁴ Marshall, who headed the NAACP legal team, asked both Lee and Beech to apply to Carolina Law. When they were denied admission, they intervened in the lawsuit.²⁵⁵

Once the case was won, their trials were not over. Beech and his African American colleagues at Carolina Law endured instances of racial discrimination and exclusion from housing, the classroom, and recreational facilities.²⁵⁶ For example, one law professor addressed all other students as “mister” when calling on them in class but would call on Lee only by pointing to him, never using the honorific “mister.”²⁵⁷

Beech remembered one other particularly galling incident.²⁵⁸ Students were lining up to take a physical exam when Beech got in line along with white students, unaware that his African American peers had been shuttled off to a separate room.²⁵⁹ When the exam was over, the officials gave Beech an access card for the swimming pool.²⁶⁰ When he returned to the dorm, the other African American students mentioned being taken to another room for their exam and were not given swimming pool access cards.²⁶¹ About three weeks later, the law school dean called Beech out of

249. *Id.* at 9–10.

250. *See id.*

251. *Id.* at 11–12.

252. *See 4 Negroes Are Students at UNC Now*, *supra* note 1, at 1.

253. The plaintiffs had appealed the district court decision to the Court of Appeals for the Fourth Circuit. *See McKissick v. Carmichael*, 187 F.2d 949, 949 (4th Cir. 1951).

254. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 14–15.

255. *See Epps v. Carmichael*, 93 F. Supp. 327, 328–29 (M.D.N.C. 1950), *rev’d sub nom. McKissick*, 187 F.2d 949; Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 14–15.

256. *See REPORT TO AALS*, *supra* note 202, at 12; *Five Negroes Send Telegram to Governor Scott*, *supra* note 207, at 1; Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 17–20.

257. LEE, *supra* note 226, at 92.

258. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 19–20.

259. *Id.*

260. *Id.*

261. *Id.*

class to ask, at the chancellor's behest, that Beech return the swimming card.²⁶² The dean said that the card had been mistakenly given to Beech.²⁶³ They had given the card to Beech, who was a fair-skinned man, because they thought he was a student from Brazil.²⁶⁴ That they would give the privilege to someone from Brazil before they would give it to a native son was most hurtful to Beech.²⁶⁵

Even Beech's graduation day was marred by racism.²⁶⁶ For the processional, students lined up alphabetically by last name. But the white student assigned to walk beside Beech refused because of Beech's race.²⁶⁷ Word reached back to Beech's friend and classmate, Mike Ross, Editor-in-Chief of the *North Carolina Law Review*, who moved forward to take the place next to Beech that the other white classmate had vacated.²⁶⁸

Beech graduated from Carolina Law in June 1952, becoming the first African American graduate of the law school and UNC-Chapel Hill.²⁶⁹ He passed the written bar exam before he graduated,²⁷⁰ but after graduating he faced a "character and fitness" inquiry.²⁷¹ A Kinston member of the Board of Law Examiners questioned Beech's friendship with Mike Ross, who the examiner said was a Communist.²⁷² Beech recalled that when he indicated to the examiner that he had no way of knowing that and made clear that he planned to practice in Durham, not Kinston, the examiner held him "morally fit."²⁷³ Beech, in telling that anecdote, seemed convinced that the Kinston law examiner, by asking about where Beech planned to practice, was signaling that he did not want Beech practicing in his hometown of Kinston.²⁷⁴

262. *Id.* at 20.

263. *Id.*

264. *Id.*

265. *Id.*

266. *Id.* at 21–22.

267. *Id.*

268. *Id.*

269. *Only One of Four Univ. of N. Carolina Students Passes*, PHILA. TRIB., June 10, 1952, at 8. Despite the headline, both Beech and Lee had passed, but Lee apparently had five more weeks to go before meeting residency requirements. *Id.*; see also Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2–3.

270. At that time, the North Carolina Board of Law Examiners decided each year when the exam would be given, sometimes offering the exam only once a year. It was common for law students to take the exam before graduating law school. See Letter from Edward L. Cannon, Sec'y, N.C. Bd. of Law Exam'rs, to Henry Brandis, Jr., Dean, Univ. of N.C. at Chapel Hill (Jan. 4, 1952) (UNC Archives: 40046, Box 8, Folders 305–07) (notifying Dean Brandis of the August date for the 1952 bar exam).

271. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 24–25.

272. *Id.*

273. *Id.* at 25.

274. *Id.*

In Durham, Beech apprenticed himself to African American lawyer C. J. Gates for two years, paying a share of the practice expenses.²⁷⁵ He then returned to Kinston where he practiced law for thirty-eight years.²⁷⁶ He distinguished himself as a leader in the Kinston community, becoming the first African American chair of the Kinston Board of Education and the first African American trustee of East Carolina University.²⁷⁷ Beech received many decorations and honors in Kinston, including the Kinston-Lenoir County Citizen of the Year award in 1981.²⁷⁸

Beech was also an active Carolina alum and donor.²⁷⁹ He served on the UNC-Chapel Hill Board of Visitors from 1982 to 1990 and on the Carolina Law's alumni board from 1996 to 1998.²⁸⁰ He donated both to the Carolina Law and to the UNC-Chapel Hill Sonja Haynes Stone Center for Black Culture and History.²⁸¹ UNC-Chapel Hill bestowed several honors and recognitions upon Beech, including the Distinguished Service Medal from the UNC-Chapel Hill General Alumni Association in 2002.²⁸² Carolina Law also awarded him a Distinguished Alumnus recognition in 1998.²⁸³ A UNC-Chapel Hill alumni award and an outstanding student award in the Black Alumni Reunion are named for him.²⁸⁴ In 2004, Beech received the William Richardson Davie Award, the highest honor given by the Board of Trustees of UNC-Chapel Hill.²⁸⁵

Harvey Elliott Beech died on August 7, 2005, in Kinston, North Carolina. He was eighty-one years old.²⁸⁶

B. *James L. Lassiter*

While there appears to be very little public information about Lassiter's life before, during, and after his attendance at UNC-Chapel Hill,

275. *Id.* at 24.

276. *See id.* at 46.

277. David E. Brown, *Harvey Beech '52 Never Liked Being First*, CAROLINA ALUMNI REV., Sept.–Oct. 2005, at 80.

278. EVELYN DOVE-CAMERON, HARVEY BEECH SPEAKS: 1ST BLACK GRADUATE OF THE UNIVERSITY OF NORTH CAROLINA REMINISCES AND EXPANDS 8 (2001).

279. *See* Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 26, 41.

280. Brown, *supra* note 277, at 80.

281. Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 41.

282. Brown, *supra* note 277, at 80.

283. *See Alumni Awards*, UNC SCH. LAW, <https://alumni.law.unc.edu/s/1723/05-law/default.aspx?sid=1723&gid=5&pgid=1955> [<https://perma.cc/9UPP-HSMA>].

284. Brown, *supra* note 277, at 80.

285. *See UNC Trustees Honor Four with Prestigious Davie Award*, UNC GLOBAL, <https://global.unc.edu/news/unc-trustees-honor-four-with-prestigious-davie-awards/> [<https://perma.cc/8PCE-AKQH>]; *see also Awards*, UNC BOARD TR., <https://bot.unc.edu/awards/> [<https://perma.cc/TD88-PPXQ>].

286. *Harvey E. Beech Papers 1939–2004*, UNC UNIV. LIBR., <https://finding-aids.lib.unc.edu/05465/> [<https://perma.cc/7WRE-ZSL2>].

we know that Lassiter was a student at the North Carolina College School of Law before he and the other plaintiffs won the right to attend Carolina Law. He apparently attended Carolina Law summer classes with Beech, Lee, and McKissick in 1951.²⁸⁷ He then registered for and attended classes at Carolina Law the following fall.²⁸⁸ At some point, he returned to North Carolina College and finished his law degree there.²⁸⁹

A June 1952 *Philadelphia Tribune* article discussing Beech's graduation mentioned that three other students, including Lassiter, had not "maintain[ed] the standard of work necessary for a degree," but that they might have been granted permission to continue to study in the law school.²⁹⁰ The article did not specify what standard they had not met.²⁹¹ Other news reports mentioned allegations by the students' attorneys that the students were being harassed at the law school and that three, including Lassiter, had failed some classes despite consistently having received honors grades at North Carolina College.²⁹² It is hard to say whether the disparities in Lassiter's earlier segregated education prior to attending Carolina Law, lack of legal background, added stress from dealing with further discrimination and harassment, biased grading, or a combination of factors caused him to struggle academically and then withdraw from Carolina Law. We know that Carolina Law did not lower any standards to admit him.²⁹³ The record of the case indicates that his credentials qualified him to attend Carolina Law the same as any white student.²⁹⁴ The sole reason Carolina Law initially rejected his application was that he was African American.²⁹⁵ He also would not be the first student nor the last to be admitted to Carolina Law and not complete his legal education there. We know that he completed his law degree at North Carolina College School of Law and then practiced law in North Carolina, which required passing the North Carolina Bar Exam. So, he did well enough to qualify to practice law despite whatever deficits, real or perceived, that may have contributed to his withdrawal from Carolina Law.

287. Daye, *supra* note 1, at 681.

288. *Only One of Four Univ. of N. Carolina Students Passes*, *supra* note 269, at 8.

289. Lassiter is featured on North Carolina Central School of Law's seventieth anniversary publication and is listed as having graduated in 1954. See *So Far: 70th Anniversary*, N.C. CENT. SCH. LAW 16–17 (2009), <https://archives.law.nccu.edu/cgi/viewcontent.cgi?article=1001&content=so-far> [<https://perma.cc/VT6A-VD4Z>].

290. *Only One of Four Univ. of N. Carolina Students Passes*, *supra* note 269, at 8.

291. *Id.*

292. See *Discrimination Charges are Unresolved*, DAILY TAR HEEL, Mar. 9, 1952, at 1.

293. The record of the lawsuit makes it clear that the African American students met the same standards as did the other students at Carolina Law. See *Epps v. Carmichael*, 93 F. Supp. 327, 328 (M.D.N.C. 1950), *rev'd sub nom. McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951).

294. *McKissick*, 187 F.2d 949, 950 (4th Cir. 1951).

295. *Id.*

In 1969, he was appointed the first African American field agent for the Department of Commerce,²⁹⁶ where he worked to assist African American-owned businesses.²⁹⁷ In 1972, he took the position of Equal Opportunity Officer in a regional office of the U.S. Department of Housing and Urban Development (“HUD”).²⁹⁸ After retiring from that position, he returned to private practice in Greensboro, North Carolina.²⁹⁹ There appears to be no public record available to indicate whether Lassiter is still living in North Carolina or elsewhere.

C. *J. Kenneth Lee*

John Kenneth Lee was born on November 1, 1923, in Charlotte, North Carolina.³⁰⁰ He grew up in Hamlet, North Carolina, graduating from the small, segregated Capital Highway High School in 1941.³⁰¹ He then enrolled in the electrical engineering program at A&T.³⁰² In 1944, six weeks from his goal of graduating within three years, he was drafted by the Army.³⁰³ Instead of serving in the Army, he enlisted with the Navy.³⁰⁴ He partially explained his reasons in a 1995 interview, noting that the Army slept in foxholes while the Navy slept in heated ships and barracks.³⁰⁵ After training in Michigan, Illinois, and Hawaii, he served on an attack transport ship in the South Pacific near the end of World War II.³⁰⁶ While in the Navy, Lee took graduate courses in engineering at the University of Hawaii, Hampton Institute, and other schools close to where he was stationed.³⁰⁷ He completed his two-year naval service and immediately returned to A&T, finishing his degree in six weeks.³⁰⁸

When Lee graduated from A&T, major companies like Western Electric and Westinghouse were advertising heavily, seeking to employ

296. See Daye, *supra* note 1, at 683.

297. *Id.*

298. *Id.*

299. *Id.*

300. See Abbie Bennet, *J. Kenneth Lee, Black Civil Rights Champion Who Helped Desegregate UNC, Dies at 94*, NEWS & OBSERVER (Raleigh July 30, 2018), <https://www.newsobserver.com/new/local/article215773230.html> [https://perma.cc/4MB2-QCMF].

301. LEE, *supra* note 226, at 4.

302. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 1.

303. *Id.*

304. Interview by Ann S. Estridge with J. Kenneth Lee *supra* note 190, at 87.

305. *Id.*

306. *Id.* at 88.

307. See LEE, *supra* note 226, at 7; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2.

308. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 1–2.

engineers in North Carolina.³⁰⁹ However, they would not give African American applicants an interview for a North Carolina position.³¹⁰ Lee received offers to work in California and elsewhere, but he did not want to leave home and instead took a job teaching electrical engineering at A&T.³¹¹ He also opened an electronics shop in Greensboro.³¹² With so many men returning from military service with G.I. education benefits, there were more students than the A&T program could handle.³¹³ To meet the demand, Lee and some of his colleagues launched Delwatt's Radio and Electronics, a school to train students in radio, phonograph, and electronics repair, operating in Winston-Salem, North Carolina.³¹⁴ To get Veterans Administration payments for the veterans attending the electronics school, Lee had to follow Veterans Administration guidelines, so he worked with a lawyer who handled government contracts. He then considered the idea of going to law school himself to take courses in contracts.³¹⁵

By 1949, Lee had made the decision to attend law school.³¹⁶ The only law school in the state open to African Americans was the North Carolina College School of Law,³¹⁷ but he had concerns.³¹⁸ He said that, at the time, the North Carolina College School of Law was just two rooms in the North Carolina College library building and the library books were all stacked on the floor with no shelves on which to put them.³¹⁹ He, McKissick, and other classmates picketed the state legislature to make improvements to the North Carolina College School of Law, particularly to its library, to bring it up to ABA accreditation standards.³²⁰ However, the legislature appeared unwilling to address those complaints,³²¹ so he set his sights on attending

309. See LEE, *supra* note 226, at 7; Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2.

310. See Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2.

311. *Id.*

312. Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 59.

313. *Id.* at 115.

314. *Id.* at 114.

315. *Id.* at 50–51.

316. Interview by Eugene E. Pfaff with J. Kennedy Lee, *supra* note 137, at 2 (noting that Lee intervened in the *McKissick* case in 1949 and entered law school in 1950).

317. See Daye, *supra* note 1, at 678 (noting that North Carolina College was created in 1939 specifically to establish a law school that would admit African Americans).

318. See Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2.

319. *Id.*

320. Jenkins, *supra* note 48, at 1.

321. See *id.* at 2 (“‘I think it is reprehensible that the students of a school to which the General Assembly has been so generous should picket the Capitol,’ said Sen. Lee Weathers of Cleveland.”).

Carolina Law and joined the *Epps* lawsuit.³²² He ultimately became the only plaintiff who testified in the case.³²³

Lee remembered the federal district court judge who initially ruled against them, saying that he (the judge) estimated that *Sweatt* required the African Americans be admitted to UNC-Chapel Hill, but that since he had to live in the county, he was not going to be the one to say it.³²⁴ He would not risk the backlash. Instead, he let the court of appeals make that determination.³²⁵

After winning the lawsuit, Lee began classes at Carolina Law in June 1951 along with Beech, Lassiter, McKissick, and Walker.³²⁶ He immediately saw that discrimination was going to continue to rear its head. The first sign was that, despite the severe housing shortage on campus, the African Americans were given a full floor of the Steele Building all to themselves.³²⁷ Then, they had to advocate for tickets in the student section of the football games.³²⁸ Lee noted that after the chancellor relented and gave them student tickets, other students came to their assistance at the football game they attended. He said, “[t]here was always a bunch of students who were friendly to our cause, and what they did was to trade tickets with students who had tickets around us and they—we were surrounded by people that we knew to be friendly.”³²⁹

Lee also talked about a tense encounter he and Beech had with some seventy-five to one hundred armed highway patrolmen who were on campus attending an Institute of Government training one day.³³⁰ As he and Beech were walking from the dining hall to the Steele Building, they saw that a line of those law enforcement men stood shoulder to shoulder on the steps of the Steele Building, blocking their way.³³¹ He and Beech were determined to stand up to them, so they kept walking, having no idea what would happen.³³² Just before they reached the line of officers, a classmate intervened, stepping up to walk beside them. As the classmate approached the officers, he said “Pardon me, fellows.”³³³ The officers parted, and Lee, Beech, and the classmate slipped through the line of officers.³³⁴

322. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 2.

323. *Id.* at 3.

324. *Id.* at 25.

325. *Id.*

326. *See 4 Negroes are Students at UNC Now, supra* note 1, at 1.

327. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 4.

328. *Id.* at 4–5.

329. *Id.* at 5.

330. *Id.* at 5–6.

331. *Id.*

332. *See id.*

333. *Id.* at 6.

334. *See id.*

Lee also talked about getting threatening letters from some of the most prominent citizens of Greensboro when he began at Carolina Law.³³⁵ During the first weeks and months of attending UNC-Chapel Hill, he and the other African American students had to have a police escort everywhere they went on campus because of threats against them.³³⁶

Lee passed the bar in 1952 before he graduated from law school.³³⁷ After he graduated, Lee continued his engineering businesses,³³⁸ but by 1953 the need for lawyers to represent African Americans drew him into civil rights cases.³³⁹ In an interview, he recalled his first experience in court representing nine African American men accused of killing a sheriff in Carthage, North Carolina.³⁴⁰ He commented that no lawyer would represent any of the nine men so he represented them all.³⁴¹

He was one of the few African American lawyers in the state and found himself covering a wide swath of the region.³⁴² In addition to representing his own clients, Lee acted as assistant counsel for the NAACP in North Carolina, working with Conrad Pearson.³⁴³

By the early 1960s, African American students and citizens of North Carolina began participating in sit-ins, pickets, and protests and needed lawyers to represent them.³⁴⁴ Lee took up the challenge and shortly had a very full plate.³⁴⁵ At one point, as participation in civil rights protests grew, he simultaneously had over 1700 active sit-in cases.³⁴⁶ His civil rights cases typically involved two discrete issues: criminal charges against the protesters and civil actions to desegregate facilities, including *Simkins v. City of Greensboro*.³⁴⁷ The city of Greensboro owned a public golf course partially funded by the federal Works Progress Administration and partially built on state Department of Education land.³⁴⁸ To avoid integrating it, city officials leased the golf course to a private corporation, Gillespie Park Golf

335. *Id.* at 7.

336. *Id.* at 7–8.

337. *See* LEE, *supra* note 226, at 18; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 59. In 1952, the exam was given once, in August, with sixty-five of the seventy-two first-time Carolina Law takers passing. U.N.C. LAW STUDENTS BAR EXAMINATION STATISTICS (1946–1952) (UNC Archives: 40046, Box 8, Folders 305–07).

338. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 21.

339. *Id.* at 15.

340. *Id.* at 15–16.

341. *See id.*

342. *Id.* at 15.

343. *Id.* at 31.

344. *See id.* at 13–16, 26–27.

345. *Id.* at 26–27.

346. *Id.* at 14.

347. 149 F. Supp. 562 (M.D.N.C. 1957).

348. *Id.* at 563.

Club, Inc., and the corporation barred African Americans from the course.³⁴⁹

Lee represented a group of African American men who were arrested for defying that ban.³⁵⁰ Though the lower state court convicted the defendants, Lee and his co-counsel won for the African American clients on appeal.³⁵¹ In federal court, the African American litigants, represented by another group of attorneys, also prevailed in the civil suit to desegregate the golf course, but the city appealed.³⁵² The Fourth Circuit heard the appellate arguments in the civil case on June 14, 1957.³⁵³ On June 27, 1957, one day before the court released its official decision in favor of the African American plaintiffs, the golf course buildings were burned to the ground.³⁵⁴ The front-page headline in one local paper the next day read: “*Fire At Golf Club Solves Greensboro Race Problem.*”³⁵⁵ The golf course did not reopen for five years.³⁵⁶

Civil rights representation did not provide a sustainable living for Lee.³⁵⁷ Often his clients were poor and the money to pay him was scraped together in church collection plates and by families mortgaging their property, though for big cases they often received some help from the NAACP.³⁵⁸ To supplement his income, Lee practiced law by day and at night worked repairing radios, televisions, and other electronics while also operating a jukebox concession business.³⁵⁹

During his years of practice, Lee was harassed by members of the local Ku Klux Klan, received threats, and had his law office vandalized.³⁶⁰ He described one traumatic incident in which he and his wife briefly left

349. *See id.*

350. *See* Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 19.

351. *See* State v. Cooke, 246 N.C. 518, 521, 98 S.E.2d 885, 888 (1957); Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 21–23. Though that 1957 conviction was overturned, the men apparently lost in a later misdemeanor prosecution for the same trespass, despite appealing to the United States Supreme Court. *See* State v. Cooke, 248 N.C. 485, 495, 103 S.E.2d 846, 854 (1958), *appeal dismissed sub nom.* Wolfe v. North Carolina, 364 U.S. 177, 179 (1960).

352. City of Greensboro v. Simkins, 246 F.2d 425, 425 (4th Cir. 1957).

353. *Id.*

354. *Fire at Golf Club Solves Greensboro Race Problem*, ROBESONIAN (Lumberton, North Carolina), June 27, 1957, at 1; *see also* Simkins, 246 F.2d at 425.

355. *Fire at Golf Club Solves Greensboro Race Problem*, *supra* note 354, at 1.

356. *See* Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 22. *But see It Closed in 1957, Integrated Golf Course Opens in Greensboro*, CHARLOTTE OBSERVER, Dec. 8, 1962, at 1. Though Lee recalled the golf course not opening for ten years, the facility closed in 1957 but was reopened five years later in December 1962. *Id.*

357. Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 21.

358. *See id.* at 20.

359. *Id.* at 21.

360. *Id.* at 9–11.

the house to visit a neighbor only to return to find their young son incoherently screaming and crying. The boy had answered the phone and the caller had “described in terms that only they could describe what they were going to do to his daddy.”³⁶¹ They had to take the child to the hospital.³⁶²

In another situation of harassment, someone shattered the glass window of Lee’s office, repeatedly, after every repair.³⁶³ Eventually, some former clients staked out the office, caught the culprit in the act, and held him for the police.³⁶⁴ The white supremacist who committed the crimes was given a two-year sentence.³⁶⁵ In an odd twist, the convicted man, a skilled carpenter, appealed to Lee to allow him to work on the home Lee was building, promising good work.³⁶⁶ He would lose his job with the contractor Lee had hired if Lee did not consent, so Lee agreed.³⁶⁷ The man was true to his word, and they developed an odd friendship. Lee eventually testified on the man’s behalf enabling him to stay out of jail, but Lee said that the man remained an avowed racist for the rest of his life.³⁶⁸

Lee also had to deal with racism in the courthouse and within the North Carolina bar.³⁶⁹ He recalled dealing with judges who, when conferring in chambers with the attorneys, regularly used the N-word to refer to African American litigants, apparently oblivious to the fair-skinned African American attorney in the room.³⁷⁰ He also noticed armed white supremacists attending court proceedings of some cases in which Lee represented African American litigants.³⁷¹

When several banks refused Lee a mortgage, one savings and loan officer told him, “In Guilford County, we do not make loans to black folks of over thirteen thousand dollars.”³⁷² The loan officer implied that, if the bank had to take possession of the property, they would have a hard time selling a home previously owned by an African American.³⁷³ Lee said he decided then to open a bank that would lend to African Americans. He

361. *Id.* at 38.

362. *Id.*

363. *Id.* at 9.

364. *Id.*

365. *Id.* at 10.

366. *Id.*

367. *Id.*

368. *See* LEE, *supra* note 226, at 30 (noting that the understanding between Lee and the Klansman was an “unholy alliance”).

369. *See* Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 16; *see also* Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 23.

370. *See* Interview by Eugene E. Pfaff with J. Kenneth Lee, *supra* note 137, at 23.

371. *Id.* at 16.

372. Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 45.

373. *Id.* at 46.

eventually co-founded American Federal, the first federally chartered bank in North Carolina started by African Americans.³⁷⁴ He remained president of the bank until he retired in 1988.³⁷⁵ He also became the first African American to serve as North Carolina's State Banking Commissioner³⁷⁶ and later served for eight years as vice-chairman of the board of the North Carolina Housing Finance Agency, which focused on providing affordable homes for people with low incomes.³⁷⁷

Although Lee took a break from practicing law at forty-nine to recover from hip surgery, he continued to be involved in numerous business enterprises and in public service.³⁷⁸ His businesses included investment, real estate development, and the administration of a nursing home.³⁷⁹ In addition to his other public service, Lee served for several years as a special hearings officer for the U.S. Department of Justice.³⁸⁰ During the Vietnam War, Lee's special hearings officer duties largely involved making determinations on conscientious objector applications.³⁸¹ Lee, along with Beech, received a Distinguished Alumnus Award from Carolina Law in 1998.³⁸²

Lee's son and granddaughter both followed his footsteps into law practice.³⁸³ He died at the age of ninety-four on July 22, 2018.³⁸⁴

D. *Floyd B. McKissick*

Floyd Bixler McKissick was born on March 9, 1922, in Asheville, North Carolina.³⁸⁵ McKissick recollected happy formative years that were marred by violent enforcement of racial segregation.³⁸⁶ When he was a boy, his scout leader once put him in charge of directing traffic at the intersection of a street that was being used as a roller-skating rink.³⁸⁷ While directing traffic to ensure the safety of the younger children, a policeman approached him.³⁸⁸ The policeman demanded that McKissick get out of the

374. *See id.* at 45–48.

375. *Id.* at 48.

376. LEE, *supra* note 226, at 25.

377. Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 126.

378. *Id.* at 178–79.

379. *Id.* at 172–75.

380. *Id.* at 134.

381. *Id.*

382. *Alumni Awards*, *supra* note 283.

383. Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 179.

384. *See* Bennet, *supra* note 300.

385. Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 1.

386. *Id.* at 2–3.

387. *Id.* at 3.

388. *Id.*

way, saying he had no business being there.³⁸⁹ When McKissick tried to explain, the officer struck him, beating and slapping him in the head.³⁹⁰ McKissick threw a skate at the officer and was arrested.³⁹¹ The NAACP stepped in to defend McKissick.³⁹² McKissick said that he then, at twelve years of age, became an NAACP member and civil rights activist.³⁹³

McKissick attended Morehouse College, taking breaks in his education to earn money to attend school.³⁹⁴ He served in the Army in Europe during World War II, attaining the rank of sergeant.³⁹⁵ Like many African Americans who served abroad in the military, the experience opened his eyes to a world beyond a segregated existence.³⁹⁶ When they finished serving in World War II, he and his associates were determined to end segregation in North Carolina.³⁹⁷ He said what they had seen showed things “were not what America had depicted them to be.”³⁹⁸ After seeing the world, they were determined not to live again in segregation.³⁹⁹

McKissick returned to North Carolina and resumed his education, earning his undergraduate degree at North Carolina College, then continuing to its law school.⁴⁰⁰ The poor conditions at the law school provoked the students to make efforts, including picketing, to get the legislature to improve the school.⁴⁰¹ A major issue was that the school had very few of the books they needed for their legal studies and many of the books were out of date.⁴⁰² The books they did have were piled in a storage area with no index for finding any specific book.⁴⁰³ Also, the legislature

389. *Id.*

390. *Id.* at 4.

391. *Id.* at 4; see also Timothy J. Minchin, “A Brand New Shining City”: Floyd B. McKissick Sr. and the Struggle to Build Soul City, *North Carolina*, 82 N.C. HIST. REV. 125, 130 (2005).

392. Minchin, *supra* note 391, at 130.

393. *Id.*; Interview by Jack Bass & Walter De Vries with Floyd B. McKissick, at 1 (Dec. 6, 1973), <https://docsouth.unc.edu/sohp/A-0134/menu.html> [<https://perma.cc/89H3-SUG7>].

394. Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 2.

395. Minchin, *supra* note 391, at 130.

396. See OSHA GRAY DAVIDSON, *THE BEST OF ENEMIES: RACE AND REDEMPTION IN THE NEW SOUTH* 75 (2007) (ebook); Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 3.

397. Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 2–3.

398. *Id.* at 3.

399. *Id.*

400. See *id.*; see also Glenn Fowler, *Floyd McKissick, Civil Rights Maverick, Dies at 69*, N.Y. TIMES, Apr. 30, 1991, at D19.

401. See Jenkins, *supra* note 48, at 1; Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 4.

402. See Interview by Jack Bass & Walter De Vries with Floyd B. McKissick, *supra* note 393, at 3–4.

403. See Jenkins, *supra* note 48, at 2; Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 3. The Fourth Circuit noted that the North Carolina College School of Law

had delayed the release of funds allocated for building renovations to provide dedicated space for the law school and library by two years.⁴⁰⁴ McKissick believed that the professors there were good but simply could not overcome the basic deficits of a lack of books and other resources.⁴⁰⁵

Not satisfied with the legislature's responses to their lobbying and picketing, McKissick agreed to become a plaintiff in the lawsuit the NAACP brought to integrate Carolina Law.⁴⁰⁶ Though he had graduated law school by the time the suit won him access, he registered at UNC-Chapel Hill and attended a summer class in June 1951 with the first group of African American students to attend the university.⁴⁰⁷ McKissick insisted on taking a class at Carolina Law that summer because Thurgood Marshall had urged him to attend.⁴⁰⁸ Marshall told him that the grades of the African Americans who attended UNC-Chapel Hill would be questioned but that McKissick would have no problem.⁴⁰⁹ Marshall was confident McKissick would handle the stress well and succeed at Carolina.⁴¹⁰ In interviews, McKissick discussed how he dealt with some of the racial discrimination he encountered during his summer there.⁴¹¹ For example, he said that when the administration denied him and the other African American law students pool passes, he just jumped into the pool one day.⁴¹² When he got out, he said simply, "It's integrated now."⁴¹³

Though McKissick attended Carolina Law for only one class, in the summer of 1951 he stayed in the Steele Building along with Beech and Lee, where they endured "pranks" and other forms of harassment.⁴¹⁴ White students in the dining hall would knock the African American students' food trays out of their hands.⁴¹⁵ The African American students also received daily threatening letters from the Ku Klux Klan.⁴¹⁶ McKissick recalled booby traps and threats left for them at their dorm:

library had less than half the number of volumes as did the one at Carolina Law, with almost a third of the volumes in storage. *McKissick v. Carmichael*, 187 F.2d 949, 953 (4th Cir. 1951).

404. See *Jenkins*, *supra* note 48, at 2. The legislature ostensibly was waiting for construction costs to go down before releasing the funds. See *id.*

405. See Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 4.

406. See *id.* at 3, 5.

407. *4 Negroes Are Students at UNC Now*, *supra* note 1, at 1; Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5.

408. See Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5.

409. See *id.*

410. See *id.*

411. See, e.g., *id.* at 6–7 (describing instances of racial abuse perpetuated against himself and his friends).

412. *Id.* at 6.

413. *Id.*

414. See *id.*

415. *Id.*

416. See *id.*

And they would come in and they'd put a black snake in my drawer, a dead black snake, in my drawer on my shirts. They would put water on your clothes. Put a bucket of water over your door to trick you. When you come in, you opened the door, a bucket of water would [fall]. Because see, no doors were locked. They would be halfway or partially open. They had a lot of fun with you. They thought they were having fun. You'd get a letter every day from the Klu Klux Klan [sic] telling you that you're at the wrong place and what's going to happen to you. You had a lot of threats.⁴¹⁷

Despite the pressure, McKissick endured and completed the course.⁴¹⁸ He went on to a fruitful career as a lawyer, businessman, and civil rights leader.⁴¹⁹ His legal practice focused on criminal defense and personal injury.⁴²⁰ He also took on desegregation cases, including cases to allow his own children to attend all-white schools.⁴²¹ He served as chairman of the Congress of Racial Equality from 1966 to 1967.⁴²² Among other roles, McKissick organized many high school and college student sit-ins and other nonviolent protests against segregation in Durham beginning in 1959.⁴²³

McKissick is perhaps best known for Soul City, an ambitious and controversial community development project he conceived and spearheaded.⁴²⁴ He envisioned a multiracial, multicultural community with a mixture of business development, housing, health care, and community services.⁴²⁵ He hoped to both empower disadvantaged people and improve the economic future of Warren County, North Carolina, an impoverished, predominantly black, rural community.⁴²⁶ McKissick's inspiration for Soul City came from his World War II experience in Europe seeing the Marshall Plan in action, rebuilding war-torn areas.⁴²⁷ He began pitching the idea in the late 1960s.⁴²⁸ During the early 1970s, the project gained momentum and

417. *Id.*

418. *See id.* at 5.

419. *See* Fowler, *supra* note 400, at D19.

420. *Id.*

421. Minchin, *supra* note 391, at 130; *see also* DAVIDSON, *supra* note 396, at 75–77 (discussing an account of McKissick's extensive civil rights work and his daughter Joycelyn's experience as the first African American to integrate Durham High School).

422. Christopher Strain, *Soul City, North Carolina: Black Power, Utopia, and the African American Dream*, 89 J. AFR. AM. HIST. 57, 58 (2004); Fowler, *supra* note 400, at D19.

423. DAVIDSON, *supra* note 396, at 77.

424. *See* *Floyd McKissick and Soul City*, N.C. DEP'T NAT. & CULTURAL RESOURCES, <https://www.ncdcr.gov/blog/2014/11/09/floyd-mckissick-and-soul-city> [<https://perma.cc/E9BE-EHY5>].

425. *See* Minchin, *supra* note 391, at 132–34.

426. *See id.* at 132.

427. *See id.* at 130–31; Strain, *supra* note 422, at 59.

428. *See* Strain, *supra* note 422, at 58–59.

support, moving toward implementation.⁴²⁹ Under President Richard Nixon, HUD helped fund the endeavor.⁴³⁰ North Carolina Governor James Holshouser also contributed state support.⁴³¹

With millions in state and federal funding, and backing from private real estate developers, Soul City broke ground in 1973.⁴³² Construction of water and sewer lines and other infrastructure began.⁴³³ The community was slated to house 50,000 people, provide jobs for 24,000, and include a tech center, recreation facility, art museum, library, shopping center, residential subdivisions, golf course, and manufacturing and office space.⁴³⁴ However, the project did not draw the business enterprises and people it needed to form the envisioned community.⁴³⁵ Detractors made accusations of corruption that ultimately were shown to be unfounded.⁴³⁶ Support dried up and the project began struggling financially. It was officially discontinued in 1980 after HUD withdrew its funding.⁴³⁷ Though the project did not come to full fruition, it brought a water system, a health clinic, industrial jobs, and recreational facilities to the struggling Warren County community.⁴³⁸ McKissick himself is said to have never wavered in his belief in and commitment to Soul City.⁴³⁹ He moved to Soul City in 1970 and remained there until his death over twenty years later.⁴⁴⁰

McKissick's son, Floyd McKissick Jr., followed his father's footsteps into a career in law and public service.⁴⁴¹ The father and son eventually practiced law together.⁴⁴² At the time of this writing, Floyd McKissick Jr. is serving his sixth term as a senator in the North Carolina General Assembly.⁴⁴³ He holds degrees from Duke University, UNC-Chapel Hill, Clark University, and Harvard University.⁴⁴⁴

429. See Minchin, *supra* note 391, at 126 (discussing the gathering of funds for the Soul City project).

430. *Id.* at 126, 137.

431. Strain, *supra* note 422, at 63.

432. Minchin, *supra* note 391, at 125.

433. *Id.* at 137.

434. See *id.* at 133–34 (discussing the range of facilities planned for Soul City); Strain, *supra* note 422, at 59–60.

435. See Minchin, *supra* note 391, at 139.

436. See *id.* at 138.

437. *Id.* at 147.

438. *Id.*

439. See *id.* at 155.

440. See *id.* at 132–33, 155.

441. See *Senator Floyd B. McKissick, Jr.*, N.C. GEN. ASSEMBLY, <http://www.ncleg.gov/Members/Biography/S/228> [<https://perma.cc/37RY-CRAZ>].

442. *Id.*

443. *Id.*

444. *Citizens' Guide to the 2011–2012 N.C. Legislature*, N.C. CTR. PUB. POL'Y RES., https://nccppr.org/wp-content/uploads/legislative_guide/citizens_guide_to_the_2011-2012_nc_legislature.pdf [<https://perma.cc/R23H-ETVF>]; see also *Floyd McKissick, Jr.'s Biography*, VOTE

In 1990, Floyd McKissick Sr. was appointed to a North Carolina district court judgeship in the Ninth District.⁴⁴⁵ He was the first African American to serve as a judge in that district.⁴⁴⁶ Floyd B. McKissick Sr. died on April 28, 1991, at sixty-nine years of age.⁴⁴⁷

E. James R. Walker Jr.

James Robert Walker Jr., was born on February 25, 1924, in Ahoskie, North Carolina.⁴⁴⁸ His parents, both graduates of Hampton Institute, were community leaders and activists.⁴⁴⁹ His maternal grandfather, Reverend Sander Dockery, a Statesville preacher, school administrator, and civil rights activist with membership in the NAACP, was just one family member Walker credited with inspiring, training, and guiding him to activism and a career in law.⁴⁵⁰ But he was not the only one.⁴⁵¹ Walker commented, “It wasn’t anything unusual for me to take an interest in social welfare and [to] fight social injustice. . . . It was more or less a family tradition on both sides.”⁴⁵² His strong religious background also strengthened his commitment, leading him to become a preacher as well as a lawyer.⁴⁵³

Walker earned his undergraduate degree at North Carolina College.⁴⁵⁴ Then he was drafted and served in Europe in World War II.⁴⁵⁵ Walker’s service experience was another catalyst for his commitment to civil rights work.⁴⁵⁶ He was affronted by the hypocrisy he encountered, with the United States claiming that it was fighting for President Franklin D. Roosevelt’s “Four Freedoms” while persisting in discriminating against him and other African American soldiers because of their race.⁴⁵⁷ He became embittered when he was denied entrance to Officer Candidate School despite his college credentials, which included courses in German, geography, and history.⁴⁵⁸ Instead, he was put into a segregated unit under the command of

SMART, <https://votesmart.org/candidate/biography/70049/floyd-mckissick-jr> [<https://perma.cc/Q9BF-W3A5>].

445. Minchin, *supra* note 391, at 152.

446. *Id.*

447. *See* Fowler, *supra* note 400, at D19.

448. WERTHEIMER, *supra* note 48, at 131.

449. *Id.* at 132–33.

450. *See id.*

451. *See id.* at 132.

452. *Id.*

453. *See id.* at 133.

454. *Id.* at 134–35.

455. *See id.* at 133–34.

456. *See id.* at 134.

457. *See id.*

458. *See id.* at 133–34.

a white officer he described as a “former soda jerk with no college training.”⁴⁵⁹ He later wrote, “We were supposed to be fighting for the Four Freedoms I had never seen any of them.”⁴⁶⁰ He credited the discriminatory treatment he experienced during his service with stiffening his resolve to become a civil rights activist when he returned from service.⁴⁶¹

When Walker returned from the war, he completed his undergraduate degree at North Carolina College, then set about getting a law degree.⁴⁶² He had the benefit of the G.I. Bill, which provided funds for higher education.⁴⁶³ When Carolina Law denied his application, he grudgingly began attending North Carolina College School of Law.⁴⁶⁴ But it was unaccredited and “poorly equipped.”⁴⁶⁵ He withdrew from school to avoid graduating from the program, which would destroy his standing to attend Carolina Law, an accredited law school.⁴⁶⁶ In 1950, he continued his legal studies at Boston University School of Law but did not complete his degree there.⁴⁶⁷ Walker’s effort to attend Carolina Law was somewhat vindicated that year when the United States Supreme Court ruled in *Sweatt* that the newly established Texas State University for Negroes law school could not be equal to the flagship University of Texas School of Law.⁴⁶⁸ But the North Carolina case would not be won on appeal until a year later.⁴⁶⁹ By that time, Beech, Lassiter, Lee, and McKissick had joined the suit.⁴⁷⁰ Epps and Glass, the original plaintiffs, had graduated from North Carolina College School of Law and withdrawn from the suit before its conclusion.⁴⁷¹ Walker benefited from that successful lawsuit.⁴⁷² He began classes with the four other African Americans in June 1951, completing his law studies at Carolina Law.⁴⁷³

During Walker’s time at UNC-Chapel Hill, he and the other African American students continued to fight for equal treatment.⁴⁷⁴ It was pressure

459. *Id.* at 134.

460. *Id.*

461. *See id.*

462. *Id.* at 134–35.

463. *See id.*

464. *See id.* at 135.

465. *Id.*

466. *Id.*

467. *See id.*

468. 339 U.S. 629, 635–36 (1950); *see* WERTHEIMER, *supra* note 48, at 135–36.

469. *See* McKissick v. Carmichael, 187 F.2d 949, 954 (4th Cir. 1951).

470. *See* Notice of Motion for Intervention at 25–27, Epps v. Carmichael, 93 F. Supp. 327 (M.D.N.C. 1950) (No. 144).

471. *See id.* at 27.

472. *See* WERTHEIMER, *supra* note 48, at 136.

473. *See id.*

474. *See* *Negro Student Asks Tickets as Student*, *supra* note 204, at 1.

from Walker's threat to litigate that helped push the UNC-Chapel Hill chancellor to reluctantly relent in the football stadium seating issue and give the African American students tickets in the same seating area as other students.⁴⁷⁵ Walker also took a different perspective on the teaching of legal precedent. He said, "I never was a student who accepted [established law] decisions as being sacred. . . . I was the student who found what was wrong with [the] decisions that everybody else was praising."⁴⁷⁶

Walker graduated from Carolina Law in 1952.⁴⁷⁷ After graduating, he practiced law in Statesville, North Carolina.⁴⁷⁸ He soon began taking on the causes of voting rights and other civil rights issues for African Americans.⁴⁷⁹ Throughout the South, local officials were successfully employing literacy tests, poll taxes, and other restrictions to prevent African Americans from registering to vote.⁴⁸⁰ North Carolina had a better record of African American voter registration than most states in the South, but voter registration was at thirty-one percent compared to eighty-four percent among whites and there were registrars in certain areas of the state who refused to register any African Americans.⁴⁸¹

Initially, when Walker began his civil rights and voting rights activism, he was immune to some of the intimidation others experienced because he was single, without children, and a solo practitioner.⁴⁸² Often racists would target violence and intimidation against not just civil rights activists but also their families and communities.⁴⁸³ Thus, activists who were not necessarily intimidated themselves might give pause if it meant endangering loved ones. Walker initially litigated in his own name, thus avoiding putting anyone else in danger.⁴⁸⁴ He also chose to work independently of the NAACP and other organizations because he wanted

475. See *Five Negroes Send Telegram to Gov. Scott*, *supra* note 206, at 1; see also WERTHEIMER, *supra* note 48, at 136–37.

476. WERTHEIMER, *supra* note 48, at 136.

477. *Id.*

478. *Id.* at 141.

479. See *id.* at 137, 141, 145.

480. See *id.* at 137–38.

481. *Id.* at 137.

482. See *id.* at 142–43.

483. See *id.* For example, on the morning of September 15, 1963, racists detonated a bomb at the 16th Street Baptist Church in Birmingham, Alabama during Sunday school, killing four young girls. See *First and Second Statements on the Birmingham Church Bombing (September 1963)*, OXFORD AFR. AM. STUD. CTR., <http://www.oxfordaasc.com/article/ps/ps-aasc-0029> [https://perma.cc/CDA8-VE4B (dark archive)]. The church was a regular meeting place for civil rights activists, but the bomb was set at a time when Sunday school rather than an activists meeting was taking place. See generally Kevin Sack, *2 Charged in 1963 Church Blast That Killed 4 Birmingham Girls*, N.Y. TIMES, May 18, 2000, at A1 (discussing the arrest of the perpetrators of the 1963 Birmingham church bombing).

484. WERTHEIMER, *supra* note 48 at 144.

the ability to accept cases they might not take on and to follow his own strategy.⁴⁸⁵ But that choice had a financial and professional toll.⁴⁸⁶ He eventually took on other civil rights plaintiffs and sometimes joined forces with the NAACP and other organizations, combining direct action (e.g., protests) with litigation.⁴⁸⁷ He had some successes, but the courts often made narrow decisions after months or years of litigation that left unfair legislation and tactics largely intact or opened the way to other avenues of discrimination.⁴⁸⁸

In addition to bringing legal challenges, Walker would sometimes directly confront difficult registrars.⁴⁸⁹ He was prosecuted following one verbal confrontation with a registrar over her treatment of his client, Louise Lassiter.⁴⁹⁰ Walker was charged with disorderly conduct and trespassing.⁴⁹¹ He was ultimately convicted in two separate criminal prosecutions stemming from that one incident: one for “assaulting a female” and one for “disturbing an elections registrar in the performance of h[er] duties.”⁴⁹² He was jailed briefly and fined for each conviction.⁴⁹³ But Walker continued his work.⁴⁹⁴ With help from civil rights groups and attorneys, Walker made Louise Lassiter’s case a cause célèbre that ultimately was instrumental in the passage of the Voting Rights Act.⁴⁹⁵

There is little information available about Walker’s later career and life. His obituary notes that he became sight impaired in 1989.⁴⁹⁶ James R. Walker Jr., died on April 13, 1997.⁴⁹⁷

CONCLUSION

In June 1952, Beech became the first African American student to graduate from Carolina Law.⁴⁹⁸ Lee followed that same summer, after completing an additional five weeks at Carolina Law to meet degree

485. *See generally id.* at 145–46 (discussing Walker’s litigation, activism strategies, and use of support organizations).

486. *See id.* at 156.

487. *See generally id.* at 146–63 (illustrating various cases McKissick took on and his various collaborations with the NAACP and other support organizations).

488. *See id.*

489. *See id.* at 146.

490. *See id.* at 149–51.

491. *Id.* at 149.

492. *Id.* at 149–50. *But see* State v. Walker, 249 N.C. 35, 37, 105 S.E.2d 101, 104 (1958) (vacating the judgment and sentence).

493. WERTHEIMER, *supra* note 48, at 150.

494. *See id.*

495. *See id.* at 150–53, 156–57, 169.

496. *See id.* at 251 n.113 (citing *Robert Walker Jr.*, Obituary, STATESVILLE RECORD & LANDMARK, April 16, 1997, at 4A).

497. *Id.*

498. *See Only One of Four Univ. of N. Carolina Students Passes*, *supra* note 269, at 8.

residency requirements.⁴⁹⁹ Before graduation, they had each already passed the North Carolina bar exam on their first attempt.⁵⁰⁰ Walker completed the curricular requirements and was awarded a Carolina Law degree in August 1952.⁵⁰¹ All three practiced law in North Carolina for decades afterward⁵⁰² and represented clients in civil rights litigation.⁵⁰³ As noted, Lassiter returned to North Carolina College School of Law to complete his law degree.⁵⁰⁴ He later served in the federal government and then returned to practice law in North Carolina.⁵⁰⁵ McKissick, as mentioned earlier, had already completed his degree at North Carolina College School of Law before attending the summer session at Carolina Law in 1951.⁵⁰⁶

Each of the five men who integrated UNC-Chapel Hill went on to careers in civil rights, law, and public service that were uniquely their own, but which also opened paths for many others. While the men who integrated UNC-Chapel Hill would sometimes express mixed feelings about their time there,⁵⁰⁷ outreach strengthened their ties to UNC-Chapel Hill. Over the years, the men were called back both to serve and to be recognized for their contributions.⁵⁰⁸ Beech served for years on both the General Alumni Association and the Black Alumni Reunion.⁵⁰⁹ Beech, Lee, and McKissick donated personal papers to the university archives and

499. *See id.* Lee had started his initial law study in the summer and had to complete a second summer at Carolina Law to finish his degree. *See id.* (noting that Lee had to stay for five more weeks to graduate).

500. *See* Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 16; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 60.

501. *See* WERTHEIMER, *supra* note 48, at 140.

502. *See* Daye, *supra* note 1, at 681–83; *see also* WERTHEIMER, *supra* note 48, at 140, 163; Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 45–46; Interview by Ann S. Estridge with J. Kenneth Lee, *supra* note 190, at 94; L. J. Toler, *Carolina to Celebrate 50 Years of African American Students*, UNC NEWS SERVICES (Nov. 27, 2001), <http://www.unc.edu/news/archives/nov01/bsm112601.htm> [<https://perma.cc/2GVJ-2K9P>].

503. *See* Daye, *supra* note 1, at 681–82 (1995); Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 25–27.

504. *See* Daye, *supra* note 1, at 681, 683.

505. *See id.*

506. Interview by Bruce Kalk with Floyd B. McKissick, *supra* note 157, at 5.

507. For example, in a 1982 interview, when asked whether he was bitter about his experience at UNC, Lee is quoted as saying, “We came through it; that’s their problem . . . I ordinarily never miss an A&T football game or social event—I have no desire to go back to Chapel Hill.” Lynne Thompson, *First Black UNC-CH Student Recalls ‘51*, DAILY TAR HEEL, Aug. 5, 1982, at 10B.

508. *See* Eshanti Ranasinghe, *Ceremony Celebrates 50 Years of Integration at UNC*, DAILY TAR HEEL (Dec. 3, 2001), https://www.dailytarheel.com/article/2001/12ceremony_celebrates_50_years_of_integration_at_unc [<https://perma.cc/J7AV-TBNM>] (discussing a fiftieth anniversary celebration in which four of the men were honored).

509. Brown, *supra* note 277, at 80.

contributed oral histories as well.⁵¹⁰ UNC-Chapel Hill has publicly recognized and celebrated the men in several ways over the years, including scholarships in their names and various special events and awards.⁵¹¹

Each of the men had long careers of public service and received recognitions, awards, and accolades for their civic service within North Carolina and beyond.⁵¹² Their life accomplishments are too numerous and varied to be given justice here. Suffice it to say that UNC-Chapel Hill changed their lives, and in turn, the five Tar Heels helped change North Carolina.

The 1952 graduation speaker, Governor William K. Scott, gave the audience a talk that Beech took as a message of support.⁵¹³ Beech recalled that Scott's first words in the darkened stadium were, "[n]ever in my life before have I ever seen so many intelligent people sitting in the dark."⁵¹⁴ Beech further recalled:

He said, times are changing, and it's changing here tonight, and you might as well get ready for it. A great change is happening here tonight. You can expect it to come. You might as well get out of the dark and get into the light. He was talking about the transition to the future. I was quite impressed with what he said and the way he said it. Because that was the first time Blacks had ever doffed a cap and gown at Carolina. The first time.⁵¹⁵

Years later, Chancellor House, reflecting on that time, admitted that he was indeed in the dark.⁵¹⁶ He said, "[n]obody could have been more opposed to integration than I was. Most of what we favored was wrong and what we opposed was right."⁵¹⁷

Over the more than six decades since five African Americans first attended Carolina Law and integrated UNC-Chapel Hill, the campus and

510. See *Floyd B. McKissick Papers, 1940s–1980s*, N.C. CENT. U., <https://finding-aids.lib.unc.edu/04930/#d1e66> [<https://perma.cc/23JX-7JT8>]; *Harvey E. Beech Papers 1939–2004*, UNC UNIV. LIBR., <https://finding-aids.lib.unc.edu/05465/> [<https://perma.cc/7WRE-ZSL2>]; *J. Kenneth Lee Papers, 1949–1994*, UNC UNIV. LIBR., <http://www2.lib.unc.edu/mss/inv/1/Lee,J.Kenneth.html> [<https://perma.cc/M8C2-7SD2>].

511. See *Black Alumni Reunion Awards*, UNC GEN. ALUMNI ASS'N, <https://alumni.unc.edu/awards-bar-awards/> [<https://perma.cc/HNN9-UGYU>] (listing awards).

512. For example, Lee was awarded the Order of the Long Leaf Pine, North Carolina's highest state honor, in 1984. *The Order of the Long Leaf Pine Roster*, ORD. LONG LEAF PINE SOC'Y, <http://longleafpinesociety.org/new/roster/index.php/roster/view> [<https://perma.cc/8LG7-CBMM>].

513. See Interview by Anita Foye with Harvey E. Beech, *supra* note 193, at 22–23.

514. *Id.* at 22.

515. *Id.*

516. Thompson, *supra* note 507, at 1B, 10B.

517. *Id.* at 10B.

Carolina Law have made significant strides in integrating their student body, staff, and faculty—though there is arguably still work to be done. In Fall 2018, of the 19,117 UNC-Chapel Hill undergraduate students, 6733 identified as minorities or mixed race, with 1516 identifying as African American/Black.⁵¹⁸ At the graduate and professional school levels, of 8417 students, 2778 identified as minorities or mixed race, with 603 identifying as African American/Black.⁵¹⁹ In Fall 2018, the campus reported 3660 faculty.⁵²⁰ Of those, 986 identified as minority or mixed race, with 182 identifying as African American/Black.⁵²¹ In its 2018 ABA report, the law school listed, out of fifty-three full-time faculty members, nine identified as minorities, and out of sixty-eight part-time faculty members, an additional nine identified as minorities.⁵²² In the same 2018 ABA accreditation report, Carolina Law reported 621 students, with 427 identified as white and 123 identified as minority or mixed race, out of which thirty-three identified as African American.⁵²³

In recent years, UNC-Chapel Hill and Carolina Law have also affirmed commitments to diversity more broadly by establishing scholarships, fellowships, programs, offices, and positions dedicated to promoting racial equality and diversity and by publicly avowing the campus and law school's commitments to diversity.⁵²⁴ Additionally, the campus now boasts, next to its iconic bell tower, a 44,500-square-foot black cultural center, the Sonja Haynes Stone Center for Black Culture and History, whose mission is to serve as a hub of teaching, scholarship, and

518. See *Analytic Reports: UNC-Chapel Hill Fall 2018 Headcount Enrollment Diversity by Education Level and Race/Ethnicity*, OFF. INST. RES. & ASSESSMENT, <https://oira.unc.edu/analytistics-reports-test-2/student-test/headcount-enrollment-diversity> [https://perma.cc/6KLS-KBWV] (last updated Sept. 4, 2018).

519. See *id.*

520. See *Analytic Reports: UNC-Chapel Hill, Permanent Full-Time Employees by Race/Ethnicity Fall 2018*, OFF. INST. RES. & ASSESSMENT (Dec. 21, 2018), <https://oira.unc.edu/files/2019/02/T25.Permanent-Full-Time-Employees-by-Race.pdf> [https://perma.cc/F7DN-22M4]

521. See *id.*

522. See UNIVERSITY OF NORTH CAROLINA LAW SCHOOL, ABA STANDARD 509 INFORMATION REPORT 1 (Feb. 14, 2019), <http://www.law.unc.edu/documents/about/abaaccreditationreport.pdf>. [https://perma.cc/BF3K-HGFJ].

523. See *id.* at 2.

524. See *Diversity and Inclusion*, UNC OFF. FOR DIVERSITY & INCLUSION, <https://diversity.unc.edu/about/office/> [https://perma.cc/3G4X-LV8D]. The UNC-Chapel Hill Office of Diversity and Inclusion defined diversity as “holding multiple perspectives without judgment. Dimensions of diversity include, but are not limited to, race, ethnicity, religion, age, sexuality, physical ability, sexual identity, and geography.” *Id.*; see also *University Commitment to Diversity & Inclusion*, UNC OFF. FOR DIVERSITY & INCLUSION, <https://diversity.unc.edu/about/statement/> [https://perma.cc/7NXG-YMR2] (showing UNC-Chapel Hill Chancellor Carol Folt’s statement of commitment to diversity).

engagement within the campus, particularly focused on the African American and African diaspora.⁵²⁵

But UNC-Chapel Hill and Carolina Law still have challenges in recruiting and retaining African American and other minority faculty, students, and staff and in creating a campus environment that is racially inclusive. Student and other activists have fought for years to remove monuments and building names which reflect a segregationist past.⁵²⁶ And recently, right-wing extremists, including members of “white power” movements, have targeted the campus with intimidating rallies, marches, and speakers.⁵²⁷ So, while the campus has made great strides in integration and racial inclusion thanks to herculean efforts like those of the first five African American students and their NAACP advocates, UNC-Chapel Hill still has much more work to do.

525. See *About Us: Stone Center History*, SONJA HAYES STONE CTR., <https://stonecenter.unc.edu/about-us/> [<https://perma.cc/KKD2-L3FV>]. The center is named for Sonja Haynes Stone, who was an African American faculty member at UNC-Chapel Hill for over a decade, beginning in 1974. *Id.* In addition to advocating for an African Studies curriculum, Stone was an advisor to the Black Student Movement, a campus African American student group, and was on the planning committee for the Black Cultural Center. *Id.* She received several awards and recognitions for her teaching, mentorship, and leadership. *Id.*

526. See Aolani Donegan, *Trending Now*, NEWS & OBSERVER (Raleigh), Aug. 15, 2015, at 5A (noting that Saunders Hall was renamed to Carolina Hall); see also Jane Stancill & Andrew Carter, *The Unfinished Story of Silent Sam—From ‘Soldier Boy’ to Fallen Symbol of a Painful Past*, NEWS & OBSERVER (Raleigh Aug. 25, 2018), <https://www.newsobserver.com/latest-news/article217247295.html> [<https://perma.cc/MV67-TY8Y> (dark archive)].

527. See Charlie McGee, *Confederate Group Brings Guns to Campus, No Arrests Are Made*, DAILY TAR HEEL (Mar. 21, 2019), <https://www.dailytarheel.com/article/2019/03/confed-weapons-0321> [<https://perma.cc/K5EF-EYEX>]; see also Emma Parna Gomes, *UNC Chancellor Turns Down Speaking Request from Richard Spencer*, INDY WEEK (Aug. 30, 2017), <https://indyweek.com/news/archives/unc-chancellor-turns-speaking-request-richard-spencer/> [<https://perma.cc/XKF3-V89M>].