Willis P. Whichard

DAVID LOWRY SWAIN AND THE UNIVERSITY OF NORTH CAROLINA 1835-1868

NORTH CAROLINIANA SOCIETY

Chapel Hill, North Carolina • 19 May 2016

Willis P. Whichard

DAVID LOWRY SWAIN AND THE UNIVERSITY OF NORTH CAROLINA 1835-1868

Together with Tributes to Willis P. Whichard
on the Occasion of His Acceptance
of the North Caroliniana Society Award for 2016

19 May 2016

NORTH CAROLINIANA SOCIETY
Chapel Hill, North Carolina 27514-8890

NORTH CAROLINIANA SOCIETY IMPRINTS
Number 55
Jeffrey J. Crow, Editor

Wilson Library • Campus Box 3930 • Chapel Hill, North Carolina 27514-8890
www.ncsociety.org

Front cover photo by Mike Belleme, printing by Theo Davis Printing, designed by Linda J. Noble

Introduction

THE NORTH CAROLINIANA SOCIETY

Wilson Library • Campus Box 3930 • Chapel Hill, North Carolina 27514-8890
Telephone (919) 962-1172 • Fax (919) 962-4452
www.ncsociety.org

Chartered on 11 September 1975 as a private nonprofit corporation under provisions of Chapter 55A of the General Statutes of North Carolina, the North Caroliniana Society is dedicated to the promotion of increased knowledge and appreciation of North Carolina's heritage through the encouragement of scholarly research and writing in and teaching of state and local history, literature, and culture; publication of documentary materials, including the numbered, limited-edition North Caroliniana Society Imprints and North Caroliniana Society Keepsakes; sponsorship of professional and lay conferences, seminars, lectures, and exhibitions; commemoration of historic events, including sponsorship of markers and plaques; and through assistance to the North Carolina Collection of UNC-Chapel Hill and other cultural organizations with kindred objectives. The Society is administered by an entirely volunteer staff and a motto of "Substance, not Show."

Founded by H.G. Jones and incorporated by Jones, William S. Powell, and Louis M. Connor Jr., who soon were joined by a distinguished group of North Carolinians, the Society was limited to a hundred members for the first decade. It elects from time to time additional individuals meeting its strict criterion of "adjudged performance" in service to their state's culture — i.e., those who have demonstrated a continuing interest in and support of the historical, literary, and cultural heritage of North Carolina. The Society, a tax-exempt organization under provisions of Section 501(c)(3) of the Internal Revenue Code, expects continued service from its members, and for its programs it depends upon the contributions, bequests, and devises of its members and friends. Its IRS number is 56-1119848. The Society administers a fund, given in 1987 by the Research Triangle Foundation in honor of its retiring board chairman and the Society's longtime president, from which more than 300 Archie K. Davis Fellowships have been awarded for research in North Carolina's historical and cultural resources. The Society also sponsors the North Caroliniana Book Award, recognizing a book that best captures the essence of North Carolina; the William Stevens Powell Award to a senior student who has contributed most to an understanding of the history and traditions of The University of North Carolina at Chapel Hill; and the H.G. Jones North Carolina History Prizes for winners in the National History Day competition.

continued

A highlight of the Society's year is the presentation of the North Caroliniana Society Award to an individual or organization for long and distinguished service in the encouragement, production, enhancement, promotion, and preservation of North Caroliniana. Starting with Paul Green, the Society has recognized Albert Coates, Sam J. Ervin Jr., Sam Ragan, Gertrude S. Carraway, John Fries Blair, William and Ida Friday, William S. Powell, Mary and James Semans, David Stick, William M. Cochrane, Emma Neal Morrison, Burke Davis, Lawrence F. London, Frank H. Kenan, Charles Kuralt, Archie K. Davis, H.G. Jones, J. Carlyle Sitterson, Leroy T. Walker, Hugh M. Morton, John L. Sanders, Doris Betts, Reynolds Price, Richard H. Jenrette, Wilma Dykeman, Frank Borden Hanes Sr., Maxine Swalin, Elizabeth Vann Moore, W. Trent Ragland Jr., W. Dallas Herring, John Hope Franklin, Betty Ray McCain, Joseph F. Steelman, William B. Aycock, Fred Chappell, Henry E. and Shirley T. Frye, Robert W. and Jessie Rae Scott, James E. Holshouser Jr., Bland Simpson, Lindsay C. Warren Jr., Lee Smith, Thomas W. Lambeth, Myrick Howard, Herb Jackson, Willis P. Whichard, and, on its sesquicentennial, the North Carolina Collection.

BOARD OF DIRECTORS, 2016

- James W. Clark Jr., *President*
- H. David Bruton, *Vice President*
- Bland Simpson, *Vice President*
- Martin H. Brinkley, *Secretary-Treasurer*
- Jason Tomberlin, *Assistant Treasurer*

- *Directors*: Timothy B. Burnett, Alice R. Cotten, Jeffrey J. Crow, Emily Williamson Gangi, Anna R. Hayes, Dana Borden Lacy, Nancy Cobb Lilly, Dannye Romine Powell, John L. Sanders, Thomas E. Terrell Jr.

- *Directors ex officio:* Kevin Cherry, Deputy Secretary of Archives, History, and Parks, North Carolina Department of Natural and Cultural Resources; Robert G. Anthony Jr., Curator, North Carolina Collection

- *Presidents emeriti:* Archie K. Davis (1911-1998), William C. Friday (1920-2012), William S. Powell (1919-2015), and Willis P. Whichard

- *Secretary-Treasurer emeritus:* H. G. Jones

ABOVE: The original cup is in the North Carolina Collection at UNC-Chapel Hill's Wilson Library.

NORTH CAROLINIANA SOCIETY AWARD RECIPIENTS

1978 — Paul Green
1979 — Albert Coates
1980 — Sam J. Ervin Jr.
1981 — Sam Ragan
1982 — Gertrude Sprague Carraway
1983 — John Fries Blair
1984 — William C. & Ida H. Friday
1985 — William S. Powell
1986 — Mary D.B.T. & James H. Semans
1987 — David Stick
1988 — William McWhorter Cochrane
1989 — Emma Neal Morrison
1990 — Burke Davis
1991 — Lawrence F. London
1992 — Frank Hawkins Kenan
1993 — Charles Kuralt
1994 — H.G. Jones
1994 — Archie K. Davis
1994 — North Carolina Collection
1995 — J. Carlyle Sitterson
1995 — LeRoy T. Walker
1996 — Hugh MacRae Morton
1997 — John L. Sanders
1998 — Doris Waugh Betts
1999 — Reynolds Price
2000 — Richard H. Jenrette
2001 — Wilma Dykeman
2002 — Frank Borden Hanes Sr.
2003 — Maxine Swalin
2004 — Elizabeth Vann Moore
2004 — W. Trent Ragland Jr.
2005 — W. Dallas Herring
2005 — John Hope Franklin
2006 — Betty Ray McCain
2006 — Joseph F. Steelman

continued

2007 — William B. Aycock
2007 — Fred Chappell
2008 — Henry E. & Shirley T. Frye
2008 — Robert & Jessie Rae Scott
2009 — James E. Holshouser Jr.
2010 — Bland Simpson
2011 — Lindsay C. Warren Jr.
2012 — Lee Smith
2013 — Thomas W. Lambeth
2014 — Myrick Howard
2015 — Herb Jackson
2016 — Willis P. Whichard

NORTH CAROLINIANA IMPRINTS, NUMBERS 1-55 (1978-2016)

No. 1. *An Evening at Monticello: An Essay in Reflection* (1978) by Edwin M. Gill

No. 2. *The Paul Green I Know* (1978) by Elizabeth Lay Green

No. 3. *The Albert Coates I Know* (1979) by Gladys Hall Coates

No. 4. *The Sam Ervin I Know* (1980) by Jean Conyers Ervin

No. 5. *Sam Ragan* (1981) by Neil Morgan

No. 6. *Thomas Wolfe of North Carolina* (1982) edited by H.G. Jones

No. 7. *Gertrude Sprague Carraway* (1982) by Sam Ragan

No. 8. *John Fries Blair* (1983) by Margaret Blair McCuiston

No. 9. *William Clyde Friday and Ida Howell Friday* (1984) by Georgia Carroll Kyser and William Brantley Aycock

No. 10. *William S. Powell, Historian* (1985) by David Stick and William C. Friday

No. 11. *"Gallantry Unsurpassed"* (1985) edited by Archie K. Davis

No. 12. *Mary and Jim Semans, North Carolinians* (1986) by W. Kenneth Goodson

No. 13. *The High Water Mark* (1986) edited by Archie K. Davis

No. 14. *Raleigh and Quinn: The Explorer and His Boswell* (1987) edited by H.G. Jones

No. 15. *A Half Century in Coastal History* (1987) by David Stick

No. 16. *Thomas Wolfe at Eighty-seven* (1988) edited by H.G. Jones

No. 17. *A Third of a Century in Senate Cloakrooms* (1988) by William McWhorter Cochrane

No. 18. *The Emma Neal Morrison I Know* (1989) by Ida Howell Friday

No. 19. *Thomas Wolfe's Composition Books* (1990) edited by Alice R. Cotten

No. 20. *My Father, Burke Davis* (1990) by Angela Davis-Gardner

No. 21. *A Half Century with Rare Books* (1991) by Lawrence F. London

No. 22. *Frank H. Kenan: An Appreciation* (1992) edited by Archie K. Davis

No. 23. *Growing Up in North Carolina*, by Charles Kuralt, and *The Uncommon Laureate*, by Wallace H. Kuralt (1993)

No. 24. *Chancellors Extraordinary: J.Carlyle Sitterson and LeRoy T. Walker* (1995) by William C. Friday and Willis P. Whichard

No. 25. *Historical Consciousness in the Early Republic* (1995) edited by H.G. Jones

No. 26. *Sixty Years with a Camera* (1996) by Hugh M. Morton

No. 27. *William Gaston as a Public Man* (1997) by John L. Sanders

No. 28. *William P. Cumming and the Study of Cartography* (1998) edited by Robert Cumming

No. 29. *My Love Affair with Carolina* (1998) by Doris Waugh Betts

No. 30. *A Single but Huge Distinction* (1999) by Reynolds Price

No. 31. *Richard Jenrette's Adventures in Historic Preservation* (2000) edited by H.G. Jones

No. 32. *Sketches in North Carolina USA 1872 to 1878* (2001) by Mortimer O. Heath; edited by H.G. Jones

No. 33. *Roots and Branches* (2001) by Wilma Dykeman

No. 34. *Glimmers in the Gloaming* (2002) by Frank Borden Hanes Sr.

No. 35. *Coming of Age in North Carolina's Fifth Century*, by Maxine Swalin and *The North Carolina Symphony*, by John L. Humber (2003)

No. 36. *Reflections* (2004) by W. Trent Ragland Jr.

No. 37. *Photographers in North Carolina: The First Century, 1842-1941* (2004) Essays by Stephen E. Massengill, H.G. Jones, Jesse R. Lankford

No. 38. *North Carolina Conundrum* (2005) by John Hope Franklin

No. 39. *Poetical Geography of North Carolina* (1887; 2006) by Needham Bryan Cobb

No. 40. *The Goodliest Land* (2006) by Betty Ray McCain

No. 41. *Hayes: The Plantation, Its People, and Their Papers* (2007) by John G. Zehmer Jr.

No. 42. *Center of the Universe* (2007) by Fred Chappell

No. 43. *William B. Aycock: Our Champion* (2007) by Judith W. Wegner

No. 44. *Nathaniel Macon of North Carolina* (2008) by William S. Price Jr.

No. 45. *Robert Scott and the Preservation of North Carolina History* (2009) by H.G. Jones

No. 46. *A Historic Occasion* (2009) by Shirley Taylor Frye and Henry E. Frye

No. 47. *Surprise of the Century* (2009) by James E. Holshouser Jr.

No. 48. *The Colonial Records of North Carolina* (2010) edited by William S. Price Jr.

No. 49. *The Grandfathers* (2010) by Bland Simpson

No. 50. *A Resumé of Two Historic Adventures* (2011) by Lindsay C. Warren Jr.

No. 51. *Faces and Places of My Heart* (2012) by Lee Smith

No. 52. *A Love Affair with an Entire State* (2013) by Thomas W. Lambeth

No. 53. *Why Historic Preservation Matters* (2014) by Myrick Howard

No. 54. *A Place to Dig* (2015) by Herb Jackson

No. 55. *David Lowry Swain and the University of North Carolina, 1835-1868* (2016) by Willis P. Whichard

Photos by Jerry Cotten

FIRST ROW: *Presentation of the North Caroliniana Society Award for 2016 from James W. Clark Jr. to Willis P. Whichard*
SECOND ROW: *Martin H. Brinkley; Doug Dibbert, Robert G. Anthony Jr.*
THIRD ROW: *David Brook, Ashley Brook, and Rorin Platt; Anthony Baker, Jon Powell*

Introductory Remarks by Martin Brinkley

At this point in our program, it is traditional to say something about the North Caroliniana Society. So I will say two sentences: Our passion is North Carolina and our motto is "Substance, not Show." This means that we do rather than talk about doing, and we seek service rather than publicity. For example, we did not seek publicity for this event, because we wanted it to be held in the presence of Willis Whichard's family and close friends.

Not all of you heard Justice Whichard's remarks this afternoon, but no need to ask for copies, because they, along with the full proceedings of this meeting, will be published later this year in our *North Carolina Imprints* series, a complimentary copy of which will go to you in the mail. For that reason, in choosing our speakers, we try to think of persons who have unique perspectives on our award recipient and who can put into the public record (for that is what the *Imprints* will do) some aspects of the recipient's life that may otherwise go unrecorded. For Willis Whichard, that is a challenge, but we are up to it.

Jan G. Hensley

ABOVE: *Lane Brown*

R. LANE BROWN III

R. Lane Brown III is a native of Albemarle, North Carolina. He earned undergraduate and law degrees from the University of North Carolina at Chapel Hill and an LL.M. in taxation from New York University. Elected to the North Carolina House of Representatives in 1970 and again in 1972, Lane authored the statewide kindergarten law, the companion $300 million school bond referendum, and led a rewriting of the North Carolina School Budget and Fiscal Control Act.

Having become close friends during law school at Chapel Hill, Lane and Bill Whichard became working colleagues in the General Assembly. Please welcome Lane Brown to comment on Willis Whichard the legislator.

continued

Jerry Cotten

ABOVE: *Burley Mitchell*

BURLEY MITCHELL

A graduate of North Carolina State University and the UNC School of Law, Burley Mitchell served as district attorney of Wake County, as a judge of the North Carolina Court of Appeals, and as Governor Hunt's Secretary of Crime Control and Public Safety during his first administration before Governor Hunt appointed him to the Supreme Court of North Carolina in 1982. He became chief justice of our state's highest court in 1995, serving in tandem with Justice Willis Whichard for more than a decade. In 2007, Chief Justice Mitchell received the prestigious North Carolina Award for Public Service, the highest civilian honor the state can bestow. In 2011 he received the North Carolina Bar Association's Liberty Bell Award in recognition of outstanding community service that has strengthened the American system of Freedom under Law. Please welcome Willis Whichard's Supreme Court colleague, Chief Justice Burley Mitchell.

Jan G. Hensley

ABOVE: *Lao Rubert*

LAO RUBERT

Lao Rubert is the executive director of the Carolina Justice Policy Center, where she has worked since 1979 on a range of criminal justice issues, including alternatives to prison, sentencing, death penalty reform, racial justice, and raising the juvenile age. Ms. Rubert directed the staff work for the Citizens Commission on Alternatives to Incarceration in the early 1980s, which was chaired by Justice Willis Whichard. She served on the Sentencing and Policy Advisory Commission for two decades and is a past president of the North Carolina Sentencing Association. Here to tell us about Willis Whichard the law reformer, please welcome Lao Rubert.

Jan G. Hensley

ABOVE: *Jon Powell*

JON POWELL

Jon Powell is director of the Restorative Justice Clinic at the Norman A. Wiggins School of Law at Campbell University. There he teaches mediation and directs an innovative and active juvenile justice mediation program, the cornerstone of which is direct involvement of juvenile offenders with their victims and ultimate restitution to the victims. Part of the mission of the clinic is to help spread the word of restorative justice throughout the state of North Carolina and to assist others in the state in starting restorative programming.

Prior to working with Campbell, Jon practiced law in Wake and Harnett Counties. Jon's primary focus was in criminal defense with an emphasis on juvenile law. Please welcome Jon Powell.

Jan G. Hensley

ABOVE: *Constance Anastopoulo*

CONSTANCE ANASTOPOULO

Constance Anastopoulo is a graduate of the University of Virginia and the University of North Carolina School of Law, where I am proud to say she was my classmate and friend. After fifteen years of law practice, she joined the faculty of the Charleston School of Law in 2007, teaching Torts, Evidence, and Insurance Law. In 2011, she was chosen "Professor of the Year" by the students. Constance is here to tell us about Bill Whichard as mentor. Please welcome her.

Our passion is North Carolina and our motto is "Substance, not Show." This means that we do rather than talk about doing, and we seek service rather than publicity.

continued

Jerry Cotten

ABOVE: *Ann Craver*

ANN CRAVER

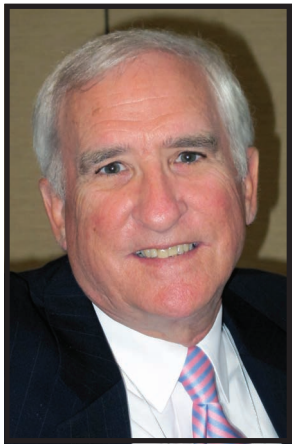
Ann Craver is a graduate of the Wake Forest University School of Law. She clerked for Chief Justice Joseph Branch on the Supreme Court of North Carolina before moving to Durham, where she has been a very active civic and community leader. Among her many activities are service on the board of trustees of the Durham County Library and as president of the Durham Library Foundation. It is in those capacities that she has worked most directly and extensively with our honoree. Please welcome Ann Craver.

Jan G. Hensley

ABOVE: *Lynn Richardson*

LYNN RICHARDSON

Lynn Richardson is the head librarian for the Durham County Library's North Carolina Collection, whose primary mission is to preserve and make available the historical record of Durham County. She is a native Tar Heel and has been a resident of Durham since 1986. She received her undergraduate degree in English and master's in library and information science from UNC-Chapel Hill. She has worked in several special collections libraries, as well as in arts management and publishing. In her nearly fifteen years at the Durham County Library, she has grown the collection from one professional librarian to two, from roughly 25 manuscript collections to nearly 200, and from no on-line resources to thousands of photographs and other materials available through the North Carolina Collection website and the library catalog. Please welcome Lynn Richardson to tell us about Willis Whichard the community volunteer.

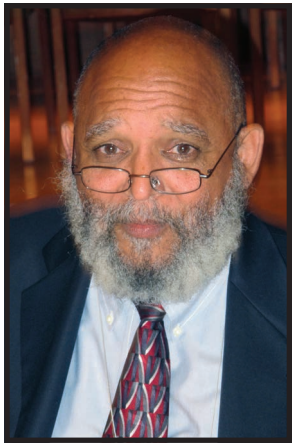


Jan G. Hensley

ABOVE: *Jeffrey Crow*

JEFFREY J. CROW

A native of Ohio, Jeffrey J. Crow got to North Carolina as soon as he could. After he graduated from Duke with a Ph.D. in history in 1974, he spent thirty-eight years working with the North Carolina Department of Cultural Resources. During the last seventeen of those years he supervised the Office of Archives and History as director and deputy secretary of the department. Dr. Crow has written or edited numerous publications on North Carolina history. His most recent work, *New Voyages to Carolina: Reinterpreting North Carolina History*, coedited with Larry E. Tise, will be published by the University of North Carolina Press. Here to discuss Bill Whichard the historian, please welcome Jeff Crow.



Jan G. Hensley

ABOVE: *Anthony Baker*

ANTHONY BAKER

Tony Baker is a 1977 graduate of Duke University and a 1981 graduate of the University of North Carolina School of Law. In 1995 he earned an LL.M. in American legal history from the University of Wisconsin and has since taught in a succession of law schools, including that of Campbell University, where Dean Willis Whichard hired him as a faculty member in 2000. While there, he was honored as the Outstanding Visiting Scholar at Yale Law School for the 2005-2006 academic year. Tony, please tell us what you know of Willis Whichard the historian.

continued

Jan G. Hensley

ABOVE: *H.G. Jones*

H. G. JONES

The World War II navy and the G.I. Bill of Rights enabled H. G. Jones to escape the tenant farm. Kindly professors at Duke, supplemented by service as director of the North Carolina Department of Archives and History, taught him to be a historian; and the University of North Carolina, needing a Duke man to accomplish a great deed, provided the platform from which he, Bill Powell, Louis Connor, Archie Davis, Bill Friday, Albert Coates, Paul Green, and Willis Whichard established the North Caroliniana Society. H. G. is here to tell us about Bill Whichard's contributions as a charter member and as president of the North Caroliniana Society.

Jerry Cotten

ABOVE: *Jennifer Ritz*

JENNIFER RITZ

Jennifer Ritz, older daughter of Willis and Leona Whichard, grew up in Durham and attended Durham County schools. She earned degrees in English from Williams College and Secondary English Education from the Teachers College of Columbia University. She met her husband, Steve, a senior manager for Hewlett Packard Enterprise, at Williams. They live in Durham with their daughters Georgia, Evelyn, and Cordia. After teaching high school and preschool, she recently embarked on a new career path, graduating from the Watts School of Nursing earlier this month. Here to talk about her father, please welcome Jennifer Ritz.

Jan G. Hensley

Jan G. Hensley

Jan G. Hensley

Jan G. Hensley

Jerry Cotten

Jerry Cotten

Jerry Cotten

Jerry Cotten

FIRST ROW: *Leona Whichard, Georgia Ritz, Jennifer Ritz, Willis P. Whichard; James W. Clark Jr.*
SECOND ROW: *Dru York, Maury York, Keith Kapp; H. David Bruton and Frieda Bruton*
THIRD ROW: *Jan Hensley and Virginia Powell; Alice Cotten, Shirley Frye*
FOURTH ROW: *Elaine Jeffcoat, Bob Jeffcoat; Sara McCoy, Bill McCoy, Willis P. Whichard*

David Lowry Swain and the University of North Carolina, 1835 – 1868 by Willis P. Whichard

David Lowry Swain was the boy wonder of early nineteenth-century North Carolina politics. Elected from his native county of Buncombe to the House of Commons at age twenty-three, he served five one-year terms there. They were interrupted by a stint as the solicitor, or prosecuting attorney, in northeastern North Carolina. The holder of that office had died. The area bar and political leadership could not agree on a successor. All liked the young Swain. His legal residence in a faraway portion of the state was not then an impediment to placing him in such a position. The General Assembly elected him to it, and he filled it to general satisfaction for a year.

David Lowry Swain was the boy wonder of early nineteenth-century North Carolina politics. Elected from his native county of Buncombe to the House of Commons at age twenty-three, he served five one-year terms there. They were interrupted by a stint as the solicitor, or prosecuting attorney, in northeastern North Carolina.

A return to the House of Commons and then a superior court judgeship followed. He had settled happily into the juristic role when an unexpected call to another form of public service again interrupted. In those days the General Assembly elected the governor, and in late 1832 it found itself unable to settle on a candidate. Once again it resolved an impasse by turning to the nearly universally popular Swain. Having now advanced to the ripe old age of thirty-one, he was, and remains, the youngest person ever to hold the office. He would serve the constitutionally permitted three one-year terms. Particularly for the time, he was an activist governor. His primary agenda was to advance the Archibald D. Murphey vision of economic development through internal improvements, thereby creating revenue sources with which to educate his state's people.

As the constitutional clock on his tenure in the executive office approached

zero, Swain appeared to have exhausted his public-service possibilities. Earlier, he had considered a bid for a U.S. Senate seat but had withdrawn when his prospects appeared discouraging. He was married, with children, and without personal wealth. A return to the practice of law, long since abandoned for public service, was unappealing. It might, however, be his only viable option.

Fate then intervened, smiling on Swain benevolently, when, in his final constitutionally permitted year in the governor's office, Joseph Caldwell, the long-serving president of the University of North Carolina, died. The university trustees appointed a presiding professor and postponed filling the position until their fall meeting in December 1835. When that date arrived, five days before the thirty-four-year-old Swain was scheduled to be unemployed, they elected him president of the university. Neither he nor they could have guessed that he would hold the position for almost thirty-three years, and that on May 19, 2016, almost a century and a half after his demise, he would remain the UNC president with the longest tenure.

The selection, according to one newspaper, "excited equal curiosity and surprise. . . ." To some degree, party lines determined reaction. The trustee board, unlike the now Democratic state legislature, remained in the control of Swain's party, the Whigs; and there was, and has continued to be, some thought that Swain's appointment was a reward for effective party service. Among those both surprised and disappointed were the professors who had thought themselves worthy and deserving of the position. One, Dr. William Hooper, was especially embittered and disgruntled; he said North Carolinians had elected Swain to every office within their power and were now sending him to the university to be educated.

Compliments were equally forthcoming, however. One newspaper was "highly gratified" by the choice and rejoiced "because we believe it to be a judicious selection," continuing:

> *Governor Swain possesses the talent and other necessary qualifications to excel in any station; and we doubt not he will apply all the energies of his highly gifted mind to the advancement of the interests of the Institution . . . ; and the deep devotion to the welfare of the state, untiring zeal, and the distinguished ability with which he has discharged the duties of important public stations . . . , afford a sufficient guarantee to the friends of the University, that, under his auspices, the Institution will prosper, and to the public generally, that its high reputation as a College will be well sustained.*

Swain wasted no time in undertaking his new duties. The day after he left the governor's office, he departed Raleigh for Chapel Hill, never to return to Raleigh as a resident. His new home was a sleepy town in a sleepy state, though arguably at least, less so than before David Swain became governor. A town with one store, one practicing physician "whose saddle-bags contained all the physic of the neighborhood," no schools, no churches, no pastors, no lawyers. A repetitive

continued

rhythm and routine characterized its academic years. The novel *To Serve Them All My Days*, set in an English boarding school, captures the ambience admirably. "The years unfolded, season by season, term by term," it states, "with a pleasant almost timeless rhythm. . . ."

Unlike the modern university, with its extensive and elaborate administrative structure, Swain essentially was the administration. There was no dean of admissions. He was the portal of entry, and the process was casual and informal. Admissions requests often came from prominent citizens, and they were pleased to place their sons and those of their friends under his charge for the completion of their education. But ordinary people, too, sent admissions requests and recommendations. Enrollment grew significantly under his admissions tenure, from a low of 89 students in his first year to a high of 456 just before the Civil War.

Unlike the modern university, with its extensive and elaborate administrative structure, Swain essentially was the administration. There was no dean of admissions. He was the portal of entry, and the process was casual and informal. Admissions requests often came from prominent citizens, and they were pleased to place their sons and those of their friends under his charge for the completion of their education.

Once students arrived in Chapel Hill, a consummate *in loco parentis* philosophy prevailed. The university stood in place of the parents; and in this regard, to a significant degree, Swain was the university. Parents were entrusting their sons to him. "I have been influenced to place [my son] at our own university principally because *you* preside over it," one father told Swain, "and having full confidence in your exertions to make as much of young men as possible." The father looked to Swain "for a rigid exercise of that control and influence which you can so happily use in the government of young men."

In their student days undoubtedly there were those who chafed under, even resented, Swain's paternal ministrations. For the most part, however, they grew to appreciate them and to love him. Eight years post-graduation, one former student told Swain he had been "instructed by my father in my early days to respect and obey you." These early feelings of respect and obedience, he said, "increased to love in after years from association and the many kindnesses received at your hands."

Students did not always accept quiescently the *in loco parentis* role that Swain and the faculty assumed. Unruly boys took their revenge in cursing, drunkenness, pranks, unauthorized absences, and even occasional violence. The consequence was that much of the time Swain functioned like a modern dean of students, dealing extensively with disciplinary matters.

Some student misconduct was organized and purposeful. A student organization called the Ugly Club, dedicated to resisting all forms of regimentation,

was formed in 1838. It created nighttime disturbances, both on and off campus. In the midst of the club's many shenanigans, Swain's white mule, old "Cuddie," might be found stabled in the upper stories of dormitories, including the halls of South Building. Despite strenuous efforts to suppress it, the club continued to thrive until the Civil War.

"Spirits" were the common fuel of student misconduct. Boys would be boys, and attempts to enforce a policy of prohibition were often unavailing. Students found ingenious ways to circumvent the ordinance. An early historian of the university, Kemp P. Battle, reported that a favorite scheme was to hide bottles of spirits in boots returned from shoemakers, and that Swain himself once brought from Durham station what he thought was a can of kerosene oil but was in fact corn whiskey.

Support for the university's abstinence policy could come from the highest of stations. United States President James Buchanan attended the university's 1859 commencement. "[I]f the evils of intemperance among students needed an additional denunciation," the faculty reported, "they . . . received it by what was so well and so strongly said . . . by the Chief Magistrate of the Union."

Students boldly, and at times violently, expressed their contempt for the authority of Swain and the faculty. One nighttime disturbance left a student suspected of attempting to strike Swain with a chair. On another occasion Swain confronted a drunken, boisterous student and found himself faced with the student's stick raised in defense. On still another, a student refused Swain's directive to retire to his room and denied that he was subject to the laws of the institution. He then discharged three barrels of a revolver, struck Swain with a rock, threw one at Professor James Phillips, exploded two caps from a pistol, and retreated.

While such violent incidents occurred, nonviolent displays of disrespect were more common. Disturbances and impertinence at recitations were standard behavior. Probably because of his large role in the disciplinary process, Swain himself was the object of student insolence. Students disregarded his summonses, disobeyed his prescription against bouquets on rostrums during senior speaking, and talked while he addressed them in chapel. Faculty statements described such misconduct generically as "defying the authority of the President" or "peremptorily disobeying the President."

In his history of the university, Kemp Battle was somewhat apologetic for having perhaps "dwelt too much on the pranks and frolics of the students," which he attributed to "the defective system of discipline." He should not have been, for a different tack would have failed to depict, fully and accurately, the university as it was in those days. This portion of his work consumed a considerable portion of David Swain's time and energy for the last half of his life.

Throughout his UNC presidency, Swain was not just an academic administrator but also a classroom teacher. His teaching load did not differ dramatically from that of other faculty members. They were responsible for ten recitations per week;

continued

Swain, for seven. He would also substitute teach for other professors. In his final semester he reported "doing double duty" due to the absence of one faculty member and the indisposition of another. He took the classroom-instructional dimension of his duties seriously, so much so that he had students come to his house to obtain their "Reports."

In Swain's view the chief function of the university was to prepare political leaders for the state. An ideal of public service permeated the life of the university under his leadership. Students were well aware of this objective. The subject matter of, and materials for, Swain's classes were well suited to this public-service orientation. He taught the seniors Constitutional and International Law, or, as he titled it, National Law, Intellectual Philosophy, and Moral Science. He lectured on topics such as Magna Carta, the Petition and Bill of Rights, and the character of the great men of North Carolina and the United States.

A posthumous appraisal states that Swain "knew how to teach constitutional law and political economy as they were not elsewhere taught in America." In the context of a curriculum dominated by "the tiresome classics," his lectures on the rewards of a professional life were enticing and the importance of public speaking came to be appreciated.

One student diarist was quite taken with Swain as a teacher. The governor's lectures, he said, were "obviously the result of long years of study and reflection. . . ." "The more acquainted I become with Governor Swain," he wrote, "the higher becomes my estimate of his abilities," continuing: "He shows so much information on every subject, and yet on all subjects offers such original views that I know not whether most to admire his knowledge or his mind. Each are extraordinary, and their possessor deserves even a higher reputation than he has." Kemp Battle would say of Swain, posthumously:

> *As a teacher, while he could not be called erudite, he was uncommonly interesting and inspiring. He had a very extraordinary memory and was always ready to deepen an impression or illuminate a dark passage by illustrative facts and anecdotes, often humorous, drawn from his reading or his own large intercourse with men.*

There was, of course, another constituent group, faculty, with whom Swain dealt on a regular basis. By modern reckoning, it was quite small, generally less than a dozen in number plus some "tutors." Public perceptions of its role and life-style would fully resonate with some current ones, however. William Horn Battle once conveyed to Swain sentiments that would be altogether familiar to twenty-first-century newspaper readers and legislative observers. The world at large, Battle said, thinks that "the President[,] professors[,] and tutors of the university are among the favored few who receive ample pay for comparatively easy work." "I know the contrary," Battle continued, "and am glad that others have had the opportunity to be enlightened upon the subject, as well as myself."

From the outset of his presidency, Swain was garnering personal weight of command with the faculty. He was also gathering around him what has been

called "probably as strong a faculty as was to be found in the Old South." He was the steady link between the faculty and the university board of trustees, particularly its executive committee. While ultimate faculty-hiring authority rested with the trustees, Swain could, with reasonable confidence, rely on the executive committee to conclude that the opinion and recommendations of the president, backed by the faculty, would "be sustained by the unanimous voice of the board of trustees."

From the outset of his presidency, Swain was garnering personal weight of command with the faculty. He was also gathering around him what has been called "probably as strong a faculty as was to be found in the Old South."

One faculty hire, in which Swain employed a friend, had felicitous and lasting benefits for Swain and the university. Formal, university-based legal education was not then the norm. Prospective lawyers read law under an established lawyer or judge until they considered themselves prepared for the required bar examination.

Swain, however, had a vision for formal legal education within the context of the state's public university. He had not been in Chapel Hill long when Judge William Horn Battle and former governor James Iredell Jr. started a private law school in Raleigh. Swain clearly had an eye on it, for he told a friend that "Battle and Iredell are doing well with a law school." Soon he was suggesting to Battle that he move himself and the school to Chapel Hill. Swain then articulated to Battle a very forward-looking perspective on university-based legal education. A permanent school would secure support in Chapel Hill better than elsewhere in North Carolina, Swain thought, and he was anxious to engage Battle on the subject. "My plan would be to make the law school an integral part of the university," Swain stated with clear vision, "and to confer degrees as at Harvard." Judge Joseph Story of the U.S. Supreme Court was a law professor at Harvard, so why, Swain asked his friend, "should not Judge Battle become so here?"

Within the year, upon motion of Battle's private law school partner, former governor James Iredell Jr., the university trustees adopted the following ordinance, one of lasting significance to the state, the university, and generations of law students: "that the Executive Committee be . . . authorized at their discretion to establish a Law Professorship and to prescribe such rules and regulations as to the duties and emoluments of such professorship, and also as to the class of students who may attend instruction there as [they] may think proper."

The story of another Swain-era faculty member has a sad ending. Benjamin Hedrick was a native North Carolinian. He had graduated from the university in 1851 with highest honors. Swain had conveyed, both to the faculty and to Hedrick, his "anxiety to see him devote his life to scientific pursuits." He had done so, he acknowledged, "with a view, in due time, to a situation as an instructor

continued

here." From the outset Hedrick, too, intended to return to Carolina at the first "fair opportunity."

Hedrick soon returned to his alma mater as professor of Agricultural Chemistry. Unfortunately for him, his political views deviated sharply from those of most white North Carolinians, including the political establishment. On the foremost issue of the time, slavery, there was then little tolerance for dissent. The Free Soil Party, which would evolve into the Republican Party, opposed the expansion of slavery into the territories. In the 1856 presidential election, the first following Hedrick's appointment to the UNC faculty, Hedrick opined, in response to a question from a student, that the best candidate was the Free Soil Party's John C. Frémont. If there was a Free Soil ticket on the North Carolina ballot, he would vote for it, Hedrick said. This, to most North Carolinians, and particularly to those whose opinions mattered most, was unpardonable heresy.

William W. Holden's *North Carolina Standard* newspaper fanned the flames of the Hedrick controversy. Hedrick made matters worse by attempting to defend himself, while affirming his support for Frémont and giving reasons. His defense prompted Swain to call a meeting of the UNC faculty and direct its attention to Hedrick's letter of defense. The faculty, by a 12–1 vote, denounced Hedrick's course of action as "not warranted by our usages." Swain submitted the resolutions to the trustees' executive committee and suggested, as a means to delay the ultimate vote, the formation of a committee of trustees to conduct an investigation. The suggestion was unrealistic. The executive committee soon met and dismissed Hedrick for "misbehavior." The full board later approved the removal and elected John Kimberly to the vacant professorship.

His maltreatment notwithstanding, Hedrick retained abiding interest and confidence in, as well as affection for, Swain; and Swain displayed steadfast affection for Hedrick and enduring confidence in his learning and ability. Hedrick would neither reside nor work in his native state again, but he maintained some relationships there, including a cordial and useful one with Swain, who solicited his occasional assistance.

Even before Swain's final term as governor had ended in December 1835, the trustees delegated a university property matter to him. He was to negotiate with Professor William Hooper on purchasing, for the trustees, Hooper's dwelling house or that of his stepfather, the late UNC President Joseph Caldwell. Property matters, like those involving students and faculty, would demand his frequent attention.

Soon after his arrival on the small campus the faculty directed that he, with two professors of his choosing, constitute a committee to superintend improvements on the college buildings. Both the trustees and the General Assembly sought reports on the university's property, requests with which he promptly complied.

The university owned the land surrounding it, and Swain became an integral agent in its allocation to purchasers. The trustees delegated to him, usually acting with a professor or two, authority to sell lots and to set the price.

Some lots were sold for church purposes. During Swain's tenure the university sold lots for the construction of Baptist, Methodist, and Presbyterian churches in Chapel Hill.

Upon Swain's arrival in late 1835, the extant campus buildings were Old East (1793), Person Hall (1797), South Building (1814), and Old West (1822). Construction of Gerrard Hall had commenced in 1822 but since 1827 had lagged due to lack of funding. Swain charged the superintendent of buildings with its completion, and it was finished in 1837 in time to accommodate the second of Swain's thirty-three commencements as president. Buildings planned and constructed during his tenure were Smith Hall (later the Playmakers Theater) in 1851, and New East and New West in 1859.

The East and West buildings were enlarged to provide halls for the Dialectic and Philanthropic Societies. Among Swain's significant suggestions was that a cabinetmaker, rather than a carpenter, be employed to construct the shelves and alcoves in the halls' libraries. Rejecting lower bids, he employed for that purpose Thomas Day of Milton, North Carolina, a gifted cabinetmaker and a free Negro who had come to the United States from the West Indies. The handsome shelves executed by Day, and the beautifully sculptured marble mantels, were the most conspicuous features of the libraries.

In 1847 a special event spurred considerable primping of the campus buildings. For the first time in the university's history, the sitting president of the United States was scheduled to visit. James K. Polk, a member of the UNC Class of 1818, would attend commencement. A great variety of property improvements were undertaken immediately. At one point in the undertaking Swain informed Judge Battle, absent while riding the judicial circuits, that the appearance of the college buildings had improved considerably since his departure. They should, said Swain, "give general satisfaction at Commencement." One suspects that a spiffy academic village greeted the country's chief magistrate, then in the third year of his presidency.

While Swain's involvement in the university's buildings, their construction, maintenance, and occasional enhancement, cannot be overstated, his concern for the campus and its appearance extended beyond buildings to grounds. Fairly early in his administration he proposed, and the trustees approved, the enclosing or walling in of the college campus; the thinning of the grove; and the planting of ornamental and shade trees near the buildings. He planted shrubbery and trees, great elms that enhanced the beauty of the campus.

Dr. Elisha Mitchell was Swain's close companion in the construction of the stonewalls that bounded the campus. The bountiful supply of large attractive stones around Chapel Hill made the task feasible. Mitchell, functioning as a superintendent of buildings and grounds and drawing on his earlier experience in New England, laid them out and did some of the work himself. Slaves, including some of Mitchell's, performed some of the work. While Mitchell gets the lion's

continued

share of the credit for the stonewalls, they clearly were part of Swain's program to beautify the campus; and Swain was both deeply involved in, and highly supportive of, the endeavor. Indeed, Mitchell himself once said that, at least at one time, between them Swain bore the heavier burden.

Swain also considerably extended himself in efforts to obtain and retain a gardener for the campus grounds. Over the course of his presidency the university employed several gardeners, probably foremost among them John Loader and Thomas Paxton.

Swain's efforts over many years to improve the campus and college grounds are a significant part of his legacy. With the aid of his architects, gardeners, and others, he transformed the small campus from its primeval forest state into a grand grove, with macadamized walks, shrubbery, trees, flowers, stonewalls, and other enhancements that have stood the test of time. Some, probably mostly untraceable, grace the university's grounds even today.

Swain's efforts over many years to improve the campus and college grounds are a significant part of his legacy. With the aid of his architects, gardeners, and others, he transformed the small campus from its primeval forest state into a grand grove, with macadamized walks, shrubbery, trees, flowers, stonewalls, and other enhancements that have stood the test of time. Some, probably mostly untraceable, grace the university's grounds even today.

There were two more occasions during Swain's tenure when the university's buildings and grounds were spruced up for presidential visits. James Buchanan attended the 1859 commencement, and Andrew Johnson was present for that event in 1867. Between those visits a major national cataclysm produced severe disruption for Swain and the university.

Swain had taken great pride in the increased enrollment during his presidency. We noted earlier that in his first year there were 89 students. As the American Civil War approached, there were 456. A precipitous decline in the student population commenced immediately upon the outbreak of the war, bringing long-term, devastating effects to the university. Hotheads in the student body found in the war an excuse to take leave of their studies. "[F]anatics at the north," they maintained, were attempting "to wrest from the South her most cherished liberties." Prompt resistance to their power was essential. The students thus were "ready to forsake the peaceful duties of a college life, and take up the sword in defense of . . . sacred liberty."

Swain was resolute in denying their pleas for a suspension of classes. He and the faculty urged parents and guardians to restrain the natural "anxiety" of the young and inexperienced to rush prematurely into military service. His struggle to maintain some semblance of normality, both in the university's functioning and

in the public's perception of it, would prove war long. The troubled state of the country dramatically diminished the university's numbers. When the Confederacy instituted conscription in April 1862, initially President Jefferson Davis heeded Swain's pleas to exempt the students until they graduated. By war's end, however, the Confederacy was taking every white male who was able to march and to fight.

When the Class of 1864 was reduced to one student, Swain made that detrimental fact a source of humor. He would greet the students at morning prayers, point to the young man and say, "Look at him, young gentlemen, just look at him. He's the best man in his class." Then, at the afternoon math class, Professor James Phillips would point to him and say, "Look at him, young gentlemen. Just look at him. He's the worst (pronounced 'w-u-s-t') man in his class. The very 'w-u-s-t' man in his class." Sadly, both Swain and Phillips were right.

The truth is, however, there was little to laugh about in those days. The war had a devastating effect on the university. At that time it did not receive state appropriations. It was very much tuition-driven, and the population from which tuition was derived had been decimated. The university's endowment, which Swain had enhanced, was gone, and both the capacity and the willingness of its friends to make gifts had greatly diminished.

When his university fared poorly, so did David Swain. He soldiered on relentlessly, nevertheless, determined that the university would not close. During the war, it did not. During his tenure as president, it did not. During his lifetime, it did not. But his tenure as its president did.

In July 1868 a board of trustees, largely reconstituted by the state's Reconstruction government, accepted the resignations of Swain and the entire faculty. The resignations were not entirely voluntary. Swain, indeed, filed a legalistic protest with the board, which it ignored.

A little over a month later the university's longest-serving president was dead. Injuries sustained in a carriage accident were the immediate precipitating cause, but some of his contemporaries, and others since, have viewed the real cause as a broken heart.

In 1877 Swain's favorite student, Zeb Vance, gave a lengthy tribute to his mentor and friend. "The university was his monument," Vance said on this academic occasion. Vance also said that no native of North Carolina's soil ever loved the state more or served it better.

As we meet today on this beautiful campus to which, for half his life, David Swain devoted his great mind, his considerable energy, and his many talents, we perhaps should leave his legacy where Vance did. To be sure, numerous others have contributed to making the university what it is today. But it is, as Vance said, in significant part, his monument. He kept it going through difficult times when it easily could have died.

And to be sure, numerous others have loved this state and served it well. It would be difficult, however, to identify many who have loved it more or served it longer and better.










Photos by Jerry Cotten

Remarks by R. Lane Brown III

It is indeed an honor to be with you today as the North Caroliniana Society honors Willis P. Whichard. As Judith Wegner said on the occasion of honoring another "Bill"—William B. Aycock—"the Society is itself worth honoring for its efforts to promote increased knowledge and appreciation of North Carolina's heritage and its encouragement of scholarly research, writing and teaching related to the State's history and literature."

My remarks this evening will focus on the legislative career of Bill Whichard during the period from November 1970 to September 1980. I remember this period particularly well, having myself served in the House of Representatives for six of these ten years. A native son of Durham County, our recipient was born to parents who were both prominent educators and who stimulated in Bill a keen sense of public service. Graduating from the Durham City Schools, Bill bypassed the Gothic Rock Pile (Duke), coming over to this fine, first state university at Chapel Hill, obtaining his A.B. degree in History in 1962 and his LL.B. degree in 1965. As we know, his formal education did not stop there, as he later obtained an LL.M. and earned a doctor of juridical science degree from the University of Virginia.

Politics beckoned, and our honoree was elected to the North Carolina House of Representatives in 1970 with no primary opposition and with his first general election opponent defeated rather easily. Bill shared his election victory with George Miller and the late Kenneth Royall Jr. as co-representatives from Durham County's eighteenth district. With strong voter approval, Bill was returned to the house in 1972. In 1974 Bill easily made the transition to the North Carolina Senate. Quite remarkably, in 1978, Bill and Ken Royall faced two Republicans on the ballot for the two senate seats. They handily won, garnering some 84 percent each of the votes. The sobriquets Landslide Bill and Ken were appropriately conferred.

To summarize, our honoree was elected to the North Carolina General Assembly, first for the house, then for the senate, for five consecutive terms. This was the beginning of a distinguished public-service career, followed by service in the judicial branch, to be addressed by another of our presenters. Bill is the only North Carolinian to have the honor of serving in both chambers of our legislative body and on both appellate courts of our state.

Bill was quite busy in those formative legislative years—his name appears on some 82 bills or resolutions as sponsor or co-sponsor in the 1971 session. This jumps to 211 bills in the 1973-1974 session. With annual sessions starting in 1974 and some special sessions thrown in (such as the contested reorganization of the

continued

university system), some 3,700 bills were introduced in the 1973-1974 session; 1,675 were ratified; we were in session 161 days in '73-'74 compared to 165 in 1971.

Bill Whichard made his imprint on two major pieces of legislation during this period that I will address. The first, of which he is most proud, was the Coastal Area Management Act (Ch. 1284, 1973 S.L.). The second, which he regrets the most for not passing, was ratification of the Equal Rights Amendment (ERA), the proposed 27th Amendment to the U.S. Constitution prohibiting gender discrimination. Let's address these two major legislative initiatives in reverse order. First, the failure of North Carolina to ratify the ERA.

The U.S. Congress passed the 27th Amendment on March 22, 1972, and forwarded it to the states for ratification. Thirty-eight states were needed to ratify the amendment. Before the end of the year, twenty-two states had ratified ERA, but in several states, including our own, disagreement over the amendment's implications led to many years of highly charged debate. With North Carolina's Republican governor Jim Holshouser and Democratic lieutenant governor Jim Hunt initially voicing their approval of ERA, opponents in the debate turned to our U.S. senator Sam J. Ervin Jr. to block passage. As principal sponsor of the house ratification bill, formally introduced in February 1973, Representative Whichard quickly learned that the anti-ERA activists found champions in Senator Ervin and also in North Carolina Supreme Court Justice Susie Sharp, a highly respected Democrat. She made personal calls to many of Bill's fellow legislators urging them to vote "No." ERA was defeated first in the state senate by a vote of 27 to 23. Not discouraged, our honoree stayed the course, only to see ERA defeated again in 1975. The amendment came close to ratification in 1977 when Jim Hunt became governor, and it sailed through the house by a vote of 61 to 55. A week before the scheduled senate vote, some 2,000 opponents gathered in a large rally at the Dorton Arena, at which Senator Ervin and conservative activist Phyllis Schlafly spoke, described by one observer as a "cross between a political rally and a church revival." Voting positions changed as ERA's dogged opponents found success again in lobbying state senators. The state senate defeated the proposed amendment once more by a vote of 26 to 24. It was a bitter pill for Bill Whichard to swallow after several close votes. Despite congressional extension of the ratification deadline, ERA failed again in our General Assembly in 1979, 1981, and 1982 before it was ultimately rejected nationally.

Bill Whichard spent countless hours marshaling arguments in favor of ERA's ratification and responding to concerns of its opponents that the rights and privileges women currently enjoyed, such as maternity leave and basic courtesies, would not be impaired or eliminated by ERA. Fortunately, our champion of ERA principally in the 1973 session, but certainly supportive in the 1975, 1977, and 1979 sessions, ultimately found some consolation in that the overall objectives of ERA were left up to the courts for interpretation. Judges found that many of ERA's rights and privileges had been conferred elsewhere in our constitutional fabric—via the equal protection and due process clauses—thus becoming the law of the land.

We now address Bill Whichard's legislative pride and joy—the Coastal Area

Management Act (CAMA) [S.B. 972, rat. April 11, 1974, Ch.1284, 1973 S.L.]. As floor manager in the house of the senate version of CAMA, Representative Whichard succeeded in securing approval of twenty-two committee amendments that the house proposed for the senate's substitute for S.B.972. Contentious debate erupted in the senate on March 26, 1974, followed by even more contentious debate in the house on April 4 and 9, 1974. Anyone reading the house and senate journals will readily see that the policy arguments mustered for and against this dramatic change in land-use planning, controls and management, particularly in the coastal area of North Carolina, presented strongly held views that persist even today. Indeed, the legislature occasionally revisits, detrimentally it seems, this comprehensive program of coastal area management between local and state governments. Indeed, the postponement of consideration of the original legislation from the regular session in 1973 to the short session in 1974 reflected a strategic decision by Representative Whichard and the late senator Bill Staton (Lee County) that worked to the advantage of getting CAMA passed. The legislative debate over CAMA was truly "a pitched battle of the first order." For his exemplary handling of CAMA from introduction through its final reading, our honoree justly deserves the recognition being conferred this evening, in keeping with the noblest legislative traditions of the Tar Heel State.

The constraints of time this evening preclude consideration of our honoree's many other contributions to the legislative process and the statutory law of our state. It must suffice to say that his was a very active decade of legislative service from which the people of his districts and of North Carolina have benefited greatly.

Thank you, my trusted good friend, for affording me the opportunity to comment on your legislative service. Your parents would be most proud, I think. Your wife Leona deserves recognition too, as she was one of your strongest supporters, if not the most loyal, during this period of public service.

Remarks by Burley Mitchell Jr.

It is a genuine pleasure to be with you to say a few words about Mr. Justice Willis Whichard and his unparalleled contributions to the state as a jurist.

I first worked with Justice Whichard when he was a new member of the North Carolina legislature and I was an assistant attorney general. I was immediately struck by his breadth and depth of knowledge of the law.

I was delighted when Justice Whichard was appointed as a judge of the North

continued

Carolina Court of Appeals because I knew of his intellectual ability as well as his pragmatism and tremendously strong work ethic. On the court of appeals he quickly established himself as one of the intellectual leaders of the court and as a colleague second to none. He was especially helpful to new judges and never failed to spend the time necessary to help them learn the ways of the court and draft their first opinions.

When he joined us on the North Carolina Supreme Court, I was absolutely thrilled. He quickly established himself as the best pure legal scholar on our court. I can say with absolute certainty that the addition of Justice Whichard to our court elevated the quality of all of our opinions. In a nutshell, Justice Whichard made us all think and reexamine our views before our opinions were published. Each of us who served with him owes him a great debt of gratitude.

Justice Whichard also embodied the proper role of judicial restraint better than any other judge I ever served with or appeared before. Although not dogmatic in his views, once he had reached what he believed was the conclusion called for by the law, he was unswerving. I noticed this strength of character especially in the opinions he authored that we knew would cause negative repercussions for the court.

One such case was *Maready v. Winston-Salem,* 342 NC 708 (1996). In that hotly contested case, our supreme court upheld legislation authorizing local governments to make economic development incentive grants to private businesses. We held that such incentives did not violate the state constitution's requirement that tax moneys be spent only for public purposes. In his opinion for the majority Justice Whichard concluded that under our constitution economic development grants could go to private businesses but only if the primary benefit was to the public in the form of bringing jobs, new industries, or other public benefits.

Justices Robert Orr and I. Beverly Lake Jr. filed a vigorous dissent, based primarily on public policy grounds. It was their view that any grant to a private corporation or entity was solely a benefit to that private actor and, therefore, bad public policy that should not be allowed. Frankly, a majority of the pubic probably shared that view. Certainly, many candidates for public office threatened that the court would suffer repercussions from its ruling.

Nevertheless, Justice Whichard stuck by his constitutional principles. He emphasized in his well-reasoned opinion that public policy decisions are exclusively for the legislature, not the courts, under our constitution. That decision has now stood the test of time and survived numerous challenges since it was rendered twenty years ago. It is an example of principled judicial restraint standing up to political heat. All members of our supreme court, past and present, can take pride in that case.

Despite spending so much time on his own opinions and ours, Justice Whichard somehow found time for other things. During his tenure he also studied at the University of Virginia where he earned a Master of Law in Judicial Process

degree. He went on to become only the second person to serve on any of our courts who achieved the S.J.D. (Doctor of Juridical Science degree). Amazingly, he still made time to research and write the definitive biography of James Iredell, who led the North Carolina Federalists in supporting ratification of the federal Constitution and who was later appointed to the United States Supreme Court by President George Washington.

In conclusion, Justice Whichard has always been a lawyer's lawyer, a judge's judge, and an outstanding legal scholar. He quite simply is the preeminent North Carolina jurist of the twentieth century. He is the best we have produced since the great Chief Justice Thomas Ruffin, who in the nineteenth century was internationally recognized as one of the greatest common law scholars in the world. Those of us who have had the happy privilege of working with Justice Whichard have been blessed to have him as a colleague and friend. North Carolina has been fortunate to have him as a native jurist and statesman.

Remarks by Lao Rubert

In 1979, then state senator Willis Whichard delivered an address to the Synod of the Presbyterian Church in Montreat. One of the things that he said that evening was, "We are losing some children and trying to compensate by building prisons." He then predicted that the prison population would rise from what was then a mere 13,620. He was correct, of course.

At that point, few public officials wanted to spend their time taking note of the problems of our prison system, those enmeshed in it, and better ways to solve the problems of crime and over-incarceration. But that's why all of us are here tonight: to honor a man who, in a gentle but persistent way, was willing to address important issues—even when they weren't popular—and who never hesitated to put his shoulder to the wheel to improve his state.

Senator Whichard also asked that evening, "Is there a solution other than the constantly increasing warehousing of human beings?"

It was with that question that our paths crossed a few months later as the soon-to-be Justice Whichard became the chair of the Citizens Commission on Alternatives to Incarceration. The commission quickly became widely known—and is still remembered today—as the Whichard Commission. I directed the non-profit administrative arm that staffed the commission, and we found that there are indeed many positive and attainable answers to the question we were asking.

continued

Recently, Justice Whichard told me that of the many things he worked on, this one took the most courage. He knew that it would be difficult and controversial. In spite of that, he never hesitated to do what he believed was right. As a result of his work, I'm confident there are many superior court judges today who have come to expect community-based options or sanctions through which they can craft a sentence that makes more sense to them than prison.

Under Justice Whichard's leadership, the commission recommended numerous policy changes, including:

- The use of community-based sentencing plans with concrete local options for addressing issues such as mental illness, substance abuse, and unemployment that so frequently lead to prison.
- Procedures to ensure that probation was not revoked for purely administrative violations. That proposal was finally enacted in 2011 as part of the Justice Reinvestment Act with broad bi-partisan support.
- A re-evaluation of sentence lengths. This remains a timely recommendation and could help reduce the now widely acknowledged problems of mass incarceration.
- The expansion of work release, study release, and community-based residential options. Today, that discussion is taking the form of a new nationwide look at re-entry into society with a comprehensive set of policy actions that are beginning to take shape in North Carolina.
- The implementation of a statewide pre-trial release program. At that time, North Carolina had three programs providing pre-trial services, and now there are more than thirty county-funded programs across the state.
- And finally, no new prison construction until alternatives to prison were fully utilized. This was, and remains, one of the most challenging recommendations. But since 2010, both Governor Bev Perdue and Governor Pat McCrory have chosen not to include new prisons in their budgets.

Justice Whichard frequently said that because North Carolina had one of the highest incarceration rates in the nation in those years, we either had the worst people in the nation or our state was doing something wrong. He, of course, opted for the latter explanation.

And that's the thought I'd like to leave with you tonight, that our state would be a better place if all of us treated our fellow North Carolinians—in spite of their foibles and wrongdoings—as basically deserving of simple human respect. Justice Whichard doesn't talk much about such an attitude, but it characterizes all his interactions. Any one of us—whatever our station in life—may have made some bad decisions and maybe even violated a law. Others may have been abused and neglected as a child or lived in multiple foster homes, suffered domestic violence, sexual abuse, addiction, or extreme poverty. The rest of us should do what we can to help that person get back on track and live a productive life whenever possible.

Justice Whichard excels in research and well-reasoned legal arguments, and he is always willing to share his view of the political pros and cons of a proposal.

But at the end of the day, a simpler but still uncommon quality that I admire the most is his constant, unfailing respect and simple decency toward everyone—regardless of their mistakes or their station in life. It is that quality, to me, that makes him widely beloved, respected, and so deeply deserving of our honor tonight.

Remarks by Jon Powell

Willis, I am most grateful to you for inviting me here tonight. This is wonderful. It is a real honor and privilege to stand here with this group.

Since I became a lawyer in 1998, I have often found myself in rooms like this looking around at the great people who populate these places. I always say, especially when listening to some of the resumés, "How in the world did I get in the room?"

It is because in 2005 you believed in me when others were not quite so sure. I am ever grateful for that and give you my heartfelt thanks.

Tonight there is an easy answer to that question. It is because in 2005 you believed in me when others were not quite so sure. I am ever grateful for that and give you my heartfelt thanks.

Soon I will talk about those others who were not quite so sure, but first let me go back to 2001 when I was practicing law as a criminal defense attorney. I did a lot of work in the juvenile court; indeed, in all the courts of Harnett County. In that process I met a man whom you will meet later in this program. Tony Baker was then a new law professor at Campbell. I was a frustrated criminal defense attorney, representing kids in trouble over and over, and thinking that there had to be a better way to do things in the criminal justice system.

Tony and I met over a cup of coffee during a break in a seminar. As we got acquainted, he asked me what I did. I told him I had just qualified as a civil superior court mediator and that my heart was really in mediation. He then said, "Have you ever thought about doing mediation in criminal work?" My response was, "Well, you, above all people, ought to know that you can't do that because there's no way in the world I'm going to put my clients in front of anybody to have them admit to what they've done."

"Well, there are ways around that," Tony said. That began a discussion about restorative justice. At the time the Campbell University Law School had never had

continued

a clinic. It has lots of simulation courses but no clinics. At the school's founding in 1976, that was a very intentional decision, to offer simulation experiences but not situations involving students with live clients. But Tony had a dream that the school would start a clinic.

I also had a dream that we could do things better. Tony took the dream to Dean Whichard, who was supportive. We then took it to Ed McCormick, who was the chief district court judge for the judicial district that included Harnett County, and he was enthusiastic about it.

The next thing I knew Tony and I were sitting in Dean Whichard's office with the dean and the chief district court judge. Margaret Currin, who just retired from the law school this week, was our recorder. We were discussing the possibility of a clinic in the law school that would bring juvenile offenders together with their victims in an attempt to address the harm that had been done and try to repair it. This was unheard of at the time.

I had thought Tony and I were just walking into a conversation between Dean Whichard and Judge McCormick. Instead, we walked out with an order that established a committee, one-half of the members from court personnel and one-half from the law school, tasked with investigating how to do this. I was a member from the court side; Tony was one from the law-school side. With Dean Whichard's support, the committee worked diligently for about a year and a half, then came to him with a proposal. He accepted it, the Governor's Crime Commission funded it, and in 2003 a clinic was born.

Tony was to be the law school curriculum leader, and I was to be the part-time mediation administrator. That got me in the back door, with little pomp and circumstance and few people knowing it. For two years I walked the law school halls with my professors thinking I was still trying to graduate, which was okay with me.

This brings us to 2005, when Willis went out on a limb. In its first semester, as Tony will remember, the program had received only three referrals. This past Friday alone it receive three referrals, so it now does better in one day than it then did in an entire semester. Change comes hard, and I confess that I said in the beginning, "This is never going to be successful."

By 2005, however, we had had some success. Tony Baker was leaving for a year's sabbatical at Yale. This caused me to tell Dean Whichard that it was time for me to return to my law practice. "This is about to run me to death," I said. Dean Whichard said, "If Tony goes to Yale and you go back to your practice, I'm afraid we will have to return the remainder of the grant money." He then proposed to the faculty that I be brought in fulltime as the mediation-program director. The aftermath is humorous. He called me to his office in Wiggins Hall, which is now a Starbucks café—a place not nearly as prestigious as it once was, but I had a pretty good cup of coffee there this morning. As I sat down, he said, "Well, Jon, I talked to the faculty today." I responded, "Yes, sir." He said, "I take it you were not a very good law student." As any good lawyer would, I said, "Well, Dean, that depends on

how you define a very good law student." I admitted that academically I was among the worst, scratching and clawing, all pass/fail after the first semester. "But I think I've been a good representative," I continued, "I think I've been a good attorney and that I will represent you well in this position." The dean then said, "Jon, all I want you to do is prove them wrong." When I see him now, he says, "I think we proved them wrong." I say to him tonight, I am proud that you are proud of what we have done.

We started as a diversion program for the juvenile court in Harnett County called the "Juvenile Justice Project." We have evolved into a fully restorative clinic called the "Restorative Justice Clinic." We still work within the juvenile court, bringing juvenile offenders and their victims together to address the harms. The majority of our caseload is now within the public school system, however. We serve as a diversion mechanism, providing options other than zero-tolerance suspension, and petition for these kids. Just about every day we go into schools in Wake County. We now operate in fourteen of them. We are helping to resolve conflicts, serving as an interruption of the school-to-prison pipeline. We are routinely invited by school systems across the state to assist them in acquiring an understanding of how to implement restorative-justice practices.

Three weeks ago we trained more than one hundred New Hanover County school employees in Wilmington in the art of restorative practices. Our Campbell law students are involved in every step of that. We are also routinely called upon by family members of murder victims who have reached the point in their healing process at which the only thing left to do is to create a dialogue with the person who murdered their loved ones. Again, our law students are involved in every aspect of these cases.

Two years ago Central Prison invited us to start doing circles with its inmates. We take these students on a weekly basis. We bring surviving family members with us to tell their stories, which enables prisoners, often for the first time, to understand the effects of their crimes on real human beings. It is a life-changing experience, both for the incarcerated offenders and for the victims who get to tell their stories.

More than three hundred law students have now gone through our program. As a result they leave law school for the practice of law with a very different worldview. They use restorative justice concepts wherever they are and whatever they do. The three cases we accepted in that first semester have now brought 940 more. You have created and supported a program that has literally touched thousands of people, especially young people.

Dean, I especially want to thank you for giving me an opportunity to live my calling. I appreciate you, and I am honored to be here with you.

Dean, I especially want to thank you for giving me an opportunity to live my calling. I appreciate you, and I am honored to be here with you.

continued

Remarks by Martin H. Brinkley

By way of introduction of myself, I will say only that my name is Martin Brinkley; that I am honored to sweep figurative floors and empty figurative waste paper baskets at a public building about 0.2 mile up Ridge Road from this room; and that I am privileged to call Willis Whichard friend. I live approximately one mile from the hospital in Raleigh where I was born, which just means that I haven't gotten very far in life.

Willis Padgett Whichard was born in Durham on May 24, 1940, the son of two teachers.

His father, Willis Guilford Whichard, a 1930 graduate of the University of North Carolina at Chapel Hill, taught American history at high schools in Red Springs and Pinehurst. In the mid-1930s he moved to Durham, first as a teacher at Carr Junior High School and Durham High School, and later as principal of North Durham and E. K. Powe Elementary Schools, dedicating a total of thirty-six years to public education. His mother, Beulah Padgett Whichard, taught elementary grades at Southside and Watts Street Schools in Durham for more than twenty years. During summer breaks from high school and college, young Willis worked for the book and supply department of the Durham City Schools, repairing books and preparing school buildings for the return of students in the fall.

That Willis Whichard would go to college was never in doubt, but it was the offer of a $150 per semester scholarship to the University of North Carolina, coupled with the money he had saved from his Durham newspaper route, that determined a great deal of the direction of his life. He traveled the eight miles from Durham to Chapel Hill in the fall of 1958, finding there a university of some 8,000 undergraduate and graduate students. It was a shame, his father said as they unpacked, that the place had gotten so big his son wouldn't be able to get to know anybody. In Chapel Hill his teachers were the likes of Raymond H. Dawson, who had joined the political science faculty in the fall of his freshman year and went on to be dean of the College of Arts and Sciences and vice-president for academic affairs of the UNC system under President William Friday; the historian of American religion Robert Moats Miller; Samuel S. Hill Jr., who would become a leading historian and sociologist of religion in America; and J. Carlyle Sitterson, who taught twentieth-century American history and served as chancellor from 1966 to 1972. At the law school, where he enrolled the fall after receiving his A.B. degree in history, they were the likes of Albert Coates and Dean Henry Brandis, whose shoes I find it increasingly daunting to fill.

Equally influential were his teachers outside the classroom. One of Bill's lasting

memories was of a Sunday afternoon walk during his first week on this magical campus, when he passed William and Ida Friday moving at a "fairly rapid clip" toward Franklin Street from Cameron Avenue and the South Building. At that time Friday had just celebrated his thirty-eighth birthday and been president of the university for two years. Later that same week, Whichard encountered the chancellor of one year's standing, William Brantley Aycock, who told the awed freshman class that they were there "to draw interest on the intellectual, moral, and spiritual capital provided by the work, effort and sacrifice of many generations" of North Carolinians.[1] Friday and Aycock pushed out young Whichard's horizons and planted seeds that bore fruit in his life for decades.

So it is fair to say that teachers and teaching were—as they are for so many of us—crucial to the growing up of the future legislator, appellate judge, and law school dean we honor tonight. And it seems almost inevitable that Willis Whichard would someday become a teacher himself.

So it is fair to say that teachers and teaching were—as they are for so many of us—crucial to the growing up of the future legislator, appellate judge, and law school dean we honor tonight. And it seems almost inevitable that Willis Whichard would someday become a teacher himself, as he did at both the UNC School of Law for over a decade and then at the Norman A. Wiggins School of Law at Campbell University.

My friendship with Justice Whichard began in the spring of 1991, when I was a second-year law student enrolled in his seminar on the judicial process right here in Chapel Hill. That course was easily one of the most intellectually enriching experiences of my time in law school. The course was an introduction not just to the judicial decision-making process but also to so much more. It was a history of the American judiciary, told through story and analysis of court opinions beginning with the chief justiceship of John Marshall and concluding with the Warren and Burger courts. I loved every minute of it. Later, my wife told Justice Whichard that if he had announced that the seminar would meet at 7:00 A.M. on Sunday mornings, I would have shown up fifteen minutes early. My seminar paper for the Whichard course dealt with Chief Justice Thomas Ruffin, the antebellum North Carolina Supreme Court judge whom everybody seemed to consider great without knowing why. Justice Whichard encouraged me to expand that paper into a full-length biography, which might actually happen if family and law practice and bar presidencies and deanships and such other ephemera would quit getting in the way.

1 Willis P. Whichard, *How Chancellor Aycock and President Friday Shaped the Course for Today's University*, Remarks for Reunion Weekend, May 9, 2014, Chapel Hill, N.C.

continued

I had chosen to enroll in law school here in Chapel Hill because I wanted to reconnect to North Carolina, where I hoped to practice and be of some use to people after prodigal years away at various barbarous seats of learning like Harvard. Just as Friday and Aycock and Coates and Brandis and all the rest had been for Bill, so he was for me: A grounding force; a reminder that in North Carolina, human connection matters; living proof that when you drink deeply from the Old Well, good things happen in ways nobody can guess. Sometimes those good things are ideas that lift and inspire, and whose strands are twisted into cords of hope for people you've never met, but whose lives are woven tightly into yours.

Bill Whichard has remained, for more than twenty years, a kind of polar star in the firmament of my life. I confess, unfeignedly and with thankful heart, that I have been blessed—truly blessed—to know him. He is the reason I am even here. He proposed me for election to the North Caroliniana Society just after my graduation from law school, asked me to go on the board of directors nearly fifteen years ago, and steered me into the secretary-treasurer's position when our founder, Dr. Jones, decided to take emeritus status. For whatever repeated incompetence I may have displayed in this role, you have him to blame. He has been both guide and counselor for me as I have suffered the slings and arrows of outrageous professional fortune and enjoyed a moment or two in the sun. I would wager that, when he was grading that seminar paper almost exactly a quarter century ago, he would never have guessed that he was forging anew a chain of memory that would link the current dean of the University of North Carolina School of Law back to his own dean and teacher, Henry Brandis, and through Brandis, to Wettach, Van Hecke, Manning and all the rest straight back to William Horn Battle and David Lowry Swain.

I pray that for decades to come, as the shadows lengthen and the evening comes, as the fevers of life burn and subside, until the work of my earthly pilgrimage is done, I may have the privilege of his wisdom and counsel, and of enjoying in them the kind and patient twinkle of an everlasting friend.

Remarks by Constance Anastopoulo

Justice Whichard, distinguished guests, fellow speakers. First, thank you for the opportunity to be here. Second, I usually stand at a podium lecturing law students in baseball caps and tee shirts, so this is really nice!

I do not know how I can sum up in five minutes what our more than twenty-

five-year relationship has meant to me. I was asked to talk about the justice in his role as a "Mentor." Webster's dictionary defines mentor as "a wise and trusted counselor or teacher." While he is most definitely that, he is so much more to me than what is found on the crinkled pages of a dictionary.

I guess I should start at the beginning of our relationship. It goes back to my second year of law school, and particularly to April 1991. I was taking a class from the justice, when my father, a lawyer who had practiced for more than fifty years, announced that he was coming to Chapel Hill to see the law school where his daughter was matriculating for her legal education. He was not completely thrilled with my choice of schools, as he had wanted me to follow his more Ivy League education.

In an attempt to impress my father, I persuaded the justice along with Dean Wegner to meet with my dad. I figured that my dad would be moved by the fact that I could garner such heavyweights to come meet him. And moved, he was.

So on Friday, April 5, 1991, we sat in Dean Wegner's office, and they talked about me. And it was glorious. As we left her office that afternoon, I knew that my relationship with my father had changed forever, and he saw me as an adult, maybe for the first time. I owe that to you, and Dean Wegner, and I will always be indebted to you both.

Now you may be wondering, "How does she remember that day so distinctly?" You see, that is not the end of the story.

I spent the weekend with my father, and he returned home to Virginia on Sunday. That night, he had a massive heart attack and died. I never saw him again.

Justice Whichard, my mentor, took me under his wing.
It is not an overstatement to say that he saved my life.

In the aftermath, this girl was brokenhearted and broken. Justice Whichard, my mentor, took me under his wing. It is not an overstatement to say that he saved my life. He told me, "I cannot replace your father, no one can, but I will be your surrogate dad, and I will always be here for you."

And so he has. When a handsome Greek lawyer from South Carolina wanted to marry me, I made him meet the justice. When I left the practice of law for academia, I discussed it with him. Whenever I face a challenge, I know that my mentor is always available—"a wise and trusted counselor."

In closing, I think of his guidance as I try to mentor my own students. I think about the ripple effect his kindness has had, as I try to emulate what he has given me with the more than 1,000 students that have crossed my path during my teaching career.

A mentor is someone who allows you to see the hope inside yourself. We all need someone who inspires us to do better than we know how. You inspire me.

continued

Remarks by Ann Craver

"The only thing that you absolutely have to know, is the location of the library."
~ Albert Einstein

Luckily for the Durham Library Foundation, Bill Whichard had discovered the little library on Main Street during his grammar school years, and was forever changed and inspired by the books he read there—by the very ambience of learning and possibility. So, when four Durham Library trustees decided in 1999 to create a foundation to raise and manage funds to provide a margin of excellence for the system—beyond that which would be possible with public support—we set our sights on Willis Padgett Whichard to be our inaugural president. Why, after all, Bill is the epitome of scholarship, a seasoned politician, a universally respected jurist—with a fat Rolodex and without a single ethical blemish. He would be the perfect first president, because he is—well—perfect!! But how to persuade such a busy man to take the helm of a nascent organization—one without even the resources to file the Articles of Incorporation?

Well, it was surprisingly easy. All it took was a cup of coffee in my kitchen and a conversation about our vision. While I would like to think it has something to do with my powers of persuasion, I know he said "yes" with such alacrity because of the cause. Bill Whichard has a soft spot for books and a belief that libraries are essential to a democratic society. What other institution serves citizens from infants to centenarians; the wealthy and the destitute; for research and for pleasure; for lectures and for lounging with periodicals; or a conversation with friends?

For nine years, Bill devoted his considerable leadership skills, precious time, and significant philanthropy to growing the Durham Library Foundation (DLF) balance sheet from zero to nearly $4 million under management today. He worked closely with development director Sandy Sweitzer to craft a compelling grant proposal to the National Endowment for the Humanities. In 2007, DLF received a $500,000 matching grant to establish a humanities program at the library. In that year, Durham County was the only library in the nation among the recipients of this prestigious award. Bill then went to work leading a cadre of campaign volunteers to raise $1.5 million from corporations, foundations, and private citizens to secure the full match. The library now offers hundreds of innovative programs through this remarkable initiative, covering everything from discussions on the local foodie scene to conversations with nationally recognized artists, musicians, and writers.

None of this would have been possible without Bill's vision and steady hand at the helm. We are most grateful, and we salute you on this very special occasion—

for your constancy and your enduring commitment to an institution that captured your heart as a youngster. Those of us who know and love Bill—and that is everyone in this room—recognize that he is sui generis.

Remarks by Lynn Richardson

Bill Whichard is a Durham boy, born and bred. His dad was long-time principal of North Durham School; his mother, a teacher. He got his education in Durham public schools and his reading material from the Durham County Library.

Bill was an industrious, responsible, and good boy, for the most part. He had his transgressions, like everybody else, including one he remembers as his first time getting into trouble at home. One day Bill decided that his younger brother really should see where his older brother went to kindergarten, so off they went from their home on Club Boulevard to that venerable Durham institution, Ms. Twadell's Preschool, a hike of a little over two miles. When they arrived at the school, little Bill began introducing his brother to the teachers, who, of course, immediately called his parents. The parents were, as you can imagine, worried sick and not pleased with the unscheduled excursion.

Bill graduated from Ms. Twadell's without further incident, as far as I know, and his world expanded to Carr Junior High and Durham High School, then down the road to Chapel Hill for undergraduate and law school. Raleigh came later, where he made his mark in multiple roles in the state's legislature and judiciary.

Although he scaled the heights of North Carolina politics, Bill has remained dedicated to his hometown. One of the ways he has most benefited Durham is through his work with the library. I'm here to tell you about what he has done for the Durham County Library's local history collection.

I first came to know Justice Whichard in 2004, when he and Leona established an endowment for the North Carolina Collection (NCC). His concern about the de-emphasis on local and state history informed his decision to endow the NCC instead of the children's room, another strong contender, or some other area of library work. Having a trove of available funds has been a great boon when unexpected expenses or unplanned-for opportunities arise, as they do in special collections. From hiring a freelance oral historian to being able to purchase a new scanner immediately when the old one gave up the ghost in the midst of a big digitization project, funds from the Whichard Endowment have already made a difference to the North Carolina Collection. The NCC was fortunate to receive a

continued

$100,000 grant from GlaxoSmithKline four years ago to be spent over four years, which has allowed us to let the Whichard Endowment funds grow virtually untouched since 2012. As it increases in size, the endowment will play an ever more significant role in helping make the Durham County Library North Carolina Collection a truly first-class local history repository.

Not only is having the funds an asset, but also having Justice Whichard as a friend of the collection is a tremendous boon. He has helped the collection raise funds for the endowment, including appearances at several events around town last year that added more than $50,000 to it. He worked with me years back to advocate to library administration for the establishment of a full-fledged, active manuscripts collection program, which we have today. He has helped the North Carolina Collection acquire the papers of significant community figures, and we now have nearly 200 collections of papers, the acquisition of which has been instrumental in helping the NCC fulfill its main mission of preserving Durham history in as much depth as possible. For several years Bill and I presented what we called our "dog and pony" show to any social and civic group that would have us (and many would, on the strength of his name), with the justice relating why he supports the collection and why Durham citizens should support it with their materials and their money, while I talk about what services it offers and the cool stuff we hold. His reputation in the community and beyond has brought a level of legitimacy, prestige, and recognition to the North Carolina Collection that only a former North Carolina representative, senator, appellate court judge, supreme court justice—and Durham native—can give.

I think of him as the collection's fairy godfather and actually introduced him as such once, to my immediate mortification. He didn't flinch, outwardly anyway. The main Durham County Library will be gutted and completely renovated beginning in 2017. Given Justice Whichard's contributions to the NCC, the decision was made a couple of years ago to name the newly renovated space after him. It's the least the library can do for him, given all that he has done for us.

Remarks by Jeffrey J. Crow

We have heard tonight about the remarkable career of Willis P. Whichard as a legislator, jurist, public servant, and civic-minded leader. He is also a skilled practitioner of the historian's craft. Indeed, historians consider him one of the tribe. Among other honors, he has served as president of the North

Carolina Literary and Historical Association as well as president of the Historical Society of North Carolina.

How did a busy jurist become so engaged in recording and preserving the history of North Carolina? Two early clues were his undergraduate major at the University of North Carolina at Chapel Hill (history) and his election to Phi Beta Kappa. The latter honor signifies a passion for the liberal arts and a devotion to the lifelong pursuit of knowledge. While earning a master's degree and doctorate at the University of Virginia in judicial process and juridical science respectively, Justice Whichard began a careful study of James Iredell, the English-born American revolutionary whom George Washington appointed to the U.S. Supreme Court in 1790. Justice Whichard's research culminated in the book *Justice James Iredell*, published in 2000.

Iredell, as Justice Whichard demonstrates, was one of the most influential leaders of the American Revolution in North Carolina. He had an even larger impact on the struggle for ratification of the U.S. Constitution in 1788-1789 with his writings and advocacy in favor of ratification. Once appointed to the Supreme Court, Iredell proved an exceedingly hardworking justice, probably to the detriment of his health. Justice Whichard emphasizes the role Iredell played in establishing the constitutional basis for the judiciary in the 1790s. In fact, Iredell's dissent in *Chisholm v. Georgia* (1793) led to adoption of the Eleventh Amendment (1798). Iredell argued that a citizen should not be able to sue a state in a federal court.

In 2007 the Office of Archives and History mounted a traveling exhibit of North Carolina's recently recovered copy of the Bill of Rights. A lecture by a prominent scholar or lawyer accompanied the opening of the exhibit at each site. Justice Whichard spoke at the University of North Carolina at Asheville on trial by jury and due process of law. His remarks and those of the other speakers were collected in a volume titled *Liberty and Freedom: North Carolina's Tour of the Bill of Rights*, published in 2009. As a former justice and judge, he brought a pellucid vision to the precedents and implications of those two rights for citizens' well-being and freedom in a democratic society.

Justice Whichard is now engaged in the completion of a biography of David L. Swain. I have been privileged to get a preliminary look at the work in progress. Swain was an important political figure, governor, and president of the University of North Carolina in the decades preceding the Civil War and a few years following it. Swain also had a great love of the state's history and helped to promote and preserve it during his long career. A full-scale biography of Swain, as Hugh T. Lefler pointed out more than fifty years ago, is long overdue. In the capable hands of Justice Whichard, Swain receives meticulous attention to detail, exhaustive research, and, dare I say it, judicious treatment.

Congratulations, Bill, on this well-deserved honor. And thank you for all that you have done to preserve North Carolina's rich and vital history.

continued

Remarks by Anthony Baker

So, I was sitting in my office looking out my window one beautiful, sunny, 1999 fall day, when my phone rang. In order for this opening statement to make sense, some perspective is in order here. My office window at that moment looked out onto the plaintive, singular Santa Monica mountain range, stretching its golden way in both directions before me. Had I stepped across the building to one of my colleagues' offices on the other side, I would gaze out easily onto a scene straight out of *National Geographic*: the immense, jewel-like Pacific Ocean expanse before, Catalina Island in front and Malibu just below, Los Angeles stretching to the south and east, and the gorgeous, famous US 1—the Pacific Coast Highway—winding beautifully north. And the phone call in question was from Buies Creek, North Carolina. With no slight intended, and not meaning to trivialize its own unique qualities in any way, let's just agree that no one ever had or ever would reasonably describe Buies Creek as "the Malibu of North Carolina" (or any place else).

The call was short and polite and naturally the subject of conversation between my wife and myself later that evening in our beautiful southern California home. It had come to me at Pepperdine Law School, where I was then working, from a man in Buies Creek that I had never met, with an invitation to stand as candidate for a teaching position far across the country, at Campbell University Law School. Interestingly, then in our second year in California, we had earlier begun considering a return east to my own earlier home of North Carolina, for family reasons, so in some way the call might have been considered "timely."

"So, are you going to follow up with this offer?" my wife naturally asked.

"I ain't going to Campbell," was my easy, firm reply. That was that.

So, I was sitting in my office looking at the same memorable scene the following sunny 1999 fall day, when my phone rang: same place, same offer, different person.

"I got another phone call from Campbell today," I reported to my wife later that evening.

"Oh. They're just trying to follow up on their offer," she responded, dismissing it in light of our earlier conversation.

"No, this call was interesting."

"Why 'interesting'?"

"It came from their dean."

"Is that what made it 'interesting'?"

"Uh, no. The new dean there now is Willis Whichard."

"Who is Willis Whichard?" she asked innocently, prompting a long and detailed conversation that evening and, as matters would develop, a valuable and important relationship following.

I first became acquainted with Willis Whichard in the summer of 1976, when, as a twenty-year-year-old intern with the Institute of Government Summer Internship Program, I sat with fellow interns as observers in the North Carolina General Assembly. The goal of the program was to identify potential "future leaders" from across the state's colleges and universities and expose them to an intense experience with state government over a summer, whetting their appetites for possible future public service in the state. Our observations of the legislature were a part of that experience, made more interesting for me that day by a particular comment from our program director, when one young, dark-haired, good-looking legislator took the microphone to speak.

"That's Willis Whichard," he said to us all, adding, memorably, "Keep your eyes on him."

As it was his only such comment of the many speakers we heard that day, I did. Thus, it was "the better part of wisdom" twenty-plus years after that introduction to take this second Buies Creek call, and its speaker, very seriously. I'm glad I knew to, and glad I did.

Of the many honorable qualities of our well-deserving honoree this evening, for me three stand out, having had particular impact on my life. First of all, Willis is a *colleague*, a very special word for me to have the privilege of associating with my dean. Given the many nuances of the things occupying my scholarly interest—the unique place of law in the construction and lifeblood and even deconstruction of culture (and the time frame of that interest, late eighteenth- and early nineteenth-century American development)—even my similarly committed teaching colleagues often have difficulties following my fascinations. Deans are even less connected to the "why" of what I do, as a rule. But in Willis Whichard I immediately had a leader who not only "got me" but had personally mastered our shared craft at a level to which I continue to aspire and can only hope to achieve one day, a true breath-of-fresh-air in my academic journey.

Simply put, Willis Whichard is a first-rate scholar in his field, demonstrating at a deep level all the great qualities necessary to have achieved this well-earned distinction: discerning intellect, deep curiosity, and fiercely focused discipline (the one quality I most admire in him as colleague, and most hope to emulate in myself). When award-winning early Americanist historian Pauline Maier needed scholarly support in her published work for properly locating North Carolina icon James Iredell in the American constitutional ratification debate, she naturally turned to the definitive source, Willis Whichard's copious biography of the man, *Justice James Iredell* (2000). Indeed, anyone interested in discerning North Carolina's place in the remarkable confluence of events giving birth to this complex, singular republic, will eventually find their way to this important work,

continued

given the breadth of its scope and the quality of its scholarship. That he has added this skill and accomplishment to the pantheon career highlights and milestones is a matter deserving the greatest admiration and respect from those of us well aware through hard experience of the challenge and value of this achievement. I can only hope to attain by the end of my full career what he has managed to master in this small part of his own, and in this he has my whole admiration and respect.

The second quality I have come to understand, appreciate, and admire in Willis Whichard in the time I have been privileged to know him is that he is a *student*, in the broadest and brightest sense of that important word. I became practically aware of this in an interesting and memorable way when I came into my American Constitutional History teaching elective at the start of the semester and found him to be a member of our student roster! Let me say that any occasion for a dean's visit to a young, tenure-track (!) law professor's teaching classroom for observation or otherwise is well-noted and anticipated by that professor, creating its own energy and, honestly speaking, trepidation. But the dean as a student in your classroom for an entire semester? Let's just say that, for this young professor on that occasion and circumstance, careful preparation and attention-to-detail in presentation were the order-of-the-day for each class that semester!

Beside the fact that I recall him as an excellent student—attentive, articulate and, as a good classroom citizen, generously supportive of the learning of his fellow students—he made an impression on me of particular significance, remaining to this day. He was and remains committed to learning as an end in itself and would not let office or protocol or appearance get in the way of that laudable goal. The deanship was for him an office he occupied, not an identity he owned, and he was easily prepared to lay the office aside, even before individuals who came under that office, in order to achieve the more important goal of personal learning. To my mind, the word typifying and defining the experience and his character in this, is humility; it is a powerful word, a magical concept, and an exceedingly rare and beautiful characteristic to be found in persons aspiring to leadership of any community. In his typically quiet and unassuming way, he taught me a lesson I have aspired to emulate in my own life after, even if only in my own weak way, and one I have never forgotten.

The final quality I note here and have come to admire, respect, and even cherish in Willis Whichard is in need of some "set up." Because of the time of my birth, the mid 1950s; the place of my significant raising, pre-civil rights eastern North Carolina; and the particular family of my home, influence, and development (African Americans committed to personal accomplishment against all cultural and community odds), one of the practical consequences of my life following is that I would have very few friends along my way. The reasons were complex in fact but really quite simple in concept. In order for me to maximize my possibility for success through the very narrow launch window that my time of birth, place of raising, and family of influence would afford, I had to personally define and aspire to the highest of expectations and spare no energy in attempting to achieve them.

An unanticipated and unwanted consequence of that circumstance was naturally applying those same standards to those around me in seeking companions along my narrow way, i.e., friends; though acquaintances would easily abound, very few persons would be able to pass that unfortunate and too difficult "friendship" test assigned me by my circumstances.

As I grew, I came to develop and appreciate a simple test applied to my many acquaintances, to find my too few friends. It was not based on ephemeral or false standards of value or virtue: personality or intellect, family background or reputation, place of schooling, financial success, personal station, achievement, or worth. Simply put, every so often, at key points in my path when I needed something special of the person, I would need to look up, above me, to find a model. Willis Whichard met that important, unarticulated test in a memorable, unexpected way from our very first meeting and did so for me many, many times thereafter. In this way, I am both privileged and proud to call this great man *friend*, the highest honor of my own I have to bestow, and for that I am deeply and personally grateful. Thank you, dear Friend, for all that you have been for so very many, and for all you are for me.

Remarks by H. G. Jones

Archie Davis always wanted to see around the corner, so when Bill Powell and I proposed in 1981 a friendly *coup d'etat* under which Bill would step down to the vice-presidency of the North Caroliniana Society in favor of Archie, the new president began thinking of who might be his own successor. No need to rush, however, because Archie quickly decided that he liked the presidency, and he proceeded to bring recognition and prestige to this youthful organization during the next eleven years. All the while, though, Archie kept looking around, and from time to time we mentioned "that young judge" with whom I had worked very successfully in Raleigh when I was a bureaucrat and Willis Whichard was a mere Durham County legislator. By 1986, Archie had worked out the future of the society: He put both young Judge Whichard and UNC President Emeritus Bill Friday on the Board of Directors, then, five years later, persuaded his friend, Dr. Friday, to take the presidency with Judge Whichard as vice-president, under, of course, Archie's surveillance.

The plan worked beautifully, and the Honorable Willis P. Whichard served as president of the North Caroliniana Society from 1994 until 2014, when, still

continued

a "young judge," he insisted on stepping down. For his record, read the annual reports of the North Caroliniana Society.

But I want to reveal to you that Justice Whichard is due our gratitude for a reason beyond his personal presidential service.

Remember that Judge Whichard stepped off the North Carolina Supreme Court to a deanship of Campbell University's Norman A. Wiggins School of Law, whose students, in the annual state bar examinations, on occasion have outshone those of better known institutions in Durham and Chapel Hill. Dean Whichard was a good judge of talent, and somewhere along his "deaning" and teaching career, he recognized the product of a New England school, whom, if I remember correctly, he "judged" as the best student he had ever taught. We brought that young lawyer into membership, kept our eye on him, and eventually elected him to succeed me as secretary and treasurer of the North Caroliniana Society.

So exemplary has been that young man's service to the North Caroliniana Society, and North Carolina generally, that I, a Duke man, am here tonight to assert to you that those contributions were, no doubt, the determining factors when the Search Committee for the deanship of the University of North Carolina School of Law made its selection.

So, tonight, "young judge" Whichard, I express to you our collective gratitude not only for your personal service as our president, but, additionally, for your foresight in recognizing, two decades ago, the talents and strengths that have since lifted Martin H. Brinkley, already our secretary and treasurer, to the deanship of the University of North Carolina law school.

Remarks by Jennifer W. Ritz

Good evening. Thank you all for being here to support and honor my dad. I'm Jennifer Whichard Ritz, and I've been asked to speak on behalf of the family. It's a big job, because it's a big family. Oh, at the house growing up it was my parents, me, and my sister Ida. But we had grandparents, aunts and uncles, and cousins, and we had great aunts and uncles and second cousins and third cousins and even fourth cousins. And we saw many of these people with some regularity.

For dad, family—both nuclear and distant—is important, an essential foundation. In our case, family ties us to North Carolina, if not quite from Manteo to Murphy, at least from Pitt County down east, where my Grandaddy Whichard

was from, to Clay County in the mountains, where my grandmother grew up. My mom's family is from Chatham County, giving us roots in the piedmont that go even deeper than my Whichard grandparents' arrival in Durham eighty years ago to take advantage of one of the best pay rates for teachers in the state. My dad is crazy for a family reunion and will head up to the mountains or down to the coastal plain if at all possible to see the folks. Even the dead ones. Ask anytime, and he'll take you on a tour of graveyards where our ancestors are buried. Ida and I did not always appreciate this growing up—"Aw, geeze, do we really have to go?"—but in a world where many are disconnected from the people and places they came from, we now appreciate knowing we are surrounded by a host of kin. And not just when we are here, either. Some of our people moved elsewhere over the years, and mom and dad's travels often involve making time to visit some of those distant cousins and reporting back.

While the extended family is key, and they could tell you many wonderful stories about dad, I need to make the job a little smaller tonight to give you a picture of my dad as a family man, so I will draw mostly on recent conversations with my sister and our husbands and children, as we've reflected on what we think about when we think about dad, or Bumpa, as my kids call him, or Grandpa, as Ida's kids do. Ida and David live in Scotland now, where my brother-in-law is an American history professor at the University of Edinburgh. Their children are Chamberlain, who is here tonight, and Dawson and Thessaly. My family is here: my husband Steve and our daughters Georgia, Evelyn, and Cordia. As we've talked generally about what he does and what he likes, we've realized we've learned a lot from him about how to live a good life. I suspect none of what I've got to say about life lessons from dad will surprise you, because you've seen and heard about him living them out in the public arena, but I can give you a glimpse into how these played out at home.

It's hard to rank these life lessons, but for the sake of starting somewhere, I'll state the obvious and say that learning was valued in our home. My parents both read to us. I remember dad reading all the Louisa May Alcott books with me, *Little Women, Little Men, Jo's Boys*, and Ida remembers snuggling up to read the *Encyclopedia Brown* series. He was always supportive of and interested in our efforts in school. He was never dictatorial about our pursuits, either academic or extracurricular, but he cheered us on by coming to piano and dance recitals, school plays, and the like. Ida and I both attended Durham County schools, but when circumstances led Ida to be interested in spending most of high school away at boarding school and when I wanted to go to college in New England, dad provided both the financial backing and the cheerleading to help us pursue those dreams. He modeled the value of lifelong learning by pursuing advanced degrees and reading for his own pleasure and interest while we were growing up.

Dad was not always sitting around with his nose in a book, however. We also learned from him that it's important to get out and get some exercise, and

continued

the more fun you have doing it, the better. Dad worked in downtown Durham at Powe, Porter, Alphin, and Whichard when I was little, and we lived out from town in a little suburban neighborhood. In the winter when I was four, snow was in the forecast, and dad left work early and stopped by Addison's Play World to buy me a sled. Or us a sled. A big, wood Flexible Flyer with red safety runners and super steering. Dad was like a little kid in the snow. There was a great sledding hill just down the road from our house, and he walked up it and sledded down with me for hours on snowy days. And nights. The teenage boys in the neighborhood talked him into being part of a night sled train that started at the top of the driveway across the street from us, went across the road, down our driveway, and swerved left to avoid our fence before stopping somewhere in our next door neighbor's back yard. It was exhilarating fun, and scared me to death, but dad and I had a blast. I've still got the sled, and I still use it every chance I get, even once when I was eight-and-one-half months pregnant, much to Steve's chagrin. It's one of the best gifts my dad ever gave me. That and a sense that you're never too old to get out and move and have fun.

My sister and I and our kids have all swum across the lake in the mountains with dad. The lake in Hayesville has lots of little fingers, so it might not be as far as it sounds, but it might be farther. It's a challenging enough distance. Dad likes to swim it pushing a raft in front of him for safety, just in case he gets tired, but really he doesn't, and I think all of us, kids and grandkids, were proud the first time we could swim it all the way without stopping too. Dad played tennis and basketball and ran when we were kids. He has given up those pursuits over the years due to cranky joints, but he still walks at a rapid pace several times a week and loves to hike, whether for a day in our mountains or on a walking tour of England, of which he and mom have done several.

Which could bring us to another lesson. Take the opportunity to travel. There's a lot to learn by going to new places, meeting new people, seeing new things. Business trips for dad often became family trips. We followed along to many states and an occasional international destination. Mom made sure we saw as much as we could of the local culture and history and landscape while we were there, and dad joined in as much as he could around business obligations. Mom and dad have made it a priority since we've been out of the house to see as much of the world as they can. Dad says he's never regretted a penny he spent on travel. Food for thought as we plan our budgets.

But, roam east, roam west, home is best. What do we think of when we think of Bumpa at home? Playing board games, especially Yahtzee, his favorite. And eating ice cream. Dad is a fan of dessert. It's hard to imagine in a good southerner, but some years back when he decided he needed to cut back on sugar for his health, he gave up sweet tea so he could keep eating dessert, and his favorite dessert is ice cream. Due to those cranky joints, he puts the half-gallon in the microwave for a few seconds before scooping out a little dish most nights. What have we learned? Change is inevitable, and a wise man makes

modifications over time but finds ways to keep what you love in your life.

What else does dad love? UNC basketball. He does not miss a game. He goes to the Dean Dome whenever he can, of course, but he also has a routine for home television viewing that people find remarkable when they hear about it, so in case you haven't, I will tell you how it works. Dad turns on the TV but turns the sound all the way down. He tunes the radio to WCHL. Play by play from the local commentators is important, although it was a sad day for him when Woody Durham, the voice of the Tar Heels, retired a few years back. Dad pulls a straight back chair up to the TV and sits down with a yellow legal pad and a pen in his lap. This is serious business. Dad watches intently and keeps track of each player in the game, using tick marks for points and fouls. He talks to them, too, expressing disappointment sometimes, but mostly offering advice and encouragement. Interrupt at your peril. Ida used to complain that she could be dying and dad would tell her to wait until halftime to tell him about it. He says everyone needs a hobby and that's his. But we notice other things, too, about this routine. The note-taking is not just about the game, it's also about the people. He really cares about each player and how they are coming along. And he values good sportsmanship. He does not like to hear about ugly remarks from players or fans deriding the other team, whether it comes from a Tar Heel fan or an opponent. And while the Tar Heels are always first in his heart, if they fall out of the tournament, he roots next for our local teams and then for the ACC. Pull for the home team first, but never be rude.

What else do you think of when you think of Bumpa? One of my girls spoke for all of us when she said, "Those crazy cats!" Another little tidbit about my dad that you might not know is that he has a huge soft spot for animals. As a boy, he helped raise a calf on his uncle's farm in the mountains, adopted a neighbor's dog, and had a cat that produced many, many kittens. We had cats and a dog, hermit crabs, mice, and a rabbit. The others came and went, but there were always cats. Tabby, who was there before I was born. Coco, the cat that showed up sitting on the wheel of the car when I was two and that lived through diabetes and thyroid gland removal before getting throat cancer in her late teens. Dad bought a plane ticket so I could come home for a couple of days from college when she had to be put to sleep.

With Tabby and Coco gone and me back in college to finish the semester, dad and Ida stopped one day at a house with a "free kittens" sign in front. Ida fell in love with a little yellow kitten with a white face. They took it home, and she named it Daisy. I came back home for the summer, and for some reason my dad and I, just the two of us, went to the mountains while mom and Ida stayed in Durham. One evening, dad picked up the phone in the mountains to find Ida sobbing on the other end. He thought, oh no, something terrible has happened—Is Ida hurt? Is my wife OK? Finally Ida choked out through her tears, "We took Daisy to the vet today, and, Dad, Daisy is a boy!" Well, Daisy needed

continued

a new name. Ida did not think it was funny when I suggested Ben-Hur, so that got nixed. One night when I was awakened from a dead sleep by the cat pouncing on my face, I said, "Dickens! That cat will scare the Dickens out of you!" And so we had Dickens, a name that also honored dad's favorite novelist. Dickens was a pain in the rear. He had a little metabolic trouble, and so he was always on a diet and cranky about it. It was a Merry Christmas for him when Ida brought the class hamster home for the holidays and in a rush to get to the Christmas Eve service did not shut the door to her room quite tightly enough. When we got home from church, Dickens was smiling. He was not begging to be fed. Hamster is a very satisfying Christmas dinner. He was also prone to cystitis and would use pee to show his displeasure. Steve and I lived with my parents for a few months after moving to Durham from New England while waiting to close on our first house. Our things were in their basement, and Dickens let us know how he felt about that by peeing on our coffee pot. But dad loved him. They were inseparable. Ida remembers him draped across dad's shoulders on a car ride to the mountains. Ida gave it up and got another kitten, Missy. They, too, have passed on, and mom and dad's current cats were brought into the house as feral kittens and given judicial names, Holmes and Brandeis. It's a good thing House Bill 2 does not apply to litter boxes, since they turned out to be biological females. Dad also feeds feral cats and an occasional possum on the porch.

Dad taught us by example the importance of doing our civic duty. He and mom always took us with them to vote. This could have backfired, as the lines were long and the wait was boring during the 1972 presidential elections. But I was drawn back in by the booth with the handle to close the curtains behind us and the little levers I could push down if I was very careful only to touch exactly the ones dad told me to. We understood that only those who vote have a right to complain about the government. And we know he'll help us out when it comes to knowing who's who in judicial elections. Shortly after my daughter Georgia's eighteenth birthday, she and her Bumpa went to lunch and to register her to vote.

So we've all learned a lot from dad, some by instruction, mostly by example. Really, unless you ask him directly, dad seldom tells you what to do. And that is a great gift. He was a judge by profession, but he did not typically hand down decisions at home. Instead, he helped us have the tools to judge for ourselves: knowledge and the ability to think well—a confidence that we were deeply loved—an understanding of the importance of considering others, both in the family and in the community. Ida recalls that at a time in her teens when she was facing challenges, dad did not tell her what to do. He did not even tell her what he would do himself about the particular issues at hand. Instead, he said, "Whenever I find myself facing a difficult decision, when I follow my intuition, I tend to make the right decision, and when I don't, I tend to make the wrong decision." Those are good words to live by, and on behalf of the family, I leave you with them tonight. Thank you, Dad.

Response upon Receipt of the North Caroliniana Society Award by Willis P. Whichard

Senator Sam Ervin, a prior recipient of this award, was in the latter stages of his public career when I was in the early days of mine. I recall that Senator Ervin would say to those who had sung his praises on occasions such as this, "May a teardrop fall from the eyes of the recording angel into the book of your transgressions to blot out the iniquities of your eloquent prevarications on my behalf." Tonight I need to say the same to Lane, Burley, Lao, Jon, Martin, Constance, Ann, Lynn, Jeff, Tony, H. G., and Jennifer. But I do, most profoundly, thank all of you for the efforts you have put into making this a very special occasion.

Even earlier in life I got to know State Senator Ralph Scott. He was the brother of Governor Kerr Scott and the uncle of Governor Bob Scott, and over a long career in the North Carolina Senate he may well have done even more to help people than his better-known relatives did. Uncle Ralph would say on occasions like this that a man really should not pay too much attention to the kind words that had been said—that he should just let them go in one ear and out the other. He would then pause and add, "But they sure do feel good while they're passing through."

Roy Williams tells our basketball players they can enjoy a win until midnight, after which they need to forget it and prepare for the next game. I plan to follow that practice regarding this occasion. I'm going to let all these kind words feel good until midnight, but tomorrow morning I plan to put them aside and move ahead with the game of life, in which the clock is running rapidly for all of us. I consider myself an ordinary person who has had the opportunity to do some extraordinary things, and that does not happen without inspiration, influence, and assistance from others along the way. There are people here tonight who have inspired, influenced, and assisted me. There are others who are not here, and many more who, in Shakespeare's phrase, have now "parted this mortal coil." To attempt to name them would keep us here much too long, but I do thank them.

continued

My wish and prayer would be that I, and all of us, would have those roles with the generation now coming along and its successors. The wish is best expressed in these words from a hymn:

O may all who come behind us find us faithful;
May the fires of our devotion light their way.
May the footprints that we leave lead them to believe,
And the lives we live inspire them to obey.
O may all who come behind us find us faithful.
After all our hopes and dreams have come and gone,
And our children sift through all we've left behind.
May the clues that they discover and the mem'ries they uncover
Become the light that leads them to the road we each must find.

I thank the society for honoring me with this award. I again thank the speakers for their efforts and the kind remarks. And I thank all of you for coming. The presence of each one of you has made this a special evening for the North Caroliniana Society and for my family and me.

Photos by Jerry Cotten

Presentation of the North Caroliniana Society Book Award for 2015 by Dannye Romine Powell

Jerry Cotten

ABOVE: *Presentation of the North Caroliniana Society Book Award for 2015 by Dannye Romine Powell (center) to Jessica A. Bandel (left) and Michael Hill (right)*

Each year the North Caroliniana Society presents an award for the best book about the state of North Carolina. Competition is always keen because of the bounty of excellent and productive scholars busily at work in the field. This year was no exception.

The selection committee—Jeffrey J. Crow, H. David Bruton, and I—considered several books before making our decision, which turned out, very happily, to be unanimous. I am delighted to announce that the winner of the North Caroliniana Society Book Award for 2015 is *The Old North State at War: The North Carolina Civil War Atlas* (Raleigh: North Carolina Department of Natural and Cultural Resources, 2015) by writer, editor, and cartographer Mark Anderson Moore and coauthors Jessica Bandel and Michael Hill. Jessica Bandel and Michael Hill are here with us this afternoon.

This is a splendid and beautiful book—it even smells delicious—and I want to congratulate each of you on behalf of the North Caroliniana Society and likely all the citizens of North Carolina for the ten years of meticulous care and effort and painstaking research that went into this excellent endeavor.

continued

Mark Anderson Moore is a freelance writer as well as a cartographer. Jessica Bandel, a research historian with the Office of Archives and History, is also the author of *So Great the Devastation: The 1916 Flood in North Carolina* (Raleigh: North Carolina Department of Natural and Cultural Resources, 2016). Michael Hill, supervisor of the Research Branch of the Office of Archives and History, is also coordinator of the North Carolina Highway Historical Marker Program, as well as an editor with William S. Powell of the indispensable *North Carolina Gazetteer*.

This book, with its ninety-nine newly prepared maps—the most accurate and detailed maps ever produced of Civil War North Carolina—is the most comprehensive examination of the war that divided families, destroyed the economy, and took the lives of tens of thousands of North Carolinians. *The Old North State at War* is an essential resource for all libraries—public, private, high school, university—and for any serious student of the Civil War or for any layperson who cares about the men and women, black and white, wealthy and the poor, who were also casualties of this war.

Photos by Jerry Cotten










Photos by Jan G. Hensley

NORTH CAROLINIANA SOCIETY

Wilson Library • Campus Box 3930 • Chapel Hill, North Carolina 27514-8890
Telephone (919) 962-1172 • Fax (919) 962-4452
www.ncsociety.org