

**POLLITT, DANIEL**  
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**DANIEL POLLITT**  
FEBRUARY 22, 2001

**DANIEL H. POLLITT:** I am a retired professor of law at the University of North Carolina. Both my grandfathers are ministers and both my parents were very liberal.

**DAVID POTORTI:** What kind of ministers were your grandfathers?

**DHP:** One was a Methodist and one was Episcopalian. That doesn't mean they were liberal [laughs]. The Episcopalian one ran a mission on the waterfront in Cincinnati, so he was pretty liberal. And the other one was more of a Methodist, was scholarly, he wrote a version of the Bible or something, and indexed it, and was for a while president of the Methodist seminary. But in any event, my father and mother were both very liberal. We were for Norman Thomas always, and active in the ACLU.

**DP:** And where were they from?

**DHP:** My mother was from Cincinnati, and my father was from various parts of Eastern Kentucky, where his father was moved around from parish to parish every three years; they rotate.

**DP:** It's kind of funny to hear that eastern Kentucky would be a liberal bastion--or that he would be liberal coming out of it.

**DHP:** He enlisted in the Marine Corps in World War I, and then he stayed in for a while. And he was brighter than most I guess, cause the Marine Corps decided to send him to law school. And so he was stationed at Quantico, Virginia, if you know the area, and went to George Washington University Law School in the District of Columbia. And so that's where I was born, in the District. And then he was assigned to JAG--the Judge Advocate General's office--and there was a big cutback in the Marine Corps during Harding's day, sometime, and so he had an

offer of going to Central America and fighting [laughing] the Sandinistas--yeah, all the marines were sent down there to fight the Sandinistas--or resigning. And he chose to resign.

DP: What year was this?

DHP: I don't know, 1924 or 25, somewhere in there.

DP: This wasn't our more recent involvement--

DHP: No, but they were the descendants of whatever his name is, Sandinsita? He was then trying to drive out the sugar companies and so on. In any event, they were very liberal. I have a brother and sister, and they're all liberal.

DP: What are their names?

DHP: Basil is my brother, and Betty is my sister.

DP: Did I get your parents' names--?

DHP: Father is Basil, and my mother was Mima, like Jemima, but just Mima. So that's where I came from. So when I got out of the Marine Corps [laughs] the end of World War II, I went to law school, it was unavoidable. My mother and father are both lawyers, and my brother is a lawyer, and my sister went to law school and then got married.

DP: What were their specialties? Did they have a particular area of law?

DHP: Well, my father was a law teacher. And he taught various courses. And my mother worked for the government in various things. She was one of the few women in the Department of Justice, there were six of them in the Department of Justice, and they put them all in the lands division, to seize properties that were necessary for something--instead of something suitable for women, I guess they thought. But anyway, that's my background. My wife is a lawyer, her father was on the supreme court, Wally Rutledge. And he was an extremely--he and Justice Murphy were the left, then came Black and Douglas toward the center, and then Frankfurter over

to the right.

DP: And what was your wife's name?

DHP: Her name is Jean Anne. And her family is from Eastern Kentucky.

DP: So how did you come to this neck of the woods?

DHP: I worked, clerked for a court of appeals judge when I got out of law school. And then I got a job with a man named Joseph Rauh, and he was one of the founders of the Americans for Democratic Action. And he represented the United Auto Workers, Walter Reuther at the time, and was doing civil rights and civil liberties and labor law, and that was the nature of the business. So there were two of us. Among our more distinguished clients were Arthur Miller, and Lillian Hellman when they appeared before the House Committee on Un-American Activities. And I stayed there five years, and thought I would go into teaching. I taught at night at American University to see if I liked it, and I did like it.

DP: When you were working for this law firm, did you already have--it sounds like you already had--that sort of liberal slant.

DHP: Oh yeah, I sought them out. That's what I wanted to do.

DP: Did that solidify your liberal leanings?

DHP: Yeah, it made me more angry. [laughs] I mean, hell, you represent all these people being trampled upon.

DP: So you liked teaching.

DHP: I liked teaching, and I wanted to get out of Washington DC. We had two young children. So a job opportunity came at the University of Arkansas, in Fayetteville, Arkansas, where I could teach constitutional law. I had been offered jobs at far more prestigious institutions, but the subject matter was business-type law, and I don't know anything about that.

And I didn't want to. It was not my idea of a way to spend your life. So I was there for two years, and that was during the Faubus--Orville Faubus was the Governor. And they had "The road to hell is paved with Little Rocks," is what we would say. And I was in the thick of it. And there were a handful of lawyers who believed in integration in Arkansas. But where I was, in Fayetteville, they integrated right away. And it was very easy, because they didn't have any schools for the African Americans, and they bused them about 60 miles away every day to Fort Smith, which is over a mountain. So to integrate you just stopped busing, and then there's complete integration. And that was done, saved a lot of money. And it was mostly a university community, and there was no problem. And then they passed a disclaimer, oath law. You had to swear you had never been a member of the NAACP or contributed to it, or were a member of an organization on the Attorney General's list. Or if you don't, you don't get paid. So I didn't sign it, and I didn't get paid. And I left.

DP: But obviously some people did.

DHP: Most people. There were five or six of us. The whole architectural school refused to sign, and they all went to Rice as a group.

DP: The architectural school. Isn't that interesting.

DHP: Yeah, they no longer had an architectural school [laughs]. Maybe they wanted to go to Rice anyway, I don't know. But then I looked for a job, and I was offered one here. And they knew fully well why I was looking for a job. And so I came here as one who had refused to sign a loyalty oath.

DP: The way Joe Straley described this university is that it wasn't like a racist sort of atmosphere, but it was just accepting of the way things were. Was that your impression when you got here?

DHP: When I came here, the Dean of the Law School, Henry Brandis, was running for the school board. And his idea was to make--let me think if I can remember the name of the plan--but we had a plan here in North Carolina that we were not going to have total resistance, massive resistance, we're not going to do all the draconian things that other states were doing. But the plan was that all blacks are assigned to black schools, and all whites to white schools. And then if anybody wants to transfer to the other school, they applied to the school board.

DP: Freedom of choice.

DHP: No, it wasn't freedom of choice at all. Your choice was to apply, and then if you apply, the school board would decide whether to grant the application on a number of factors: qualifications, and whether the effect on where you come from, where you're going, the community, there were a whole bunch of things. And as a result, nobody was transferred [laughs]. But we didn't have all the--there was an avenue to do it. So the school board--the dean--was running, and he was going to apply it fairly. And he got elected, and they had a, we had siblings, black siblings, applied to transfer from Northside to the primary school. And one of them was denied because he was doing so well at the black school, it would be a shame to move him out. The other one was denied because he wasn't doing so well at the black school, and obviously couldn't make it in the white school. That was the decision, whereupon the dean resigned from the school board in protest. And he made Time Magazine as an act of heroism or something. So that's what we had, we had the Pearsal Plan. And I was so surprised--I mean if we had integration in Arkansas, why can't we have it in the liberal southern state of North Carolina? And so I joined the Community Church when we got here--Charlie Jones was one of the leading ministerial types of the south in labor relations and race relations, and he lost his pulpit at the Presbyterian church as a consequence. But Charlie--what they did, the governor at

that time, I forget who it is--was called to a conference of southern governors at the White House on what can be done at Little Rock? Cause at that time, they had not yet sent paratroopers in, but Governor Faubus had called out the National Guard to prevent--the district court had ordered that 11 kids could go to the Central High School, and the Governor had called out the National Guard, and--I guess it was Eisenhower--called the southern governors to talk about this. And the governor asked the Dean, our Dean, to give him a position paper on enforcing federal orders. The Dean asked me to give him a position paper on enforcing orders. So I wrote a paper, and it's in the Law Review, on the use of troops to enforce--and it reviewed everything since the Shays rebellion in early Massachusetts. It's a very colorful account of the use of Federal troops. So that went up, and it was Charlie Jones--there was something called like the Ministerial Alliance for School Integration, it was most of the ministers in town. And they asked me to give my paper. And I did. And then I was asked to join. Which I did. And a year later, I was a president of it, the first non-minister.

DP: And when you say give your paper, you mean present it to the group.

DHP: Yeah, and it was a big--I think it was at the Saint Paul Church, the black church there on Rosemary, and there were maybe fifty people there or something.

DP: So this would have been-- 1955? Brown vs. Board of Ed was 1954?

DHP: I came here, I went to Arkansas in '55, and came here in '57. So this would have been '57. [laughs]

DP: So you just got right in the thick of it once you got here.

DHP: I just got right into the thick of it. And then we filed a suit on behalf of the two kids who had been denied under the Pearsal Plan, and I was in charge of fund raising or something or other. And we met at the Rat for a luncheon/ fund raiser. And then I met Floyd



McKissock, who was in Durham. And he and I and Bob Seymour, who's a minister of the Baptist Church, Binkley, became a team. And we would go to black churches, and Bob Seymour would give a prayer, and then I would tell about Brown against the school board, and what the law is, and whatever happens between. And Floyd McKissock would solicit clients to bring suits. And that was then illegal [laughs]; you can't solicit lawsuits, you know. But the Supreme Court later held that it was okay to do what we'd been doing.

DP: And were you successful?

DHP: Well, not really, because we'd get people, and then they'd Xerox it, and then they'd say it has to be in original handwritten, or we had the Mootness case, that they applied to go to the sixth grade, but now two years had gone by and it's now the eighth grade, but they'd asked to go to the sixth grade, so you'd have to start all over again. There were all sorts of things, and nothing happened, and then we decided to elect a school board more to our liking, and this was done at the Community Church, mostly. And Doctor Peters in our church was elected to be the chair of our school board, and we had a majority, so they started to integrate. So that was the school board thing. And it was the first grade, or the first three grades, or something. And then you had to get a black teacher in the white school [laughs] and that was another struggle, and so on. And then when they closed Lincoln, and moved it to what was then the new high school, they lost all their trophies. And that really made a difference to the--Lincoln High School was this hub of the black community, and closing it down created a big gap. And then losing the trophies--they didn't believe they'd been lost [laughs]. They thought somebody had destroyed them or something. So there was a bad thing at the high school, and there were troubles at the high school.

DP: Tell me about, just sort of in general, if you could tell me about the activities that you

were describing. Was there ever any friction between you and the University in terms of your activities with integration, with these church groups, whatever. Were you ever called to the carpet for any of them?

DHP: No, never. I didn't publicize anything I was doing, but I didn't hide it, I couldn't hide it very well. And Dean Brandis had asked me to prepare this paper, and then it was printed, and I was the president of the [laughs] whatever it was to integrate the schools. So Bill Aycock was the Chancellor, and I replaced him--it created a vacancy when he was made the Chancellor, which I filled. And Bill Friday was the president, and they were both in the community church, so I saw them every Sunday. And, you know, they were very friendly. I think Bill recalls it, Ida, his wife does. But for five or six months, we were at the same small little Navy ammunition depot outside of Norfolk, and he was the adjunct to the commanding officer, and I was on the marine guard. So I knew Bill [laughs] from the service; nobody ever told me to back off or anything. I got some ugly letters.

DP: From the community, or from people at the University?

DHP: "We're going to blow up your house tonight," "Go back to where to came from"--Arkansas? [laughs] Threatening letters.

DP: So these were obviously all anonymous.

DHP: They were all anonymous. But they were obscene, threatening.

DP: How did you react to those?

DHP: Well, I saw Charlie Jones, and I said, "Charlie, somebody's going to blow up my house this week." I said, "You get letters like this?" He said, "All the time." I said, "What do you do?" He said, "I have a big wicker basket I keep them in." I was worried a time or two. But I didn't move my family out or anything. And I didn't get a gun. I figured, we'll see.



DP: And it sounds like they didn't blow up your house.

DHP: They didn't blow up the house or anything. So that was the school integration, and it took legislative action and electing a school board to do it, we couldn't do it in the courts. We failed on those efforts. And the same was true I think throughout most of the state. [Telephone rings; tape is stopped] And the next thing was the movies. And the way the movies happened was that, we had two movies across the street from each other, and both were entirely segregated--not segregated, you couldn't get in if you were black. If you lived in Chapel Hill and wanted to see a movie, you went to Durham. And they had a movie there where you could sit in the balcony. And the, I forget the name of the movies, but the one closest to us, showed "Porgy and Bess," and the English teacher at the then-black high school, Lincoln--and I think this was probably 1960--asked if she could take her English class to see Porgy and Bess. And she said, we'll make any arrangements, come after the last showing, or before the first showing on Saturday morning, or whatever. And they were rude to her. And that angered her. So she went to see her minister. And the minister didn't do much, so she went to see Charlie Jones at the Community Church. And he brought it up with the--we then had an interfaith council, or something. The ministers used to meet fairly regularly. And they had the campus ministry and the campus Y. The campus Y had a woman named Anne Queen who was extremely influential throughout this whole period. And the Methodist campus minister, and the Episcopalian campus minister were very active in all these things. And so, somehow Charlie Jones called Paul Green, the playwright, and Paul Green called the owner, who was an absentee owner, so Paul Green thought he could handle it, cause he had written Porgy and Bess [laughs]--that's his play [sic], which was made into a movie! So he called the owner, and the owner was rude to him [laughs]. So we decided to picket.

DP: And this was the Chapel Hill-Carrboro--The Committee for Open Movies, in '61, January '61?

DHP: Something like that. So I was the first picketer. And my sign had "Segregation: t'ain't necessarily so." Clever. So we kept on picketing, and we used to have a half hour, and would try to be a black and a white person, two people picketing. And then we went across the street and started to picket there. My stint was Saturday night, when it changed, 8 to 8:30, something like that. Which I did for seven or eight months, I guess. It just went on and on.

DP: It seems like that time of day might be subject to rowdiness or harassment--

DHP: I didn't experience any rowdiness, but there's an alley that comes out next to the-- there's Jeff's Confectionery, and I think between Jeff's and the movie there's an alley? And the guy who relieved me was a graduate student in sociology, and for some reason, whoever it was, they knew who it was, found out it was an off-duty policeman from Burlington, two or three would come up the alley, and knock the guy down, and kick him a little bit, and then run around and disappear. And repeated several times. So we alerted the chief--hey chief, there's a crime going on. And he could never find the fella [laughs]. And we didn't do anything, we could have been vigilantes or something. But then I think it stopped after the cop, I think there's a network-- "It's not safe anymore"--so it stopped. And that was about the only harassment. And what happened was nobody went to the movies. And we would have periodically an ad in the paper, a full page ad, something about, "Don't go to the movies until they open it up to the public." And to get your name on that, you had to pay the price of a movie. Whatever it was. And we'd have 500 or so names.

DP: How much was a movie back then?

DHP: I don't know, 75 cents or something. It is like today, comparable. So that's the

movies, and it went on and I think Bill Friday finally started to do something about it. And when the freshmen come for orientation, they used to have a movie that was part of their orientation week [laughs]. And they canceled that. And then they decided to open it up to everybody. But Charlotte Adams was my partner. And she's now 95 or something. Her husband was in the English Department--an expert in Thoreau. And Charlotte's a little nice old woman.

DP: Does she still have a good memory?

DHP: Yeah, she's around. She was active in everything. And she was the Woman's International League for Peace and Freedom or whatever it is. She's from New Bern, where her father had the Presbyterian Church.

DP: So again, it surprises me that you as a professor were able to picket for--what did you say, six or seven months--

DHP: Every Saturday night.

DP: --And be part of that, and there were no repercussions, it sounds like.

DHP: Well, there were a number of professors picketing. I mean, that's the bulk of us. There weren't very many people who were not professors in Chapel Hill out of 7,000 people, or 10,000.

DP: Joe [Straley] yesterday talked about how he was an advisor to a bunch of student groups--this was probably a little bit later on--he said he was an SDS advisor, and at some point the University wanted to get a little more control over these student groups and protests as integration moved over to this campus. Were you involved in any of that?

DHP: Yeah, I was the advisor to the NAACP. I was as black as anybody else on this campus [laughs].

DP: And he seemed to suggest that it was a pro forma kind of thing, where he really

didn't have anything to do with the group.

DHP: I had a lot to do with the NAACP. We had meetings--there were eight, ten, something like that, black students. And they had lots of concerns. And we would meet at Gerrard Hall. Fairly frequently. And the head of campus security would come. And I'd tell him, "We don't need you." Cause he was an intimidating factor. He'd say, "I'm here to help you, make sure nobody hurts you." I said, "No, no, we're fine. Get out. Don't come."

DP: I would assume he'd also listen to what was being said.

DHP: Yeah, and take names. Of course, how many names? It's not hard to identify the ten black students on campus. But there's one thing, the hospital was segregated completely, and we thought that was wrong. And there was an overseer or somebody at that time who had come to the campus to hear anybody, about what might be wrong with the campus. So we thought that we would go and talk with the overseers. And it was arranged we'd meet at wherever they were meeting. And we had an appointment from 10 to 10:30 or something, and none of them [the black students] showed up. So I went in by myself, representing the NAACP. You know, they were kids, mostly.

DP: So it's not that they were afraid--

DHP: Well, it's a little bit--but then we decided we needed some black athletes. And that might draw more people. So we went to see Frank McGuire, who was the coach of the basketball team, and asked him, why don't you recruit a black player? And he said, "I'd love to. There's a guy in New York"--I forget his name, but he played in the NBA for 20 years [laughs]--

DP: So he was going to recruit him to come down?

DHP: He said, "See if you can help me." [laughs] So we all wrote letters to this guy, and he went to UCLA, and I forget the name, but you name some all-time great basketball player.

And Frank McGuire said, "Yeah, I'm ready to break the color line if we can get the right guy." And then we saw the football coach, and he said no. He had an agreement with a coach at Michigan state that he would refer all the good black football players from North Carolina to him, and the State guy would send everybody from Michigan who couldn't get into Michigan State, down to here. So he said I have this agreement--

DP: So he would send blacks up there, and blacks would come down?

DHP: No, whites! Dumb whites! [laughs]. So he was not cooperative, because he had this agreement. But Frank McGuire was very cooperative, and asked for us to help him. And then when Dean Smith took over, he broke the color bar, and he got a guy named Charlie Scott, and he asked our help, in fact, he asked me to go with him to--down in the southern part of the state where Charlie was going to prep school, and to watch a game and have dinner with the headmaster, and talk to Charlie. Cause I was the NAACP guy. And that's how we broke the color bar. But after the movies, there came public accommodations in general. And the four freshmen at A&T in Greensboro went to the dime store, and asked for service and were denied, and they went back the next day in larger numbers, and a third day in larger numbers, and then the Bennett College people and whites at UNC-G joined them, and then the hecklers, and then they closed the dime store. But during that time it spread, over to NC Central and the other black colleges in this state. And here, the high school students started it all.

DP: This was at the Colonial.

DHP: Yeah, it was a guy named Foster--

DP: Harold Foster.

DHP: Yes, Harold was the president of the student body at Lincoln, and the captain of the football team, and the point guard on the basketball team. And he and his buddy, who was

the alderman at Carrboro for a long time, was a running back, or the blocking back, and the forward on the basketball team. But they had won a big game one night. And they were exuberant, and they thought they'd go to the Colonial Drug where they used to go and get their things and then eat outside. Well, for one thing, it was snowing that night. Five or six of them went in and ordered, which was all right, but instead of going outside they sat down. And the guy told them to get the hell out. Which they did. And then they went across the street to the bus terminal, where they had a black sandwich-snack bar, and a white snack bar. And they went into the white snack bar. And the guy who owned the bus station told them to get the hell out, which they did. And then it ended up they went to see their minister, who couldn't help them. So they went to Charlie Jones. And there was a guy from CORE, the Congress Of Racial Equality--who had come down--and they were to teach non violence. And he had been arrested in Durham at a picket line. So Charlie went over and bailed him out and brought him here to talk to the high school students.

DP: This isn't Floyd, is it? Floyd McKissock?

DHP: No, he later became the chair. This was not James Farmer either-- James Farmer was the head of the national CORE, or the executive director, and he had a staff of three or something. And he sent one of them down here, and that was the guy. So he gave a talk at the center, where you have the--recreation center. And he had the drama people act out--he said, okay, now you're the picketer, and you're the policeman, and you're the store owner, now what are you going to do? And they'd say "Nigger get out of here," and what are you going to do? They said, "Leave my store please." Now, is that what the storekeeper is really going to say? [laughs] No. Now what are you going to do, and when the cop comes, what are you going to do? And they'd act it out, and then they'd get another group in, and they'd act it out. Psychodrama,



or something.

DP: Reenactments.

DHP: So they acted it out, and the next day they went back to the Colonial Drug and did it. And that started a year or more of sit-in protests.

DP: And the date I have for that is February 28th, 1960. So it was almost forty one years ago this week.

DHP: That was the first one.

DP: Perhaps on a [cold and miserable] day like today.

DHP: Well, it was snowing, I remember. I went with Charlie to bail out the guy, and observed the psychodrama unfold.

DP: And did you participate in any of those sort of protests?

DHP: Oh yeah. I didn't march too often. But I had a picketing thing, and I raised money. There was a lot of legal matters, there were lots of arrests. And the problem was--has anybody told you about the Pines Restaurant episode? A guy from the Village Voice was down here to speak to journalism class or somebody. And I don't know whether he was black or not, but they had made arrangements to have dinner at the Pines Restaurant, and the Pines was THE restaurant at the time. And they got there, five or six of them, and one of them was black, so they told them--and the black was David Dansby, who was then a law student, now a lawyer in Greensboro--and he was the first undergraduate to graduate, black undergraduate, and then come to law school--so they threw him out, and the next night, a group went back to the Pines, including a minister, a retired Episcopalian Minister, Father Parker--how these names suddenly come back! So when they were told to leave, they sat down. And the police came and carried them out. So they were charged with trespass, for refusing to leave, and resisting arrest.

DP: Did they resist arrest?

DHP: Yeah, they sat down and had to be carried out. So each one is a separate fine, and the bail for each one was \$150. So you needed \$300 for everybody that sat in. And that was expensive. And I tried to raise money, I went to Wesleyan University as an undergraduate, and the northern colleges were anxious to help, so I wrote them and said, we don't want any bodies--we have enough bodies--but we need money, so if you would like to come and sit in and resist arrest, don't come, but send \$150 as your contribution. And I did things like that. But in any event, Father Parker lost his hat during this thing. And the headline in the Chapel Hill Newspaper was, "Father Parker Loses Hat." So the next week he got about 30 hats sent to him. [laughs] And that sort of helped move the thing along, cause this was very early on.

DP: Sounds like there was some support out there.

DHP: Oh, there was a lot of support. I mean, again, you had the student body resolve not to patronize all these segregationist things, and the interfraternity council decided that-- one of the sororities had their Spring Banquet at the Pines to show that they were going to go to the Pines. But by far and large, the student organizations supported the boycott. And then there was a spring break--Easter--there was a sit in at the post office and fast. And the Ku Klux Klan came to town--

DP: Tell me about that; there was a fast on the steps--

DHP: Yes, for about a week. And they could drink water, and they would go across the street to the Presbyterian church when they had to go to the bathroom. So that was going on, and the Ku Klux Klan came Easter eve and they didn't do anything, they rode around the block three or four times and rode out to a farm and tried to burn a cross and weren't very successful. A bunch of Duke students were there, and they sang the Old Rugged Cross, and the guy in charge

said let's move on, and the Duke students said no, let's sing the second verse. It was a pretty dismal failure to intimidate anybody.

DP: So you're saying the Duke students were members of the group--?

DHP: No, they were there for a good time. They all had their beer cans and everything [laughs].

DP: Were they purposely trying to screw it up?

DHP: Yeah, I guess. Or maybe just youthful exuberance.

DP: And these [KKK] guys just came from the countryside?

DHP: They all looked like JC Penny shoe clerks, unemployed furniture workers or something. It wasn't very ferocious. In anticipation, you thought it would be. So that went on and on and on.

DP: The Student Peace Union, were you involved with that at all?

DHP: The Vietnam stuff?

DP: The was a white group, the Student Peace Union, and Harold Foster joined with them and formed the Committee for Open Business a little later on?

DHP: Whatever the names were.

DP: And that had to do with the accommodations and stuff like that. I didn't know if you were a member of those groups--

DHP: Very loose--Harold Foster, his sister works here at the law school--

DP: And what is her name?

DHP: Esphur Foster. But Harold was--these things were not formal. If there was a name assigned, hardly anybody knew it. If you wanted to do it, the Community Church was the center. And that's were you'd call and say I can't do it today, can I do it Tuesday? Yeah, go to

so and so. And then they'd go to the church and have a prayer and march down Main Street to the post office, and have some speeches on the bullhorn and go back. I didn't do any of those. I didn't think--I would picket-- but I thought it was a waste of my time, I could do other things. Harold Foster refused to move from some place once and they arrested him for obstructing, and Floyd McKissock and I represented him before the court who was very sympathetic to us. One interesting thing is that the police were doing a lot of overtime, and they were working very hard. And the chief was, he would be humming, "We Shall Overcome" or something to himself, subconsciously [laughs]. The city council passed an ordinance saying you can't picket after dark, because that's when the vigilantes come; it's not unreasonable, except it's unconstitutional. The constitution does not go down with the sun. So we arranged to get the three women who had taught the district court judge in Sunday school [laughs] to go down to the police station after dark, and to all have candles, and the three women would read the bill of rights, and then they'd all be arrested. So the way it worked, Charlie Jones, the minister, called the chief and said we're going to violate the ordinance, we'll be there at 8:00, and so on. And the chief called the mayor, and the mayor came down to the church, and said, for some reason it needs two readings to take effect--you have to read it at consecutive things for some reason, make believe reasons. And it hasn't had the second reading yet, so it's not in effect. We said, okay, we'll wait. And it never had a second reading. So there are a lot of little stories like that.

END OF TAPE 1, SIDE A

START OF TAPE 1, SIDE B

DP: Did any of this come into the classroom? You were teaching at the time--was this ever fodder for class discussion, what was going on outside? Did that ever come into the classroom?

DHP: Well, I taught Constitutional law, so when we came to Brown against the school board, we'd teach it, and other things, cases. But I didn't stress it.

DP: I was curious whether the students themselves--

DHP: A lot of students were on the picket lines.

DP: --And whether they brought it to the classroom and discussed it.

DHP: Everybody knew it. That was topic "A" so called, and every day there'd be a letter in the newspaper, and there'd be a slight variance of something going on. But we had 800 arrests, or something like that. I have an article on it, I'll give you the site if you'd like.

DP: Were your class members uniformly in favor of what was happening, or was there any sort of dissension?

DHP: I really don't know--they were much more disturbed about school prayer [laughs] then they were about this.

DP: So that was an issue even then. Hard to believe. Well, we've gone about an hour, do you want to knock off?

DHP: That takes in the sit-ins. And then came the Vietnam things, but if you want to know, I never thought--one thing I knew is that I went back to my old law firm every summer, and had extremely good relations with Joe Rauh, the old boss, and when I left it, the firm grew, so there were four people in it, or five people. And there were always interesting problems, and I knew I could always go back there, so I had an ace in the hole, you know. If they fired me, I'd go

back and practice law full time. But nobody ever said anything, and we had the black student movement, and the cafeteria strike, and all those things. And I was the head of the AAUP during those things--

DP: The American Association of University Professors.

DHP: And we had a daily lunch with everybody, to coordinate, and we had a daily newsletter of what's going on so that everybody would know. And Sitterson was the chancellor. And there was also an advisory something or other to the chancellor of faculty members, nine people, and there were three elected each year for a three year term. And I was on the advisory committee. So I'd meet every month with Chancellor--and had giving him advice on things, it was mostly approving promotions. And I liked Sitterson very much. And then we had the big protests, filling up Polk Place, and then the speaker ban case came along.

DP: Tell me about that.

DHP: Well, the way I always understood it is that the sit-ins were going on, and there was a guy named Al Lowenstein, who later became very famous--

DP: Allard Lowenstein, from the Kennedy [assassination]--

DHP: Yeah, Al Lowenstein was then teaching at state. And Shaw University had a graduate who was the ambassadress of some African country to the United Nations. So they invited her down to receive an honor of some sort. And Al Lowenstein made arrangements for her to speak to his class as well, as long as she was there. And then he took her to lunch at the Sir Walter Hotel, and at the time the Sir Walter was "the" hotel in Raleigh, and that's where the debutante call was held, and that's where the legislators met for lunch. And here comes Al Lowenstein with this black woman, while the sit-ins are going on, and they were not admitted, they were turned away. But that pissed off some of the legislators. And I always thought that



that was why we had a speaker ban. Cause we had no problem with Communist speakers; we didn't have any. It was not an issue. So they passed a law saying that no public university can extend its speaking facilities to people who are, 1, known communists, 2, who plead the fifth amendment in regard to subversive activities, or 3, advocate the overthrow of the government. Those are the three categories. And in due course, the students, Paul Dixon, who was the president of the student body, he and the head of the Di Phi, and the Tarheel and the yearbook, and interfraternity council, whatever you can think of, took the lead and they invited Aptheker to come and speak, and Aptheker was a known communist. He had come back from North Vietnam and they invited him to speak about his trip. And he was turned away. And they had 5,000 students milling around to hear him, and to see what doing. They were up in the trees and everywhere. And then they invited Frank Wilkinson who was the head of the committee to abolish the House Committee on Un-American Activities, and he had pleaded the fifth amendment before some California committee on trees and their subversion--Uncalifornian activities [laughs]. So he was turned away. So those were the, they now have a case, and it now went to Sitterson, the Chancellor, and earlier the governor who was the acting head of the executive committee of the governors of the University system, earlier there had been a request to hear Wilkinson and Aptheker, and there was a lot that went on, but in any event, Sitterson said no. So they brought the students and they were turned away. And then there was a suit against Sitterson. And Dixon, Paul Dixon, the head of the student body, against Sitterson, the Chancellor. Saying that it's unconstitutional. There was a guy named McNeil Smith, who's a lawyer in Greensboro, who agreed to represent the students. And he had been the editor of the Tarheel in his day, and was in a very prominent law firm, and he agreed to do it. And he wrote to about 50 other lawyers who were graduates of the university, and asked them to sign on with him, and be

the counsel of record. And none of them would. Which is shameful. So McNeil--me, I was then the president of the North Carolina ACLU, and Bill Van Alstyne, who was a distinguished constitutional lawyer, professor at Duke, helped him. And I filed a brief, amicus, friend of the court for the ACLU, and Bill Van Alstyne filed a brief amicus for the AAUP. But it was really, so there were three briefs, but there's a page limit, so one brief would take care of these three problems, and the other would take care of the other three problems. So it was one very big brief, exceeding the page limit for one brief. So we argued, and I just checked it out the other day and I didn't think I'd argued--but I had seven minutes, and Bill Van Alstyne had seven minutes, and McNeil Smith had twenty minutes or something.

DP: And what year was this?

DHP: '64 maybe. And we won. And there was a federal three judge panel, court, and they agreed that it was unconstitutional. And that ended, the state didn't even appeal to the Supreme Court, so that ended the speaker ban. But the interesting anecdote type thing is that McNeil Smith reserved for a rebuttal, you can reserve three minutes, whatever, he reserved three minutes. And in his rebuttal he said that he had gone to see Frank Graham the previous night to tell him what he was doing, and how he saw it, and Frank Graham told him that when he had been an undergraduate here, he had been the head of the Di Phi or something, and he had, they had invited a senator--Butler, with a funny first name--to come and speak. Well, the senator was a republican. And this was say in 1905 or 06, when Jim Crow was getting underway, and there was a fusion party of blacks and it was volatile. And one president told Frank Graham that the senator couldn't speak on campus. So Frank Graham, and he named them, I can't remember their names, but one of them later became the head of Watauga Bank, and another was a judge, five or six of the students, all who became prominent later on, went and sat on the porch of the

president, and they said they weren't going to leave until he agreed to let the senator speak. So this was a sit in by Frank Graham protesting the refusal to let somebody--he said, we have an open campus. McNeil Smith told this little story in his rebuttal. And one of the three federal judges was the grandson of that senator. And I knew what was coming, as I was watching the judge. And his face didn't change one bit. But I always thought that that was the greatest rebuttal: you bring in Frank Graham, you bring in free speech, you bring in your grandfather, I mean, what more can you do. So that ended the speaker ban, and then came the black student movement, and the cafeteria strike and all the rest.

DP: And were you involved in all of that as well?

DHP: Oh yeah. I remember I gave a talk on free speech on the campus, and I have an article on that somewhere, and Ida and Bill Friday were in the first row. And they were clapping. And then I made the move--well, during Vietnam, I was the president of the faculty. And we arranged to have buses to take students to Washington to lobby with our legislators against the war. And Bill Friday arranged to have all the whole entire Congressional delegation meet in he great big conference room with our students. So they could all respond to the two senators, and eight congressmen all there to meet with about 500 students. So I mean it was not--I could call Bill Friday and say Bill, can you help us get Senator Sam Ervin there, and he'd say I'll see what I can do.

DP: So those Marine connections were still there.

DHP: I think he was against the speaker ban, and I assume he was against the Vietnam war, although he wasn't out front, he and Bill Aycock as well, and Sitterson There was the good old boy network you get things done through.

DP: I guess there's good sides and bad sides to the good old boy network. Well, have I

worn you down? Should we call it a day? And if I come up with any specific questions is it okay if I give you a holler over the next two months or so?

DHP: Sure. There is this Van Wyck movie, the Van Wyck woman made this movie.

DP: Do you know the title of that?

DHP: Integration in the Chapel Hill School System would describe whatever it is. She was there when they integrated.

DP: I wanted to ask you, are those AAUP newsletters, are they somewhere on campus?

DHP: I would doubt very much. They went out every day, and there was a guy in the English Department who would write them up. We had our lunches--and the AAUP executive committee expanded, and we had the black student movement, the president or the chairman of the faculty at that time was the head of the political science department, Fred Cleveland, and he sat with us, we had about fifteen who would meet, and they would report on what's doing. And the English department guy would put out a one-page newsletter for distribution.

DP: So you don't suppose anybody would have them? I would think those would be a treasure trove of what was going on, right? Almost a daily account. Do you suppose the English department would have them, or that guy?

DHP: The guy left, he went to Idaho, or he went to, the state of Washington has a college on the coast up toward British Columbia, and he went to one or the other, but poetry was his thing.

DP: What was his name again?

DHP: Charlie somebody. It'll come to me. But these people who sponsor educational trips and boats on Grecian Isles, have to have some education, and somehow he was in with them, so he could go on boat trips and recite poetry, Grecian poetry, or whatever. He and I, and a

guy named Bill Daugherty, who later became a trustee here, a black fella, he was getting his advanced degree in public health, had the Pines restaurant, from 6 to 7 or something like that, where we would be there, the three of us picketing. And then people who would be driving out 54 toward Raleigh would, we got a lot of shouts and we got a lot of beer cans--

DP: Full, or empty?

DHP: Whatever, you know. And abuse. Nobody ever stopped to beat us up, but we got a lot of things thrown at us. And that was as much violence pretty much as anywhere. Except, I suppose you've heard about down Franklin street there used to be a store, the Rockpile, it was made out of rocks. And that was sort of a center for the Ku Klux Klan. And three or four kids went in there to demand service, and they beat them up, and they threw some acid on them. And that was the Rockpile. And then there was some guy who was driving a big truck, and he lost his way, an interstate trucker, and he came through town instead of bypassing. He went down Franklin, and his brakes failed, and he went right into the Rockpile, and demolished it [laughs]. God was speaking! Really, the guy didn't know anything about North Carolina, and there he was. And the other one was out at Watts Grill, this was the Duke people predominantly. The Chapel Hill newspaper said this was a bunch of college hijinks, like swallowing goldfish or something, and not very serious. And the adults aren't taking part. So the Duke Divinity school decided they would take part. And about five or six of them came over, and they were going to go to Watts Grill out on the highway, and they let them in, and then they started to hit them with a baseball bat, and then the proprietor pissed on them. And that made all the news. And that sort of turned the tide, really. Because I remember the N&O came out with an editorial saying that's not the way southern women should act [laughs].

DP: No kidding!

DHP: I think our little harassment at the Pines--it was interesting that Bill Daughtery was was later a trustee, and he became head of the public health department at the University of Massachusetts. And I knew him pretty well, and they had been in Egypt for the World Health Organization, and their son was the same age as my son, and it was a sports bug, he knew all the batting averages and everything, he was a very bright kid. And I took him and my son to a basketball game one Saturday afternoon, and we got out about five, and I said you want some ice cream? And they said, yeah, let's get some ice cream. So there was at Glen Lenox shopping center, there was sort of a chain place, milk and dairy--The Dairy Bar--So we went to the Dairy Bar to get ice cream. In all innocence. [end of disc one]

DP: So you're at the dairy bar, and the guys says--

DHP: He says, you're using kids to integrate! And I said, no we're not. This is not a sit-in. We just want some ice cream [laughs]. And the guy says, well, you know I'm not going to serve you. Now get out or I'm going to call the cops. And I said, wait, can I use your phone? And I called Mrs. Daughtery, and I said the ball game's over, and I'm here with the two kids to buy ice cream, and suddenly we're in the middle of a sit-in, and they're going to call the cops. What should I do? And she says, let him get arrested. So I said, the kid's mother says arrest us. And the guy says, here's your goddamn ice cream! And he served us, and we left.

DP: It was just easier.

DHP: That was Mrs. Daugherty. And the kid is no longer a kid. He's a distinguished chaired professor or some sort at the Economics Department here.

DP: Did you have some locations you wanted to give me for articles? Are they online or in the library?

DHP: Yeah, they're in the library somewhere.



**POLLITT, DANIEL**  
**END OF TAPE 1, SIDE B**

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