

Transcription Session on History of the Integration Situation In North Carolina,
Saturday, September 3, 1960, Governor's Office, State Capitol, Raleigh

Participants:

Governor Luther H. Hodges of North Carolina,
Raleigh

Honorable Thomas J. Pearsall, Chairman of
the North Carolina School Advisory Committee,
Rocky Mount

Paul A. Johnston, Director of Administration,
Chapel Hill

Robert E. Giles, Administrative Assistant to
the Governor, Raleigh

E. L. Rankin, Jr., former Private Secretary
to the Governor, Raleigh

Mr Thomas Pearsall
Corrected Draft
1/28/61
[Signature]

Rankin: Governor, I think we may start out here by going back to the day, May 17, 1954, when the Supreme Court decision on school integration was handed down. As I remember the date, it was just another day in the life of the Governor's office. We had a full calendar that day, with appointments every fifteen minutes. One of the press services, I can't recall whether it was AP or UP, called and read me a bulletin from the teletype. It just said that the U. S. Supreme Court had handed down this decision, and then in a matter of about twenty minutes the wire service had a brief synopsis of the decision. Of course, as soon as I received the bulletin, I broke in on the Governor's appointment -- I don't remember who he was talking with at the time -- and showed him the bulletin. Then later, as soon as the synopsis was available, the wire service brought it over and I took it in immediately. This was Governor Umstead's first notification that this was coming down. The press immediately wanted to know whether or not he would have comment, what he was going to do, and what he was going to say. And, Mr. Umstead, in typical lawyer fashion, and very deliberate fashion, said, "Tell them that I will have to study this. I want to read the full opinion and have some consultation before I comment -- in other words, I will defer comment at this time." And, I see by the book, his appointment book, that he saw Judge Barnhill at 5:00 p.m. that day. If I remember correctly, he asked Judge Barnhill first as to the significance of this decision and what it really meant. Of course, the Judge didn't know any more about it than what he had read on the news wire. So, from there it stood for two or three days. He met with a group of people, I don't know whether Tom Pearsall was in that first group or not, but he had Frank Taylor, Judge Barnhill, and two or three others to discuss this problem at great length and then two or three days later, perhaps even a week, he released his statement in which he expressed his dismay and concern over the decision and the

threat it made to our public schools, but stated that North Carolina was a lawful State and would accept the decision as valid until it was overturned.

Governor: The statement was carried in the newspaper as of that date.

Rankin: Well, it's in his letter book also, so that's available. Then from this point, Tom Pearsall, you might pick up where you were brought into the situation and the appointment of your committee.

Pearsall: At that time I was serving for the Governor on the Milk Commission, appointed as the lawyer to sort of try to hold things in the middle of the road. How public is this going to be?

Governor: All of it.

Rankin: Well, I would say this, let's tell everything we know. This will be edited by us for accuracy. In other words, this is really for whatever historical use, with proper controls over them on release of course, but let's tell as much as we can now about this topic.

Pearsall: Anyway, I was asked by Governor Umstead to get off the Milk Commission which he had asked me to serve on, and he said he wanted me to go on this new committee. I told him I would be glad to. A few days after that he called me back and wanted me to serve as chairman of the committee. And I told him I would have to give thought to that. So I came^e to Raleigh, conferred with him, the Attorney General and one or two others, and agreed to serve as chairman of the committee. Then he began to compose it. He had it about completed at that time. As you recall, he wanted to represent a cross-section of the political life of the State as well as the educational and industrial life. He had farm representatives as you recall. It is a matter of record as to who they are. So you don't need to put that in here. My

recollection is that action was taken in July. We have to confirm that, but I think that is correct. And we had our first meeting with him at the Mansion just as you had the first meeting of your group, Governor Hodges, at the Mansion. Now I have to refresh my memory, Ed, from my notes as to when we had our first public meeting. It is a matter of newspaper record as to when we had our first meeting which was in the Educational Building, in the Board room over there.

Johnston: Could you tell us what took place in this first meeting in the Mansion?

Rankin: What did Governor Umstead say that he wanted you to do?

Governor: How directly did your committee go to work on it? How many meetings did you have, etc.?

Pearsall: You will have to let me dig out those details. I don't recall now. He gave us very general instructions. He had the Chief Justice there, I think, at the time.

As a side remark, I would like to tell you that every Justice of the Supreme Court took the position that we ought just almost ignore the whole situation -- just shouldn't have any traffic with the U. S. Supreme Court, but that was especially significant when we resolved the first question. I recall distinctly that the first job that the committee had to do was to advise with the Governor on whether or not we should accept the Court's invitation for North Carolina to participate, amicus curiae, in the further scheduled hearing. I appointed a committee and the committee met with the Governor all day. The committee was composed of Judge Varser, Colonel William T. Joyner, Fred Helms, President, State Bar Association.

Governor: All the committee is on here.

Pearsall: The Attorney General was there and we were unable to agree. I told you that story, Paul, which I think -- don't know whether or not we ought to call any names -- but it is interesting because it just shows you just how far we had to come.

The committee was very much divided on whether or not we should accept the Court's invitation and after a whole day's session we were unable to agree and we had to report to the Governor.

Rankin: What invitation are you speaking about?

Pearsall: I am speaking about the Court's invitation in its May 1954 decision for opinions for any or all other parties who were interested to make themselves voluntarily parties to the proceeding -- in order to argue before the Court the question as to how the decree should be implemented. Harry McMullan, along with all the other official legal folks, including every member of the Supreme Court, took the position that we ought not touch it. They said the Supreme Court's decision was a diabolical scheme. I won't quote who it was, but a man who quite reversed himself later, said it was a diabolical scheme to trap the State of North Carolina into making itself a party to the suit and then bound by the final judgment. And we pointed out that the line of cases was very clear, that we would not be bound by the judgment and the retort was, well, the Court has changed its mind in the Plessey vs Ferguson case and it might change its mind in this case. I think somewhere we ought to mention the part that this publication, which is the report of the Institute of Government, played in the whole proceeding.

Rankin: Let me tell you this about the background of the report. As I recall one of the first things Governor Umstead did was to call Albert Coates and say, "Tell us all you know about the school situation as it now exists. Dig into it." And Mr. Coates did.

Pearsall: This was one of the first things the Governor did. He talked to us. He said, "Let's get a study made of where we are." So he asked Mr. Albert Coates to get

somebody on his staff to make a study, and at this point, James Paul was assigned the job.

Johnston: I had been with the Institute only a little while when this came up. Jim Paul was a fine young man, a graduate of the University of Pennsylvania, a very brilliant student who had recently joined the staff of the Institute after an assignment of two years' duration as a law clerk to Chief Justice Vinson. So he had been an intimate part of the Court's private discussions. He helped write the decision on this case. And, I am quite confident that Jim's interpretation of that decision, when it first came down, was what the Court at that time meant, but it was different from the way it finally came out and Jim prepared a rough draft on his study of the laws that might be applicable in this case and, at the time he finished his book, what other States were doing to try to meet it. He had never written a large publication before and it was rather disorganized. Although the substance was there and Mr. Coates took me off what I had been doing, which was working with Mr. William Rodman's Reorganization Commission, and asked me to take Jim's draft, reorganize it, work with him and get it into publishable form. So I had an opportunity to spend many hours with Jim at that stage, and Jim and I ... one of the biggest arguments we had, or I wouldn't say arguments, but one of the key points of discussions, was whether or not you could set up separate schools and let people go to them voluntarily -- maintain white schools or colored schools and just say to the students, well, you can go to either one you want. Jim's feeling was that the Court would hold that unconstitutional because of the subtle pressure of culture and society in the Southern States to make the Negroes go to Negro schools and white go to white. He felt very strongly that that is what would happen. But, of course, he was going by what he thought the

Court meant and hadn't finally gone into it. I remember that Jim was very concerned with the arguments that were going on within the Pearsall Committee about whether they should file a brief and Jim and myself both thought very strongly that they ought to file one, because we couldn't see any legal authority whatsoever for the notion that the State of North Carolina would find itself any more "bound" by filing a brief as Amicus Curiae. Well, anyway, that is when I first heard Beverly Lake's name and Jim was very distressed with Beverly Lake.

Governor: Hadn't he been selected to represent...

Johnston: Well, he was working with Harry McMullan.

Rankin: Looking back at the calendar, I just noticed this on May 25, Messrs. McMullan, Barnhill, Carroll, Lake, Moody and Love met with Governor Umstead. Lake was a key member of Attorney General McMullan's staff and Mr. McMullan relied on him. Mr. McMullan had suffered a heart attack and was not well.

Governor: Lake was handling educational matters and other things.

Johnston: Jim Paul was particularly distressed about the insertion of a jury trial on review from a school board decision. He thought that would really knock the props out from under the whole thing by putting in a requirement for a jury trial. Very frankly, I thought so too. I thought it was a mistake, but Jim Paul blamed Lake mostly for that.

Governor: You thought so as a practical legal matter.

Johnston: Yes. As a legal matter now, and after having worked with Jim Paul on this. When I came in with Governor Hodges in December of 1954, I recall the first time I ever saw Tom Pearsall, I was sitting over in the corner of the front office and Tom was running back and forth from telephone to desk trying to have a conference with Governor Hodges and Beverly Lake, and everything else, in anticipation of the

1955 Legislature, trying to get the report ready. And that was the first time I ever saw him and the first time I ever met him.

Governor: Well, Paul, this Institute Report is rather remarkable.

Johnston: Excellent piece of work.

Governor: It contains historical data that was factual and you had all the alternatives that they could think about at the time that they might use.

Rankin: It also clearly showed that the matter of distribution of Negro population from zero to seventy per cent. I might sidlight on this report, which you may have forgotten, Governor, but back, I think this was in 1955, you were supposed to speak to the Duke School Law Conference and I was supposed to draft the speech. One night, I was about 48 hours away from the deadline and it was about 10:30 by the time I got down to it. I realized I just didn't have any meat for this thing. I needed some basic facts but didn't have them, so I was just pacing up and down the office and I happened to see the cover of this report in the bookcase. So I pulled it out and I spent about an hour reading it. I had scanned it before, but ~~Frank~~ I hadn't read it carefully. I spent about an hour and read the whole thing. It gave me a new understanding of the complexity of the problem and I went ahead and did the speech and it made a hit. The report had gotten very little public attention, so all these facts and figures were very timely and impressive. It was certainly new material to these people at the school law conference.

Johnston: The reason the report didn't get any more publicity than it did was deliberate on the part of Mr. Coates, I think. In fact, if I remember correctly he made a remark to me about this whole project -- that the only thing worse than doing it was not doing it. He had been called on to do it, but it was a cup he had rather let pass his lips because he saw that any expression in this area, however you came

out, you were going to be in trouble and in a terrific area of controversy. Well, he was most successful in avoiding controversy. That is the virtue of the document -- that it's objective.

Pearsall: Now I think its main virtue so far as I am concerned, in addition to being objective, was that it gave us some guideline as to what we couldn't do. It didn't tell us what we could do. That evolved. But we had all sorts of cock and bull schemes suggested to us. You know what the private school plan, etc. -- and every-time you could go back to this document and you could quote the authorities on why it wouldn't work. So that thing gave us guidelines and kept us from going off on tangents and it is an excellent document. I had many conferences with Paul ~~Johnston~~

Johnston: I wrote Jim Paul, after he left and told him this document was being used a great deal and I didn't believe any ^{one} ~~many~~ who was not a citizen of this State would have made any greater contribution.

Governor: I think that is right.

Pearsall: The first job the committee did was to study this report. This was distributed and we went right to work on that, and incidentally, the Winston-Salem paper published a digest of it -- a very good analysis of it. ✓

Giles: I would like to add this comment on the Institute's part in the report. I had gone with the Institute in November of 1953 so I, too, had not been there very long when all this came about. As I recall, Paul, when this draft was pretty well along Mr. Coates passed it out to several in the Institute to go over, and to me the handling of this was a good case example of the way Mr. Coates always handled something very delicately. He did groan and agonize about it and while he said there was nothing worse than doing it except not doing it I think, secretly, he really relished it because he realized the great significance and great importance of this whole issue and what

this could do. Now to me, I would attribute to Mr. Coates the credit for the over-all tone of this report in its complete objectivity and in avoiding any slant or suggestion of favoritism toward the decision. I recall the big trouble with Jim Paul was his difficulty in writing the thing without letting himself get into it.

Now, one other point that I would like just for the record -- my impression, at the time, was that Mr. Coates was very close to Governor Umstead. He had his complete confidence, not only on this but on many matters and I think that was very fortunate at the time that the Governor had a high regard for the Institute and for the man heading it to the extent that he would ask him to go into this sort of issue, no holds barred, and produce this sort of study.

Pearsall: Well, I will give you a practical example of how that confidence paid off. I refer again now to the first job of our big committee which was to be handled by the sub-committee. It was authorized to advise the Governor and the Attorney General on what we should do about filing a brief and after sitting all day and having a complete division in the committee and unable to agree, we told the Governor so. Well, knowing the Governor had confidence in Coates, I called Coates and told him to meet me at State College in Raleigh. He said, "I'll meet you at State College at five o'clock." I went immediately from the conference here and met him at five and told him about our dilemma and asked him to see the Governor himself and try to use his influence to convince the Governor that we ought to do it. I felt that we should file a brief. Mr. Helms did. I knew the Governor did, but Lake, McMullan and others said don't have any part of it. One of those men said what I told you a moment ago. He said it was a diabolical scheme to trap the State of North Carolina and get caught with the results. I say that just to show you how far we have come. Well, anyway, he did talk to Bill Umstead and met

him at the Mansion.

Pearsall: Governor Umstead authorized the Attorney General to file the brief the following day and Lake and Harry McMullan reluctantly did so. Now there is a history as to why Harry felt so deeply about it. You probably remember that. The Law School case was heard in Richmond on the matter of the admission of the Negro. I think it was Judge ^{Soper} ~~Shover~~. He just went out of his way to embarrass Harry McMullan. It was really uncalled for. I have forgotten the language exactly, but it made Harry ^{and} everybody so mad that Harry just couldn't think straight about this whole subject after that.

Rankin: He was very bitter about it.

Governor: You really introduced earlier in this review a situation which stays with us forever; namely, a public official can let a personal feeling affect his official opinion sometimes to the detriment of the State.

Pearsall: Or what is best for the State.

Governor: Yes, and that is the thing to watch. I will briefly bring you up to date on my part in the segregation situation prior to going into the Governor's chair in November 1954. In ^M May 1954 it happened that I was a speaker at a Rotary International meeting at Lake Placid, New York, and had planned the following day, or second day, thereafter to ^{go by train} ~~ride~~ with my family to Seattle, Washington. And when this decision came out, I immediately changed my plans and flew back to Raleigh. One of the first things I did was to go in to see Governor Umstead and to tell him that as Chairman of the State Board of Education, I was calling a meeting of the State Board because I felt we ought to have the official body working on it. Governor Umstead was friendly, but fairly cool, in connection with it because he said that he was considering appointing a committee and he thought that would handle it. I made the point with him from the standpoint of the State's future interest that if he did not

have the State Board of Education and the State Superintendent of Public Instruction with him in whatever was done he might be in trouble. I think later developments bore out that statement without any comment from him one way or the other. I called a meeting of the State Board of Education and we discussed it. I did not spend too much time on it, but we agreed we should wait, but I asked them to authorize me to appoint a committee from the State Board of Education to discuss this problem. They did so. I appointed the committee. You can find it from the minutes who was on the Committee from the State Board of Education and then we reported to Governor Umstead that we were going to work with him any way we could. He said he would have his committee out before too long. I think Mr. Pearsall will want to bring us up to date on the meeting of his committee because from my own point of view and from the average citizen's point of view in North Carolina during that period from the May decision in 1954 through until about December 30, 1954, during which period Governor Umstead died, and I came in, there was not too much publicly known nor too much said. There was, I believe, (Paul, you and I discussed it in the fall) a feeling on the part of too many people that what the U. S. Supreme Court had said was sort of "all right;" that now they were going to give us time for implementation and they didn't think it was going to amount to a great deal and then later even after the implementation decree in 1955 why it didn't look so bad. Tom, you might pick up at that point and then later I can tell you what part we played from the standpoint of meeting with Negroes and other groups and getting their reaction, but you were closer to it than anybody during those fall months because I recall you made a report to my office in late December 1954.

Johnston: Governor, chronologically we haven't gone past December 1954, by now.

Governor: That's right.

Johnston: And I think if Tom would just talk at random...

Pearsall: December 1954 or May 1954?

Johnston: December 1954.

Rankin: We are talking about the last six months of that year.

Governor: After your committee was appointed and then your report was made to me -- ~~and~~ I think December 30.

Johnston: If you could just talk at random about the activities and your problems in that first committee from the time you got your assignment statute and the trouble you had with it, your brief filing and all that from your meetings, etc.

Governor: And particularly, Tom, in retrospect, you want to explain the assignment statute in 1955 General Assembly, for example. How did you arrive at that conclusion and was that a part of the ultimate meeting of the problem which you were facing.

Pearsall: Well, let me see if I can follow it chronologically. Our first meeting was a routine meeting in the Governor's office -- one of organization -- which he had not prior to that time named me as chairman. He did so that day.

Johnston: I thought you said the first meeting was at the Mansion.

Pearsall: We had lunch at the Mansion after we met here. The first meeting was in his office. I recall now we went around there. The second meeting we had, we handled two matters -- the matter I referred to about the brief. Secondly, we set up then a meeting with Negro leaders throughout the State. We tried to get about ten. The newspaper would carry a list of those, Ed, if you want to do research on that, sometime in August and we had that meeting in the Board Room of the Board of Education. Dr. Poe and I did most of the talking at the conference back and forth with the Negroes. Attorney General McMullan and Lake were there, but they had nothing much to say, but I do recall Lake's statement afterwards that he was afraid that we were going to

take the decision lying down. ^{that} Nobody was going to contest the position of the Negro leadership there that day which was for immediate integration. Dr. Poe, which you might not expect, was right strong in his position, but he did it in a diplomatic sort of way.

Governor: He was against Lake's position?

Pearsall: No, he was against the Negro position of immediate integration.

Governor: O, I see. Had the Negroes on your own committee asked for immediate integration?

Pearsall: No. But we had these State leaders. There were about 10. One of them from Greensboro -- he came back at a later meeting -- was very adamant in the position that we ought to follow the decision.

Governor: This was a meeting before your committee?

Pearsall: This was a meeting before the committee -- we called the Negro leaders in for advice and counsel -- in other words we had three members on the committee, but we felt like we ought to talk to the Negro leadership of the State. And, as I say, they were right adamant in their position, and Dr. Poe was very outspoken in his feelings about it -- the danger and threat to our public schools if we ~~rough~~ brought about immediate integration. Well, we decided on a definite policy at that time that the less talking we did to the public, ~~except for publication~~, the better, that the matter needed to just simmer, that we didn't need to put any heat under it. It was for that purpose that we actually did very little in connection with saying what we were going to do, except to say to the press, when they asked us in one of the meetings, were we going to recommend the abandonment of public schools, and our statement (which the press will beat out) was that we hoped and thought we could find a remedy short of that.

Rankin: Do you have a copy of all the statements that were released to the press,

or minutes of your committee meetings for this period?

Pearsall: Ed, we didn't keep any minutes for a very definite purpose. Especially, ~~the second meeting of the~~ ^(Hodges) second committee ~~we~~ didn't have many ^{minutes} meetings. I can get you up some records on it. I have got most of it here, but I haven't organized it.

Rankin: That's all right. I just wanted to know what's available.

Pearsall: Fortunately, at the same time there was another committee at work and very little attention had been paid to it, and it was very helpful though. The Legislature had created a committee to study and recodify the school laws.

Governor: Yes, I remember that.

Pearsall: The laws were quite confusing you know. They had just been amended, ^{the} amended, and amended, with no old laws stricken out, just a new laws piled on top of the old laws. And, Stacy Weaver from Durham, Superintendent of the Public Schools, was the chairman of that committee and worked very closely with our committee, because of the question -- for example, whether or not every time that the word separation in schools by races was written in the statutes, whether or not it should be taken out. And, he wanted to find out what policy that the State wanted to follow on that. So his committee and our committee worked together very well.

Governor: Even though his committee originally had no thought of working with this problem.

Pearsall: No. That had been set up for an entirely different purpose, but it was fortunate that the two committees did work so well together. Weaver collaborated with us all the way through and was a tremendous help to us because he knew the State school laws from top to bottom -- so we kept him very close to us. I went by his house in Durham many times and he met with us over there.

Rankin: Isn't he now the president of the new Methodist College?

Pearsall: Yes, that's right, in Fayetteville. He is a good school administrator. In

the meantime the Duke Conference came along which you referred to, and I went over with one or two other members of our committee, and made no statements. We were given an opportunity to make a statement, but in accordance with our policy we had made no statement.

Governor: It was after the 1955 conference at Duke that I made the announcement of Tom's new committee -- in that speech.

Pearsall: Yes. We were named the day before at the Mansion, and you then announced it that day -- and three or four of us, I know Lunsford Crew and I were there and some others. That's the second one, though. Well, in the meantime I had set up an office in Rocky Mount. It was a question of whether I would come to Raleigh and set up one or whether I would do it down there. We had got some funds allotted from the Emergency and Contingency Fund, so we just set up an office which was a very simple one with the employment of one secretary. But, the mail was beginning to be very heavy, and at that stage of the game it was all in one direction. Very few liberals showed their heads in those days. ~~It was all a matter of quite some concern about it.~~ I counseled with the Attorney General's office very closely and tried to get some help in drawing a report.

Johnston: Tom, could you go back and develop the results of that meeting at which you had the Negro leaders -- the position they took, and how, the reaction the committee had to it, because I think that is important -- in the next committee in the absence of Negro membership. I think that tends to explain what a lot of people felt was a mistake.

Governor: Exactly as to why I didn't appoint Negroes -- which Tom and I discussed many times.

Johnston: Yes, Well, I think this was the key to it if I remember right.

Governor: That's a good suggestion, Paul.

Pearsall: We called in the group of Negroes thinking that we could get some voluntary cooperation from them.

Governor: Voluntary separation, Tom -- there's a lot of difference here.

Johnston: Big difference.

Pearsall: ... There was quite some talk about the Negroes themselves not wanting intergration, if we gave them good schools they would go to their own schools. And we thought that this would be an opportunity to discover first if that were true, which we thought was true to some degree at least -- and maybe could get their cooperation and work to that end. We were very disappointed at the lack of cooperation that we got. We got a pretty good indication from them that they would not cooperate. To follow that theory out a little further, we had two trial runs. It was agreed that I was to try one in Nash County -- to call in the Negro leadership of the county and explain to them the gravity of the situation and how the schools were threatened. And,

Johnston: Was this back in '54?

Pearsall: This was in '54.

Johnston: You know you did the same thing in '56?

Pearsall: Yes. We have the minutes in here. And, we had the same threat there that they were going to insist on their full rights. Back in my county we thought we had handpicked, if you want to know the truth about it, the Negroes who we could count on to cooperate with us. And we didn't invite them until the day before -- we invited them one day and had the meeting the next day -- but before we had the meeting

the next day the NAACP had reached them, and there was no doubt about it that they were taking the NAACP position on noncooperation.

Johnston: Well, most of these fellows you had at that first meeting of your big committee were actually members and to some degree leaders in the NAACP, weren't they?

Pearsall: Now, Paul, we had another meeting of the second committee very much similar to it. We tried it again. That's when we had that real hostile feeling. We had the president of the Greensboro NAACP. He was an insurance man. We have the records on that, but that's getting a little ahead.

Governor: Let's come back to how you came to these conclusions after your meeting -- how you came to the pupil assignment statute conclusions in your report of December 1954.

Pearsall: Well, here is the way the legal mind worked in arriving at that conclusion. We studied the first decision and in a layman sort of way the three questions which the Court wanted additional argument on were:

No. 1. Whether the Court should implement its own decree by direct order, as I recall it.

No. 2. Whether or not they should appoint a master to make a study and make recommendations to them and based upon that that they would make an order.

No. 3. Whether they should remand the cases to the Court of the first incident -- to order the implementation.

Well, we didn't see and I don't see how anybody who studied the thing at all could see but one answer, and that was that the cases would be remanded to the district courts because of the actual mechanics of enforcing the decree. It had to be through your local courts. So we took our cue from that. We felt that would be the answer to the issue.

We got the feeling that implementation had to be localized and that the courts were going to handle it from a local standpoint where the Judges would be able to take into consideration to some degree local conditions, feelings, etc. Therefore, the thing for us to do was to take from the State and put back into the local school boards the authority of assignment just like we thought the Supreme Court would localize the enforcement of the decision. So that was somewhat the basic thinking behind the idea the of assignment statute. We had many meetings and out of the discussions which took place in that meeting I was authorized to attempt to draw a report that expressed the sentiment of the meeting. I did so. It was a long report. I distributed it among the membership several days before a meeting in early December, in Raleigh, and discussed it. There was quite some division, and difference of opinion about whether the report was first too long, and, secondly, if it wasn't too strong. I had it pretty strong from the standpoint of segregation. Colonel Joyner took the position that certain conclusions which I had reached from a legal standpoint were not sound. The result of that meeting was very fortunate. After considerable discussion and general agreement, the meeting authorized the Colonel and me to draw a report and the Colonel and I met in my house on Christmas Day, 1954, and we drew the final report. It contained the assignment provision with the other statements.

Pearsall: The report was presented to the Committee on December 30, 1954, for consideration. There were some "ands" to be added and some "t's" to be crossed. We had two or three presidents of universities on here and they had some little ideas which didn't change it materially. We also added this paragraph which recommended that the State

Governor: Read it out.

Pearsall: The amendment recommended that the State and counties and cities of the State accelerate to the fullest extent possible a sound and progressive school construction program in order that adequate school facilities may be available in all parts of the State to children of all races.

Governor: That would include Indians, wouldn't it?

Pearsall: Yes, included them all. Interesting little history behind that. Manning, who was superintendent of the schools of Martin County, was on our committee and he recommended the amendment, and Charlie Carroll was right along with him. I saw no danger in it. I got back home, though, and had a telephone call from Harry McMullan and Beverly Lake, saying this wouldn't do. "That's giving your hand away. You got to say that we are not going to have any school program. We are not going to build. Everything is going to come to a standstill right now until this thing is settled and if you colored folks want schools you are going to have to go to your own -- otherwise, we won't build them." That's the extreme extent to which their feelings went. Well, I was for harmony. I don't know whether I was ...

Governor: Was this Christmas Day harmony or just harmony?

Pearsall: Harmony, anyway. I didn't want us to come to the Legislature without their support for this committee report. Well, I conferred by telephone with 16 or 18 people in one day. I got them on the telephone all over North Carolina and agreed to take this out. So that came out.

Governor: You mean the recommendation about speeding up school construction?

Pearsall: Yes, sir. That came out. Well, that's ahead of my story a little bit. The day we made this report up, drew up the report with the amendments, everybody was restless. I remember Gordon Gray and the Negroes in particular wanted to go. They felt that all the business of the Committee was over, as they had all agreed and they were getting up to leave. I said, "No, wait just a minute. We must have this report rewritten for your signatures." "We will write these things," they said, "No, we have got to go right now." I said, "You wait a minute then. We will sign this report just like it is with the amendments interlined." So that is the reason it is in this form when it was signed. What I wanted was these three Negroes' signatures on it. When the report came out, I knew what would happen. I didn't think they would ever sign it, but they did. Bluford ... what's the man's name at Fayetteville?

Governor: Seabrook.

Pearsall: Seabrook and Parker from down in Edgecombe County.

Governor: That's Hazel Parker.

Pearsall: Hazel Parker. Well, as soon as the report came in, the NAACP hit them. The NAACP liked to have ostracized them. That thing finally killed Bluford. That's exactly what I think killed him, was the fact that he was ridiculed in the Negro press for deserting his race, so on and so forth. The woman down in Edgecombe was criticized. Bill

Joyner wanted to leave, saying, "Well, I don't need to sign it. You sign my signature." I said, "No, sir. I am going to have every original signature." So there is the original of it right there.

Governor: That's a great document there with original signatures on it, Tom.

Pearsall: Well, the report was filed with the Governor and I told him it was ready to go to the printer's office. He said, "What about your bill?" This was the day before the session. I told him, we thought we had done pretty good to get this. He said, "No, you've got to have a bill. If you don't have a bill to introduce along with the legislation, things will go haywire. Everybody will be writing their own bill. So you go get a bill written." So, we had a conference in the Attorney General's office that morning at which Beverly Lake was present. Paul, I believe you were there.

Johnston: No, I don't think so.

Pearsall: Who was there to represent you? Maybe the Attorney General was representing you at the time. Anyway, we agreed to use the Alabama Statute as a guide and Beverly Lake and I went over to his office. I told him how we wanted the bill written, making a few changes in the Alabama bill.

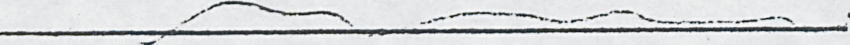
Governor: You told Lake?

Pearsall: Told Lake. Here's the statute, the Alabama statute, modified this was and that way, but that's what we want it to be. I spelled it out pretty definitely. I went back to get the bill late that afternoon, as you (the Governor) were going to make your speech to the General Assembly that night. It wasn't as we had asked him to write it at all. It was generally what we had, except he put in as one of the criteria for assignment the question of race, which of course we had told him to leave out. And, I objected to it, and he said well, that was the best he could do. I said, well

let me have your stenographer. So I took the stenographer and altered it. And got the bill over ^{to the Capital} ~~here~~ and the ink wasn't dry good by the time you had made your speech, and it was introduced by ^{a member} ~~somebody~~ who we thought was going to be Chairman of the Committee on Education. Wasn't Larry Moore speaker?

Governor: Yes.

Pearsall: No, not that session. He was Speaker at your special session.

Governor Hodges: All of this will show, Tom, in the record written by Charles Dunn of the Durham Herald who has written a very fine report for his Masters thesis, and that thing you are now talking about is covered specifically, ^{he} ~~the~~ gives ^{the} their names of the two men in the Senate and the House who introduced it and what happened to it and about Satterfield's counter bill which Lake wrote for him according to Dunn, and it has it all in there. So you get the story by just picking that up at that point. 

Rankin: I thought we might, if we could, Governor, go back the day of Governor Umstead's death and pick up and let you bring up from the time you took office up to December. Governor Umstead died Sunday, November 7, at 9:10. The office was closed on November 8. The funeral was on the 9th and Governor Hodges took his oath at 4:00 p.m. on November 9. November 10 was your first day in office, Governor, and from that time on you, of course, ran the ship of state. You may not remember, but on Friday of your first week in office you had a meeting of all department heads of the State. If you will just take it from there as to what happened in that rather crucial period between November 10 and the Legislature.

Governor: As Lieutenant Governor, I had naturally kept up in great detail with what was happening publicly. I, of course, was not in on any of the meetings that

Mr. Pearsall has just referred to, but I knew what was going on, both in the Governor's office, which was reasonably quiet at the time, and from the Pearsall Committee, even though there was not too much publicity given to it. As quickly as I came in, I was naturally overwhelmed not only by the change in the office under such tragic and unexpected circumstances, but we had the problem of immediately coming to conclusions on a budget facing us for 1955 in the legislature with a deficit which called for new taxes. So having all those things, why, we simply had to take the matter of segregation somewhat in stride, but Tom Pearsall had just told that, just within four weeks or more after we had gone into office his committee was coming to conclusions, bringing in a statement of basic thinking on the Supreme Court Decision, plus a pupil assignment act. I recall the discussion with Tom, saying that we had to have a bill, because I felt then even though I was a freshman at this kind of thing, that if you didn't have something positive of your own you would get all kinds of proposals. And usually people wanted a program to talk about. So the manuscript of Charles Dunn, to which I referred, will show we had a problem of getting through this particular bill. There is no use going into the details of it. It is all in this particular report to which we can make reference. There was fine support generally of the pupil assignment act, partly, I believe, because so many people were waiting for any further development of the court, that they were not too greatly disturbed. I think it was later, was it not Ed, after the implementation decision of May 1955 that we got into the meetings with the Negro teachers and with the A & T College?

Rankin: Yes.

Governor: There were the A & T College incident, the talk to the North Carolina Educational Association, which is the Negro Teachers, and then the situation which

Paul may want to refer to where I was on a little fishing trip in the West and Paul, through the State Highway Patrol, got me out of a trout stream to come to the defense of one I. Beverly Lake.

Ciles: At this point, looking back, it seems to me that to some extent the mere adoption of assignment statute in 1955, which on its face legally struck out the requirement in North Carolina statutes for segregation was really a very remarkable and quiet achievement, particularly when we consider the difficulties that other states have had to come up just to that point, simply to recognize on their books as a legal matter that their statutes should not compel or require separation on the basis of race. So what was done at that time, and what this report in December 1954 in effect said legally, was that North Carolina should amend its statutes to remove the requirement of racial separation. Now, that to me is really one of the remarkable steps in this whole thing, in that it was accomplished as quietly and, you might say, as peaceably as it was. And, stepping ahead just a moment, all this is put in better perspective when we realize that, when the real test came in 1956 with all of the emotional feeling at that time, the Governor was in the position of coming in not to suggest to the Legislature that then we should amend our laws to permit integration, but that we should amend our laws to protect ourselves from integration. So, as a matter of timing, when you look back over it, it could not have been timed better, and I think that the Governor is certainly right that the feeling, the urgency of feeling on this whole question had not built up largely because the court itself had put it off for another year.

Rankin: Actually, it was a fortunate thing.

Governor: It was fortunate that we did it in 1955, that we had a General Assembly

coming up at that time, and that we had a fine committee, headed by Mr. Pearsall, to bring in this particular proposal which seemed, on its face, innocent and not too strong, but as Bob says was a much more meaningful thing than at first thought.

Giles: Now, I wonder if Tom could recollect the discussion at the time of the adoption of the assignment statute, particularly from the Attorney General's office. Did anyone there raise any strong objection even to amending ^{our} ~~out~~ laws, or suggesting that our laws should be anything but absolute compelling separation of the races?

Rankin: May I also ask if anyone from the Attorney General's office took a positive approach at any time toward how we could work this problem out?

Pearsall: I don't recall that they did. It was apparent very soon after we had begun to deliberate about a report for the first committee that the committee was not going to follow the extreme views which Beverly had -- if we're calling names. And while I counseled with him frequently at first, I soon found, and I think the rest of the committee soon found, that we weren't going to get the kind of help from either Lake or McMullen that we wanted -- and we had to begin to rely on our own resources. He took less and less part in the deliberations as we proceeded with that committee, and I would say he had ^{nothing} ~~nothing~~ to do whatsoever with the drafting of that report. It was a matter that Joyner and I finally worked out, based strictly on legal approaches, not... we were fortunate in that we had a fine lawyer as Governor of the State at that time. He knew just how far we could go. We had a guide here as to just how far we could go legally. As I said earlier, this was a guideline that kept us in the middle of the road, kept us from going off on tangents.

Johnston: By this, you are referring to Jim Paul?

Pearsall: Jim Paul and the Institute of Government.

Governor: And to Governor Umstead prior to November 8, 1954.

Pearsall: That's right. Now, let me point out one other thing which I think was very helpful all the way through. It was a coincidence, but a very happy one. And that is that the same group of people, following the same line of thought, had been working with this matter of segregation in the colleges and universities, before the school case came up, way back to the law school case as you will remember.

Governor: Had the law school case been settled at that time?

Pearsall: Not only the law school case, but the academic school, the general college case.

Governor: No, that had not been settled. That came with Rodman later.

Giles: Your law school case was settled in 1951, and four Negro students entered the University law school in the fall of 1951....

Johnston: As classmates of Mr. Giles.

Giles: As classmates of Mr. Johnston.

Pearsall: I think it is important that the University group took the position ^{that} they knew what the people wanted -- that they didn't want integration. They also took the position they were not going to defy the law, and that if they did everything they could within the law, if they exhausted every possible legal remedy for relief, that the people would accept it. That's the theory that the Executive Committee ^{of} the University proceeded on -- not only in the law school case, but in all the other cases. Now the academic case came along about the time all this was going on, and I think I was chairman of the admissions committee of the University Board of Trustees, and you will remember we worked with Rodman on that. So, the two were going right along together, so we had a little practice. As a matter of fact, North Carolina had

established, I think, by 1954, the general pattern that we were going to follow. I think it is fortunate in that the Governor was at that time the Chairman of the Board of Trustees -- later Governor Hodges was the Chairman of the Board of Trustees -- helped guide North Carolina in a general pattern of a reasonable approach to this thing which I think helped to prepare the people. And all the way through we had taken the position, and actually done it, fought through the Supreme Court wherever we could, every case. We lost and the people said, "Well, you've done your best for us and we will accept it."

Governor: Tom, let me throw something in here. You pick up where you left off.

The record and the newspapers or my office book record will show that sometime in that Spring of 1955, I believe, Rodman and I went to Richmond, Virginia, and met with, theoretically, the Southern Governors.

Johnston: That was later in the summer, Governor.

Governor: Later in the summer?

Johnston: No, it was cold. The snow was on the ground.

Governor: It was before we passed the pupil assignment statute, was it?

Johnston: How it came out, Rodman was appointed in the winter.

Governor: It was in the fall, wasn't it? (everybody talking)

Giles: Rodman was appointed Attorney General around the first of July, 1955.

Johnston: Yes, and the Pupil Assignment Statute was passed by the Legislature in early spring, 1955.

Governor: We must have felt that the pupil assignment act was just a part of the codification of laws, because we went there, all of us, theoretically, with open minds, and, theoretically, waiting to see what the "mother of states", Virginia, would do. We found a vacuum, and we got nothing.

particularly out of the meeting, as you know, and decided we better go back to our own situation. But had we at that time had all of this experience...

Johnston: Yes, we had most of it up to then. I don't want us to neglect, in the 1955 session, although the enactment of the pupil assignment law, ostensibly, went pretty easily. There was a little group of insurgents in the Legislature, led by Sam Worthington and Byrd Satterfield, and I am sure in the Attorney General's office.

Governor: Beverly Lake is quoted in the Dunn thesis as having written the bill that Satterfield introduced.

Johnston: I think that was the '56 one Governor, the special session, but he wrote this one I am sure anyway. Sam Worthington had a bill. I don't know whether he ever introduced it or whether he kept it in his pocket, but anyway it got to be a matter of public knowledge. He had a bill to rip out of the Constitution the requirements for public education and to place into the hands of the Legislature the handling of this whole thing. You may recall, Governor, that soon after this word got out that he either had the bill or it was introduced -- and it was to do away with the assignment act -- and say, "Well, just let's get ourselves in a flexible position so we can do anything we want to without any constitutional restrictions. You may recall, Governor, that soon after that, at a press conference, you asked about whether you would still lean toward re-appointing Sam Worthington to the Utilities Commission?

Governor: Yes.

Johnston: It had been speculation. He had resigned from the Utilities Commission to come back into the '55 session.

Governor: By agreement. He served with Governor Umstead.

Johnston: Yes. And there was speculation as to whether you would re-appoint him. After this broke out, as a sort of an insurgent movement against the assignment statute and your plan and Tom's plan, it came up in the press conference as to whether or not you would re-appoint him to the Utilities Commission, and you laughed and they reported it, that you laughed, and it had a bad effect on Sam. He thought he had been slighted, sort of slighted by it, but it finally worked out and ^{was} actually the bill, if it ~~was~~ introduced, I have forgotten whether it was or not, it never got off the ground.

Governor: Well, there was a meeting in my office about that particular time with about eight or ten Legislators on the Worthington proposed bill and we made a slight adjustment -- but I can't for the moment recall what it was.

Johnston: It was in the resolution.

Governor: That's right.

Johnston: That's when they changed your resolution and took out the words "immediate integration" -- there shall be no integration. You had had there should be no immediate integration. These may not be the exact words.

Governor: That was when a compromise was made with Sam Worthington. At the time he just dropped his fight, based on the compromise we made.

Johnston: That's right. And that's where that resolution came from that Beverly Lake was quoting in his last campaign. That's how that came to be there; that the State said it wasn't going to have any integration.

Governor: That was done in my office.

Johnston: Yes, I remember that now.

Pearsall: Let me tell you a little bit more about the strategy that was followed at the '55 regular session. We recognized, as we studied it, that the assignment act that we drew so hurriedly was not a perfect instrument, as we all found out as we began to analyze it in preparation for the '56 Legislature. But our feeling was it ought to be left alone; that if you opened it up you would open up a pandora's box and the compromise you worked out on the Worthington resolution was the only change that was made and the Worthington bill was introduced, as I recall it, and the committee sat on it until way on in the session -- just let it sleep. I think the whole attitude of the Legislature, the conservative group, the administration, Speaker and Lt. Governor was just to let the sleeping dog lie and wait until things had quieted down toward the latter part of the session and passed it. And we recognized, at the time it was passed, that it was going to be amended, but we just decided it was a matter of strategy; that you ought not to touch it. We didn't. Now, let me go back to November of '54. Upon the death of Governor Umstead and the swearing-in of Governor Hodges, it was not long thereafter that he wrote me a letter -- (been trying to find it in my file here, didn't know whether you would want it or not, it might be a part of your record) -- I had indicated to Governor Hodges (off the record, privately) that our committee stood ready if he wanted us, but we recognized we were not an official committee created by an act of the Legislature. We were advisory to the Governor who appointed us and our committee would necessarily have to just take the position that -- our office expired and was not active because we were an advisory to Governor Umstead -- Governor Hodges indicated then what he wanted us to do, but he wrote me officially and you have it in your records the letter asking our committee to continue to serve. I'm certain he wrote to all

the committee, or I sent them copies of your letter, and then we took up after a lapse of about two or three weeks and continued on with the study.

Giles: I would like to put in this thought right here on the assignment statute.

Because of certain interest expressed in the origin of the assignment statute as late as five years after its enactment, we should note here for the record that the use of assignment statutes is taken up in detail in this study of the Institute of Government which was distributed in September, 1954, and, at that time, and in this volume there is a reference to the fact that the great liberal state of Mississippi had introduced such a statute and was giving careful consideration to it along with Louisiana and, I assume, that by the time of the 1955 Legislature that Alabama had also done likewise. Therefore, the State of North Carolina unfortunately cannot claim the credit for being a trail blazer in this area.

Pearsall: We have to bow to Mississippi.

Giles: We must bow to the sovereign State of Mississippi, whose Governor is now Mr. Ross Barnett.

Pearsall: Well, while you are having a little fun, I will tell you about a letter -- and I would like to find it -- we got from Mr. James C. Paul. After we had enacted the special legislation in the special session of 1956, he wrote me the most scathing letter I have ever received, the essence of it being... how dare we take his brain child and desecrate it and use it for such purposes as this. I will find it before I get through here today, but it was a scathing sort of letter.

Rankin: Governor, I think we ought to bring in here where Paul ^{Johnston} came into the picture because he picked up on this and then where Bob came in, his contacts and what he -- in other words fill in this '55 gap.

Johnston: It will be the Attorney General's office.

Rankin: That's right.

Johnston: Well, I had very little to do with the Pearsall Plan except, as I said soon after I came in December was my first contact with Tom. He was running back and forth with Governor Hodges trying to get this bill ready for introduction in the 1955 session, and I remember that I tugged at the Governor's sleeve, and I didn't know the Governor very well, and I said, "Governor, you ought not to have this jury trial business in this bill." Jim Paul and I had talked about that at length. I remember the Governor says, "Well, Paul, we got the Attorney General recommending it, Tom Pearsall and all of us agree and we are just going to have to go with it the way it is." So that was my first contact with it right there. I had very little to do with anything so far as this subject is concerned in the 1955 Legislature except to keep up with, behind John Larkins and inquire where Mr. Worthington's bill was temporarily located.

Rankin: Also try to find John?

Johnston: Yes, try to find John. But, other than that, my contacts during the 1955 session were rather routine, in support of and in the strategy of trying to get the pupil assignment law passed and discussing the subject with the Governor and advise him as something came up. We didn't do a whole lot of planning at that time during these early months of the '55 session. Now, in late May, when the implementing decree came down, then I really got into it as you know almost permanent assignment.

Governor: You might tell them at that point, Paul, the position you took and the good advice you gave me contrary to the popular opinion, both in this State and the

country, about the effect of the implementation decree; you did not feel that it was a very good court decision and it was not good for us -- in other words, not as amenable and as moderate as some people thought.

Johnston: That's right. What happened, when the decree came down, the Governor was making a speech

Governor: In Chicago.

Johnston: Yes, in Chicago, Cleveland or somewhere. Anyway, he called on the phone and I was on an inter-communication telephone discussion with Lake, McMullen and the three of us in the Attorney General's office with the Governor at the other end of the line in Chicago. He asked what we thought about it, etc., but I must say that that one-time Beverly Lake and myself were in complete agreement. There has been some public statements made by Sam Worthington, of all people, that this was fine and represented a sort of a victory for the South and that we could live with this and there were two or three other Legislators, I think, who made the same comment. In fact it was kind of general. But we told the Governor then that it didn't look too good and actually required -- Lake insisted it required -- immediate integration. And, during that discussion we somehow got across the idea that it didn't necessarily require integration; that it simply required the end of segregation. In other words, it didn't require any affirmative action on the part of a school board, any affirmative action. It required the elimination of negative action, but it didn't make you go out and integrate. You could sit still and let somebody else do the integrating. Well, Lake took the position that didn't make any difference; that this was just subtlety and a sophistry that didn't have any real significance. Well, it did, of course, as we later found out and when the Governor got back, we talked at length about that

difference. We also talked about how dangerous the decision really was because of the juxtaposition it required. The first thing it required was good faith, to have any delay whatsoever. I am sure the court or whoever wrote that -- Justice Warren, I believe, wrote the implementing decree also -- but whoever wrote it, I am sure was very deliberate in putting the things in the places that they did. Therefore, the Governor made a speech in June, and that is a matter of record, in which he delineated the difference in the theory, the difference in the results you would get if you had taken the theory that it did not require you to do anything except prevent somebody else from doing it. In other words, you couldn't put up barriers that were unlawful, but you didn't have to go out affirmative as a school board and implement that decree. And the Governor spelled that out in his speech in June.

Governor: Was that June or August?

Johnston: I believe it was June.

Governor: That was the ^{recalled} big speech in August.

Johnston: Big speech in August?

Governor: Yes.

Johnston: But that was in June and was largely confined to discussing the implementing decree and the fact that you were going to continue working on it, etc., and also pointed out to the State that they should not be too jubilant about any possible victory in this thing because the first requirement was good faith and then you would be entitled to some delay. You can prefer to the speech to get the discussion.

Governor: I think you will be interested in a little incident that, as you look at it years later, Ed, will have some significance. Coincidentally enough, the reference Paul made to my telephoning from "somewhere", which was Chicago, I was again making a speech at a Rotary Convention and I made the speech to 1500 people from

every Southern State from Virginia to Arkansas.

Rankin: Was that your Dixie Dinner?

Governor: That's right. There were 1500 people present and I had just heard the day before about this implementation decree, and I remember the main point that we gave to the group at that time, which speech had been given basically from off the cuff or from notes, that we did not know what the implementation decree meant, that my opinion was it meant years of trouble and that I challenged the 1500 people there who, theoretically, give themselves to public service in communities; that the meanest job of a public nature ahead in the years that you could see would be membership on local and county school boards. Further, they had to be prepared to meet this situation because there was where the problem was going to be, etc. I just thought you would be interested in that. Later on came these other talks in the State that I mentioned a while ago.

Rankin: Bob Giles, tell us how you got into the picture on this. Just when was your first contact with this school integration-segregation problem? When did you go over to the Attorney General's office?

Giles: Ed, my active participation in this whole matter was sometime later and actually comes after one of the Governor's very major speeches; namely, the August 8th speech on voluntary separation in attending the schools. It was sometime during the month of August, Paul was here in the Governor's office, and we often met at Chapel Hill -- he was still living over there -- and talked about this particular problem because that was the only problem facing the State at that time, and you will recall also during this period that, increasingly, certain parties or party in the State had been speaking out, Beverly Lake, and it was also becoming apparent that the implementation decree of the Supreme Court meant that there would probably be

some integration somewhere in North Carolina pretty soon if something weren't done. So, increasingly, there was a feeling that something else would have to be done. Now, I simply recall some of my thoughts back there in talking with Paul in Chapel Hill, over at the Institute, and I had, as I recall, raised some possibility of having, or permitting, a local election on the part of a school unit or a portion of it if it came about that there was some integration under the assignment statute by court order or otherwise. So Paul said, "Well, why don't you sit down and put in a memorandum your specific thoughts on this?" And, I did do that and I happen to have a copy of that. I kept one copy. I didn't even date it. I didn't tell anybody that.

Rankin: He learned better later, Governor.

Giles: I didn't tell anybody that I was going to write this. I didn't even tell Mr. Coates. So far as I know, he doesn't know today that I wrote it. But I headed it "Some Thoughts on the School Segregation Problem in North Carolina" and it's a very short memorandum. It's not but eight pages.

Rankin: Very un-lawyer like.

Pearsall: But Giles-like.

Giles: Very definitely un-Giles-like. And for purposes of this I don't want to intimate anything particularly important here, but was just that in my own mind, and I think in Paul's mind, too, both as us were talking along the same line. Paul may have suggested the thought even before I did, that there would have to be something in the nature of what was later identified as a safety valve. I don't know that we used those terms at the time. But, anyway I did prepare that memorandum and gave it to Paul. I never did find out what he did with it, except that in September or October of '55 and I was in the Attorney General's office.

Rankin: When did you join them?

Giles: I went to the Attorney General's office August 31, 1955.

Rankin: Who was the Attorney General then?

Giles: Attorney General William B. Rodman. Of course, Mr. McMullan had died in June of '55 and Mr. Rodman was appointed sometime later.

Johnston: I believe it was July 1, same time the Governor announced all the Judges.

Giles: Sometime later Ralph Moody was appointed to the Utilities Commission and Mr. Rodman looked all over the State apparently to get him a good Assistant Attorney General. When he couldn't find anybody he asked me to come over.

Rankin: What was your first assignment? What were you assigned to do?

Giles: Well, I was assigned over in the Revenue Building. My primary job was to keep an eye on Mr. Beverly Lake. Secondarily, I was to help out on some tax laws. So I spent a great deal of time on both of those things.

Johnston: You know it may be of interest, Bob, the conversation which later led to this memorandum, if I remember correctly, we had several, but if I remember correctly this conversation took place in, probably, one of the two times in my life that I have ever been in Danzigers. Bob Giles lured me into Danzigers for a cup of coffee.

Governor: What's Danzigers?

Rankin: The Coffee House.

Johnston: The coffee house place at Chapel Hill.

Governor: I want to say this. I want to point out, and ask Tom Pearsall's comment on it, beacuse you have now introduced ~~in this~~ for the first time in this current history, the idea which I learned to understand later, which we used later and

which has become through the years a very strong point in our whole program. I am speaking of the so-called Pearsall Plan which hasn't been used, say, in courts or legally, but which stands there, and stands well, as a bulwark. This evidently, Bob, was the beginning of an idea which you had and I would like to give you credit for having done it: You brought to the Attorney General's attention, then to Mr. Rodman, who was objective and constructive in his approach, you brought to him the idea that this kind of thing we could build on in a program, what turned out to be the Pearsall Plan. Now, Bob, don't be too modest about it, could you say you did continue that kind of thinking and brought it to Tom and Rodman, et cetera, later on?

Giles: Governor, the specific language that I used back then and it shows how different it was, really, from the ultimate result, I suggested that the State Constitution and laws of the State be amended to provide that any county or district, upon vote of the majority of the registered voters in such a county, may elect not to maintain public schools in such county for a given school year and such county shall receive tax rebates from the State, equivalent to the amount of State funds which would have been applied to public schools in that county, the funds to be available for general county expenditures permitting a reduction in county tax rates for other purposes. This would mean that the local tax burden in a particular county would be greatly reduced, permitting, to that extent, some financial relief for parents in that county in sending their children to private schools. Now the thought which, and it was strictly, it was too much a strictly legal and technical approach, was that there should be no legal difficulty in the people voting to close the schools. Now, how would you compensate for that tax-wise? Well, throw out the suggestion about that. Shortly after I went to the Attorney General's office in August '55, I passed on to

him a copy of this and there was some discussion current at the time, as you recall, from Mr. Lake and others that North Carolina did not have to undergo the burden of this integration; that there was an obvious solution to it and he made some speeches in which he referred to the possibility, and he expressed the belief, that we could set up a system of private schools. He said similar to the G. I. Bill. Under the G. I. Bill, we used public funds to enable people to go to private schools. He mentioned Wake Forest, Harvard University and others. Well, during that discussion with Mr. Rodman we had concluded, again taking sort of absolute positions on legal grounds, that you could not do by indirection what the court would like to prohibit direct -- that is, use public money to operate entirely a public school through a system of grants, even though the school would be called private. Now, because of that and because of the necessity for, apparent necessity, for not letting Mr. Lake seem to grab hold of the thing and run with it, Mr. Rodman decided, and at times he did speak out gingerly warning that there was no absolute solution, warning that one could not simply change the name above the school house door from public to private, finance it the same way in substance, and have the court sustain it. And, you may recall, Governor, that led on eventually....

Johnston: That was made to the County Commissioners Association.

Giles: ...sometime in the fall of '55 Mr. Rodman made a very major and careful speech to the County Commissioners in which he warned about that. So the suggestion which I had put here in this memorandum, Governor, in August was,--the basic thing--~~that~~ was the matter of local option election. In other words, if there were integration then it would be up to the people at the local level to make the choice, and they could close their schools. But, what was not worked out at that time and what was not seen,

I don't believe, until later on that winter, within the committee itself, was the practical and workable combination of local option elections, pupil assignment and tuition grants which later came out from the committee.

Governor: _____ help out certain school districts out of the county. That was the point that was very intriguing, that appealed to the people later on when your maps, etc., that you had shown in '56

Johnston: Let me go back to I believe it was July to an incident that you mentioned awhile ago about the trout stream, and it also ties in with what Bob has just mentioned about Mr. Lake making his speeches. He had made one, I believe in Asheboro, in which he made some ringing attacks on the NAACP with no solution to the problem but just simply a lot of harangue. In any event, it got a lot of publicity. Soon thereafter, and I believe this was July, the NAACP sent a telegram to the Governor's office demanding that the Governor fire Beverly Lake.

Governor: Who was an Assistant Attorney General.

Johnston: Yes. Who was an Assistant Attorney General. It was in July '55, I think.
(Somebody says yes.)

Johnston: It may have been June, but it was either June or July because I remember this.

Governor: It had to be either June or July.

Johnston: Let me straighten it, then we will discuss it. I saw the thing. It was a Sunday morning release. It was in the paper. I saw it and said to my wife, "Boy, here is a chance." Well, within five minutes my phone rang. Ed Gill was on the phone. Ed says, "Paul, we have got to get the Governor to make a statement today, immediately, on this integration, on Beverly Lake." So I believe I called Ed to see if he had the telegram.

I don't believe until later on that winter, within the committee itself, was the practical and workable combination of local option elections, pupil assignment and tuition grants which later came out from the committee.

Governor: You developed the idea of pinching off parts of a school administrative district to create local option units. That was the point that was very intriguing, that appealed to the people later on when your maps, etc, were shown.

Johnston: Let me go back to, I believe it was July, to an incident that you mentioned awhile ago about the trout stream, and it also ties in with what Bob has just mentioned about Mr. Lake making his speeches. He had made one, I believe in Ashboro, in which he made some ringing attacks on the NAACP with no solution to the problem, but just simply a lot of harangue. In any event, it got a lot of publicity. Soon thereafter, and I believe this was July, the NAACP sent a telegram to the Governor's office demanding that the Governor fire Beverly Lake.

Governor: He was an Assistant Attorney General at the time.

Johnston: Yes. Who was an Assistant Attorney General. It was in July '55, I think.
(Somebody says yes.)

Johnston: It may have been June, but it was either June or July because I remember this.

Governor: It had to be either June or July.

Johnston: Let me straighten it, then we will discuss it. I saw the thing. It was a Sunday morning release. It was in the paper. I saw it and said to my wife, "Boy, here is a chance." Well, within five minutes my phone rang. Ed Gill was on the phone. Ed says, "Paul, we have got to get the Governor to make a statement today, immediately, on this integration, on Beverly Lake." So I believe I called Ed to see if he had the telegram.

Governor: Ed Rankin?

Johnston: Yes. Ed Rankin. He had it so we met. Ed Gill was in Lumberton, or Laurinburg, or wherever it is he goes, and Ed Rankin and myself met up here in the Governor's office on Sunday morning about, I don't know, 10:00 o'clock maybe, and we started drafting a statement for the Governor in answer to this telegram. And I particularly remember the word "effrontery." I thought it was such a good choice word. Anyway, when we had something down, we got hold of the Governor and he said we got him out of a trout stream and read him this draft and tried to convince him of the opportunity he had here to do something, and he said let's move on it, and issue it anyway. And I have forgotten how we worked around, Governor, the thought, everybody knew you were off fishing and the statement was going to come out of your office, and I think we said by telephone or something. I don't know how we did it.

Rankin: Well, that was no problem. Because the Governor, of course, can issue a statement from anywhere. I mean all he has to do is phone it in and his office releases it.

Johnston: And the statement was released and I know it must have made some people mighty disappointed, because what it did was just hug Beverly in a bear hug and just balled out the NAACP for their effrontery in making any such suggestion. Well, I think Beverly, in the meantime, had gone to Richmond and didn't have the opportunity to do his own answering and by the time he got back why our side had gotten over on the side against the NAACP which was a place we had to be.

Governor: Which is where we were all the time but if you had a situation here where you had to sense the public opinion and try to understand what could develop in the future, and you had to do it step by step, ~~to the real point.~~

(Record 7)

Johnson: And the reason I pin to that date, Tom, is that we closed the statement by saying -- I remember the Governor saying, "Well, look we've got to do more than just be negative or curse the NAACP. We have got to give some idea about what we are going to do here." And so we put in at the end of the statement that "I will have a plan to announce in a few weeks" or something like that and that was in anticipation of your voluntary separation speech which came in August. And that is the reason I put that date, I believe, Tom. I remember that release had that in it.

Pearsall: I thought it was earlier. I thought it was at the time Beverly was considering running for Governor.

Johnston: Oh, it was. You see, that was coming up. Fall was on the way.

Pearsall: I know, but this was the primary back in May, back in March and April, Primary time and he was considering running against Governor Hodges and we were trying to head him off.

Governor: That would have been in the spring of '56, you see. This is fall of '55.

Johnston: The primary was coming in '60, Tom. No.

Governor: No, '56.

Johnston: I mean '56. It was coming up for the following Spring.

Governor: That's right. Paul is right and that is part of a series of events that are in the record but need to be put into focus. I don't know how naive all of us were, certainly we were innocent, even though trying to be sincere and reasonably objective, but we felt that in this speech to be made, as Paul mentioned, finally made on August 8, that we ought to have this voluntary separation. So we tried it out by going out here to Shaw University to a meeting of the North Carolina Education

(Record 7)

Association which is the organization of the Negro teachers. Well, I don't know when I have had such a blank audience. Ordinarily, I had been well received by these Negro groups because we had to try to be fair and understanding. Woodrow Price, then reporter for the NEWS AND OBSERVER in Raleigh, made a statement which I think will sum it all up. "Governor Hodges appeared before the North Carolina Education Association of Negro teachers and his talk and plea to them to remain separate as they then were had about as much effect as a sponge thrown against a brick wall." Then, of course, came the August 8 speech which is a matter of record and it had created a great deal of interest, and some resentment. And then I think, Ed, the talk to A & T was in the fall, early fall, at which time we were to dedicate and present to the A & T Negro Technical college at Greensboro, North Carolina, several buildings that had been completed through the munificence and generosity and understanding of the people of North Carolina and a liberal Legislature. Again, naively and trustingly thinking that even the Negroes under those conditions would be appreciative and would be courteous, we had the most miserable and terrible experience that we have ever had in connection with a speech. When I arrived, coming through a platoon or company of Negro ROTC officers, et cetera, I came to the aisle down which I was to go to the platform, the Negroes, many of the Negro students did not rise with the rest of the audience. That disturbed me not because of me but for the respect of the office because traditionally always an audience, whether Negro or white, arises regardless of whom the Governor may be. I hid it as best I could thinking there might be some misunderstanding. When I got into my speech, which can be seen from the record

(Record 8)

as a fair speech, the Negro students began shuffling their feet and began talking. I turned to the then president, Bluford, toward the end of my speech and said audibly, "Shall I continue under the conditions?" I want to say, in spite of the fact the man is dead, that if he had had either courage or understanding he would have gotten up and spoken to the group. Instead of that, he said quite quickly, "Suit yourself, Governor." And we finished with a few choice remarks, which were probably not in the record, and then walked out of the place. We had told him ahead of time we were leaving at the end of our speech. Ed, you will remember that there were all kinds of comments, editorials, releases, etc. And then Bluford, lamely, getting some of his professors and others together and sending in what I call a note of explanation, which they later called an apology for which I refused to pay any attention to and received some criticism for this. But I felt that what was done was absolutely inexcusable and as a protection to the Governor's office that we should not even give them the distinction of having anything said about it because we were in a battle then and we had a problem ahead of us and we knew then, if we did not know it before, that the Negroes were against us from the standpoint of official NAACP leadership, even though deep down I felt then and I continued to feel that the bulk of Negroes are willing to go ^{to school} with their own people because that is where their greatest chances were.

Johnston: The period immediately preceeding the delivery of the voluntary separation speech was a very key period. The Pearsall committee, the official state committee, had been activated before that just a few weeks, and was in the process of meeting and discussing, and this period of late June and July, this period follows the speech you made, Governor, explaining the implementing decree

(Record 8)

that we refer to, there were letters coming into the Governor's office and I remember one particularly from Meredith College, from a member of the faculty, I don't remember his name, in which he castigated the Governor for failure to show leadership in this situation, and I remember that the Governor and I for some reason were leaving the office late -- rather unusual thing for us -- anyway we were walking to the Mansion and I remember making the remark to the Governor that it was ironic that the only real leadership that could be shown or could be exercised in this situation had to be one that gave the appearance to the liberal group of no leadership. And that is the only way you could really exercise leadership. And that was based on a conversation we had had in his office before we left. We were just discussing the whole basic problem here and I once outlined this thing for Tom in a little diagram and it lends itself to a pencil drawing, but in words it boils down to this: We found ourselves in a position with segregated schools, with a populace that was, at least for the most part, determined to keep them segregated and with a decision that was going to be binding on all of us that insisted that they not be kept segregated. That was our present position and we knew that any lawyer or right-thinking layman with decent legal advice and honest legal advice, as the Pearsall committee members were giving, must conclude that eventually, not when or how, but eventually, there were going to be some Negro children in schools now exclusively for whites. That had to come about because of the force of national public opinion, the effectiveness of the decree. Now, given those two things of where we were and where we knew we had to come out, the question that remained for us was how to get from where we were to where we had to come out, and not disgrace ourselves. And, of course, a very important factor in that, in order to do any, and this is the key to the leadership part, in order to do anything to get

(Record 8)

from present status to future conclusions, you had to maintain control. We knew that if you came charging out of your present position with a banner saying, "we're going to obey the Supreme Court Decision and we are going to do this and we are going to put some Negroes in the schools in order to keep from losing our schools, we knew that the result of that would be to lose control to the then very vocal Beverly Lake and the group that he was representing and building for the '56 primary. Therefore, the technique had to be one of keeping a road open to the eventual conclusion down which public opinion and the force of the decree could force you, but resisting at every point as far as you could legally. It is the same sort of philosophy that Tom Pearsall mentioned earlier that had really developed in these university cases, of resisting as far as you could legally and decently, but always keeping open the road down which you could go to get to that eventual landing place. Now the difference between that and what was done in Virginia is that instead of keeping that road open they set up a legal barrier which you had to collide with and cause a disgraceful explosion in your state. And that is exactly what happened. It is sort of like walking down a dark corridor at night and reaching out with your foot and being sure that the next door you come to is open before you run into it. And that was the basic approach to this whole thing and that is what led to the little remark about the only way you can exercise leadership is to appear to show none.

we did not must do with
Governor: I was thinking, Paul, that ~~is whatever you talk about~~ deliberate plans and programs of what would ultimately be good for North Carolina and the school children.

Rankin: Governor, we might summarize to this point. That is, I think the remarkable thing, looking back over the history of this thing, was the fact that early in the game, even back in, as you say, the law school thing, that North Carolina

(Record 8)

showed an inherent moderate approach to this thing. They didn't raise the bloody shirt to start off with and they showed some reason in their approach. We all recognize that upon the decision of May 17, 1954, Governor Umstead, if he had been so inclined, if he had been a Harry McMullan, or Beverly Lake, he could have done a great deal to flip this state over to say we'll resist and join the rest of the South. The fact is that he didn't but was cautious and recognized the law as supreme, etc. However, we also recognize that Governor Hodges, in coming in, if he had felt strongly, because there had been no strong conclusion reached by anybody at that time, as you say we were in a period of what does this mean, Governor Hodges could have turned this thing and turned the State and could have caused a great deal of distress here. We also recognize that the leadership exerted by Tom Pearsall and his group was a continuing thread through the whole thing of a reasonable approach of what can we do rather than how can we stop this and how can we delay. So I think we have here many different factors and many different people who were working together. I think the unusual thing is that inherently, as you pointed out, all that they were trying to say was what is the right thing to do, which I think is rather remarkable, rather than the approach taken by Beverly Lake and others that, "Well, we're not going to stand for this and it is personally against my feeling and therefore I am going to do everything I can to thwart the decision..."

Johnston: If it closes a school.

Rankin: Yes, if it closes the school. I think it is a rather remarkable thing and I think your description here, Governor, is something we might point out. We had a stream, as you recall, of visiting firemen from the press, radio and television literally from all over the world, and yet I think they went away with a good

(Record 8)

impression of North Carolina. This all helped to contribute to the general understanding we had. One of the reasons that they did, especially among those who had the ability to be a little objective and understand, was Paul's explanation which we used to say in talking to them, "Look, we are Point-A. We recognize we want to go to Point Z. We have to..." (Johnston interrupts)

Johnston: We recognize we are going to be there whether we want to or not.

Rankin: Yes, we are going to be there. So the majority of our people don't recognize that. They don't want to go there. They don't think they are going to have to go there. And then we just spelled it out in the simple terms that he did, and invariably it brought understanding to these people from outside the State who said why hasn't North Carolina done something. And I think this was one of those things, as we went along, contributed to a better understanding.

0 Governor: Ed, you remember for the record that among that group that came was a team that came from the Voice of America, which paid a tribute to North Carolina through a world-wide broadcast ^{asking we} - what ~~had~~ ^{we} done, how ~~had~~ ^{we had} they done it, what ^{we} did ~~they~~ think about the situation.

Johnston: Let me, if I may. This same period, there is another point here that is very vital which ties in. In '55, July, immediately preceding the voluntary separation speech, that the draft on that, I prepared the first draft after discussing it with the Governor, and then he discussed it with Tom Pearsall, Colonel Joyner and the members of the Pearsall Committee, and of course you went over it, Ed, and Bob, I believe you saw a draft on it. Anyway, Ed Gill was very helpful in it. There was a key paragraph in that first draft and it was this. It was calling for voluntary separation and then saying let's not applaud those few who manage to get themselves

(Record 8)

admitted into a white school. You remember that?

Governor: Yes.

Johnston: And the question was, you see we had never said, nobody in an official position had ever admitted that there was ever going to be any integration. We had implied it by removing the race factors and all that, but we had never really raised the possibility definitely that there was going to be some integration,

Governor: With this exception. Beverly Lake raised ^{it} before the Supreme Court in the spring of '55.

Johnston: Yes.

Governor: In a negative way.

Johnston: That's true. But we had never admitted it.

Giles: This is Giles putting in a correction. Beverly Lake raised it before the Supreme Court in a very positive way.

Johnston: All right. That paragraph was the subject of a great deal of worry and discussing and we put it in one time and then take it out, put it back and take it out, and finally we decided, well, we just aren't ready for that to be said and it just better not be said and anyway it is hypothetical and maybe, at this stage, we can say that it isn't necessary because it hadn't happened and maybe something will happen and it won't be necessary. So the eventual decision was to leave it out. Tom, I am sure you will remember that paragraph. And we never did say that, and actually the only time when it ever got said, in a backhanded way, was in the report of the second Pearsall committee in what was provided to do if and when there was integration. There was your first real admission that there was going to be some.

Governor: That report came in the spring of '56.

(Record 8)

Johnston: That's right. It came way down the road. One other very interesting item here that ties in with current events. Ed Rankin will remember this. You were out of town. It was maybe two weeks before you were going to make this speech. You had already said you were going to come out with a plan in your statement defending Beverly Lake. The present Democratic nominee for the governorship came into the Governor's office just to say hello.

Governor: Who is this?

Johnston: Terry Sanford. And Ed and I were working on this thing and Terry said he just came in to caution us to please persuade the Governor not to say anything. Just don't say anything about this problem any more.

Rankin: Don't say anything against the NAACP specifically.

Johnston: Just don't say anything about it.

Rankin: Don't attack the NAACP. He emphasized that.

Governor: He said that?

Rankin: Yes, sir.

Johnston: And I said to Terry, "Well, Terry, something has got to be done." I said that the people are demanding that something be done. The Pearsall committee is working and it's just got to be. Oh no, the best thing you could do is just say, well, you just not going to say anything else about it. Don't even talk about it. I remember that very well.

Governor: That's something I didn't know.

Giles: Just for the record, let me add this as to some of the things that happened in the Attorney General's office in the early fall, late summer and early fall of '55. You recall that Beverly Lake, in the spring of '55, had represented the Attorney

(Record 9)

General in arguing the second case before the Supreme Court.

Governor: Of the United States.

Ciles: Of the United States in which the brief was presented on behalf of the State, in effect, asking the Court to follow, to adopt a local option or a local system of enforcement by putting it back to the district courts and let them work it out in accordance with local circumstances. That's a basic thread running through the argument of the brief. Now in the course of the oral argument Mr. Lake was asked by Justice Reid of the Court whether, under the laws of North Carolina, there could be any integration and the stenographic transcript of that argument shows that ~~argument~~ Mr. Lake says, "Of course there can be, Mr. Reid. Under the laws of our State Negro children can attend a school with white children. We have a pupil assignment statute which has no reference to race. I drafted that law and I spoke before a legislative committee and I was asked if it would permit integration and I told that committee that it would." That is just a matter of record and the exact wording of the oral argument can be picked up from the transcript. Now, by August '55, you recall that Mr. Lake had been speaking out in various public speeches over the State. It was evident that he was not speaking with the authorization of the Attorney General. Neither did he speak the policy of the State as understood by the Governor, but at the same time both the Governor and the Attorney General had to handle that particular problem delicately and, as I recall, Judge Rodman had emphasized that Mr. Lake was speaking as an individual which he was perfectly entitled to do. He was a good lawyer, but he did not speak for the Attorney General's office or the Attorney General because basic decisions on these policy matters had not been reached. By September, '55, the feeling there had become pretty clear cut and, fortunately, Mr. Lake decided that he would go into

(Record 9)

private law practice. That decision was made and announced shortly after I went to the Attorney General's office, to be done in October. So there was a period of almost two months there where Mr. Lake, knowing he was going to leave, but he was still in the office and he was still treated as the expert on this particular problem, and had to be dealt as such by the Attorney General.

Governor: He had not gone when you got there?

Giles: No, sir. There was about a two-month's overlap. Now as a matter of fact, of course, Mr. Rodman did not have personal confidence in him and did not really rely on him, but for the record as well as to get whatever value there was all of the matters then in the Attorney General's office of cases, etc., Mr. Rodman was very careful to bring Mr. Lake into it and insist that he be in it. As an example of the relationship there, you recall that the University case was then pending, relating to the under-graduate school. We had had some integration at the graduate level, but never at the under-graduate. The decision was made by the University Trustees that that would not be done except by court order, and the matter was then pending in the district court in Greensboro in the fall of '55. Mr. Lake did not want to participate in the workings on the case. He did not want to go to Greensboro for the oral argument and, if my memory is correct, Mr. Rodman made it plain that he was going and he wrote him officially, for the record, a letter telling him that he would go to Greensboro and be with him in the court for the oral argument on that case. Well, it was obvious to Mr. Rodman and those of us working with him that Mr. Lake simply did not want to be

(Record 9)

associated in a case that he knew, everybody knew, the State could not win, but that was an interesting reflection at that time on the relationship in the office and on the attitude taken by Mr. Lake. Now, on the other item of trying to give some concrete study and think out specifically on the matter of a local option plan and just how that would be done. I had a lot of conversation with Mr. Rodman during September, and I believe Mr. Rodman, I understood him to say--I ^{had} ~~have~~ not met Governor Hodges except casually I believe way back in the summer--that he had mentioned this possibility to the Governor, and I think in passing the Governor said, "Well, see what you can work out specifically. Give us something in writing." So we drafted letters, a possible letter from the Governor to Mr. Rodman asking him to do this, and a letter from Mr. Rodman to the Governor transmitting basic thoughts on it. I don't think those letters ever got out of the Attorney General's office. The reason ^{was} ~~was~~ that we could analyze and work out a system of local option elections, but we got hamstrung on how we would work out a system of tax rebates to equalize your financial support there and make it in a sensible manner. Now on through--I am going to rush ahead on through these months there--on into the fall of '55 and into December, I don't know that Mr. Rodman ever mentioned this to the Governor, but Mr. Rodman got a little impatient with the committee, with the advisory committee.

Governor: You mean the Pearsall Committee?

Giles: The Pearsall Committee. He felt that the committee was just going up the hill and down the hill, having a lot of meetings, lot of discussions and just wasn't getting anywhere. There were a few basic points that they could make a decision on. Mr. Rodman by that time was, for example, very well convinced on the advisability of local

(Record 9)

option elections; whatever else you did, that would be legal and would be sensible, so that, in the final analysis, if there were any integration at any place in the State then you could say to them, "All right, if you don't like it you can vote on it." He may not have mentioned this, but he privately expressed a little concern that the committee was not coming to grip on the basic points as rapidly as he thought that they probably could, and we had a lot of discussion on that and somewhere in December the thought came up, for the first time that I find in my notes here, of local option elections and tuition grants and I believe at that time, along about December, Virginia had come out with her Gray committee report, and if I recall that committee recommended tuition grants along with letting each community handle it in its own way. So the matter of tuition grants by then in the Attorney General's office, although Judge Rodman, with my help in some extent, in August '55 had gone to the County Commissioners and more or less thrown a little water on the idea of using tuition grants to handle this. Both of us now were convinced that as one of the possibilities of the total picture that it would be all right legally depending on how it worked out practically, but again back in August he was talking in terms of absolutes--that is, use this absolutely tuition grant to maintain absolute segregation and he said, Well, you probably can't do it because, and he had to say that because that was the proposal being put forward by Beverly Lake, why sure we don't have to have any integration because you can use the G. I. Bill approach to prevent it absolutely. So by December of '55, so far as the legal aspect went, we were ready to admit the possibility of using tuition grants as one of the items in the total picture and then realizing that whether or not in a given case it would stand up would depend on all the circumstances in that case. If you had one entire school

(Record 10)

which last week closed down and next week it opened up and put through everybody on a tuition grant and they rented the building from the local school board, they hired all the teachers who were formerly public school teachers a week ago and they picked right up where you could reason that the court likely would say, well that is really a public school. It is permeated with the public aspect. Now, all during this period I had no contact, I had no particular, I did not sit in with any of the advisory committee deliberations, so I don't know all of the talk that went on there, but you could pick up there and fill in.

Governor: That is the new Pearsall committee that did that, seven members authorized by the '55 General Assembly.

Giles: That's right, sir, December '55. As I recall some of your basic decisions were made about that time, in December, January, the following January.

Johnston: Before Tom starts, I would just like to say he probably didn't know how many hills you did go up and down with T. Taylor and Tom Ellis.

Governor Hodges: Tom hadn't come in then.

Johnston: Yes, they had.

Pearsall: I read you here. They came in in September of '55.

Johnston: It was up and down the hill, wasn't it, Tom?

Pearsall: I have two thoughts here. First, I want to add to your general thought about the importance, the part that the leadership North Carolina had played in the whole picture. ^{how} I made the statement several times. I think maybe I am qualified to do it because I have watched it over a period of seven or eight years, starting back with the University case and I have seen the effect of leadership, and I have contrasted it to

(Record 10)

what has happened in other states. I think perhaps if you put your finger on one thing that's the key to the way we have handled it in North Carolina it could be the kind of leadership we have had. And I want to give you some concrete examples of it. As we have studied this thing all the way through, I have been impressed by the fact that the people generally, intelligent people, were just so lost as to how to approach this thing that they ~~were~~ ready and willing to take anybody's advice who had studied it, anybody who was in authority and was ready to express an opinion with some degree of reason and judgment, so to speak. They were ready and anxious to take it. Now, that started with our Governor. They didn't go off immediately to make political hay out of it. That is I think the distinction between North Carolina and the other Southern States. It has been injected into politics in all the other states. It has been an issue in the primaries and the general elections. And the officials of other states made statements early in the game, which they didn't want to eat, and they had to. They said they weren't going to have it--you know those types of statements they have ^{made} had--but they are going to have it. They already have it. But fortunately in North Carolina, beginning with Bill Umstead and taken up with Governor Hodges, they have been sensible and reasonable enough to not make those statements. I think it is a great credit to the leadership of North Carolina that they haven't resorted to this sort of thing to get elected to public office. Some of the things this committee did, some of the things Paul did, Ed Gill did, you referred to some of them, were just as important almost as the origin of these statutes, these assignment bills, etc. I have reference to keeping the thing out of politics. There was a time when these letters were pouring in to Beverly Lake, as you know, and the question, he had to meet it. And the way you met

it with the statement about Kelly Alexander was a good example. So it hasn't been only a matter of legalistic approach to it, but it has been a matter of keeping it out of politics. As a result North Carolina never did get in the hole, where its Governors had said we are going to do this or we are not going to do that. A lot of friends of yours in other states wish, I know, many a time they had never made any statements. They would have been in a lot better shape if they hadn't. I think that, perhaps, is the key to the whole thing. Now, again, an example of how our people followed leadership. The General Assembly of 1953, with a little exception (Worthington), just swallowed out the assignment statute, hook, sinker and line. I remember talking to a lot of the Senators. I remember, particularly, I had a conference with Senator Calvin Graves. This fellow does his own thinking. He had some misgivings about our bill, but he said, "You boys have studied it. We don't know. We are going to follow you." In the special session, Jim Vogler, I recall, he had some section he wanted amended, but his final conclusion was, "Well, you boys have studied this thing. We don't know. We will accept it." Well, that is the way people have been willing to follow leadership in North Carolina. The kind of leadership we have had through our Governors is, in my opinion, perhaps the key to the whole thing. I think undoubtedly that the people of this State could have been led as wild as Virginia, South Carolina or anybody else. I have seen them get so keyed up that the least push would have pushed them over the brink to some drastic action.

Johnston: I think this last primary shows what could be done.

Pearsall: We had studied that. You see, that was one of our jobs. Both committee jobs were to sense public sentiment about this thing. We sensed it all the while, knew there was a potential danger here, a terrible one, as indicated by this last primary.

Johnston: That's four years removed from where we were.

Pearsall: If anybody is ever going to record the history of this effort in North Carolina, that's the theme. The golden thread that ought to run all the way through it, is the fact that we have had in this State the leadership that was realistic and was determined to preserve the public schools in this State and would not use the situation to their political advantage or selfish personal advantage.

Ran/kin: Let me add to this that not only you have had the leadership but you had the skill to do what Paul pointed out in that it takes more than just courage of saying, "Well, this is right." In other words, as many ministers would say, "All right, this is the court's decision; this is the law." So it took more, this leadership involved the skill and the understanding

(Record 11)

Rankin: One factor, I believe, Governor, in the whole picture of handling the segregation problem in North Carolina was the daily responsibility of getting information to the people about what was happening and dealing through news media, newspapers, radio, television, as well as our State press -- all these I think were instrumental in one way or the other of informing the people of the State. And I think it is a real tribute to you and to the way you handled yourself from the very first day you came into office when you gained the respect and the understanding of the press, particularly the North Carolina daily press and the wire services. And I think this carried over into the segregation situation where they would treat you fairly, and did treat you fairly, and the majority of the daily papers in North Carolina consistently, I think, followed you editorially in this whole approach to the Pearsall Plan. They were quick to admit the complexity of the issues, the gravity of the problem and would tend to, if there were a doubt, go with the Governor on these things. And also they were quick to condemn violence and they were quick to condemn the actions of some of these, the more, the group that we did not want support from. This got to be a rather involved thing, though, and I think in studying the record of this we ought to go back and look at what was said by the daily newspapers, editorial columns, particularly during the campaign, for the build up to the special session and to see what newspapers did support you. And as I recall a great majority of them did. You had a few very active opponents, such as the Raleigh NEWS AND OBSERVER and the RALEIGH TIMES. But by and large the press of the State has cooperated with you, even when they didn't agree with you, they respected you and they gave you excellent coverage from the standpoint of what you had, etc. Now the out-of-state picture was also equally important. While your

(Record 11)

attitude on this was, so far as I am concerned, a very wise policy, was not to comment on what happened in other states, you certainly were besieged by reporters, editors, journalists, visiting firemen of all types, on what's happening in North Carolina. And you talked to them freely and frankly and at great length, as you would recall if we went back and checked the books. A number of people came in here from everything, including the Canadian Broadcasting Corporation man who thought the Negro had to walk in the streets when he met a white man on the sidewalk and all the strange folks we did meet -- we had them from Europe, from Australia, from South Africa, we had people from the magazines and from newspaper chains, NBC, et cetera -- all of them were seeking information and eventually they ended up in the Governor's office and here we tried to give them a fair interpretation and understanding of what was happening and at the same time I think you ought to say something about some of the real serious problems we faced in misrepresentation of what happened. I think perhaps the best example of this is what happened in the NEW YORK TIMES.

Governor: Ed, I am glad to have had you put in proper perspective and for the record not only the relationships you and I had with the press and other news media but the perfectly marvelous attitude and action attributed by these people. I have said before and I will say again, I have a great affection for the press corps, people who represent all lines of communication and they have been very fair, basically, in their reporting, in their editorializing, and in their handling of news. There are always one or two exceptions, but that adds to the spice of life and keeps you on guard.

Basically, through all this period, I think the newspapers, although the public mis understands them, they are always looking for something of a news-nature, usually

(Record 11)

controversy. They, on this delicate issue, handled themselves extremely well, and I would like to say it. Now for the papers and other communication media outside of North Carolina who came to North Carolina, particularly in September of '57 at the time three local school boards, under state law and of their own initiative, did some integration. I am thinking of the half dozen students at Greensboro, the three or four or more at Charlotte, and the one at Winston-Salem. This was in the period of a fortnight before the Little Rock explosions. The way it was handled there can best be explained and understood by looking at the record and in the Governor's office files there is a very thick volume of correspondence with the editor of the NEW YORK TIMES, managing Editor, Mr. Turner Catledge, I believe. The way that file started and the way it was built up can be explained briefly on two incidents. One, having to do with the schools I have just mentioned in North Carolina. The other having to do, as you will recall, with a speech I was invited to make at the New York City Rotary Club. I was intimately connected with that club for a period of years and was chairman of its program committee for a year or so. I knew something about the audience. The day I was asked to come there it was specified that I talk on school segregation situation. There were 35 to 40 states of America represented in the audience. There were 15 or 20 nations represented there. That happens most every week in New York City. And there were present, I recall vividly, two NEW YORK TIMES reporters. We had written the speech. We gave it from manuscript. We gave it in a moderate and carefully-worded story of what could happen to the country if certain types of opinions were given, such as, only for example, the school segregation thing. Just in passing, to highlight what happened later, or failed to happen later, that audience, which is a fairly discriminating audience, stood and applauded when I finished this speech ~~very~~

I saw the two NEW YORK TIMES reporters afterwards. They asked me two or three specific questions about some points I made, and that was it. We step now to another speech I made in Orlando, Florida, some months later, which was made from notes, and I told of the incidents of how the NEW YORK TIMES reporters and photographers came to Greensboro, where half a dozen children were integrated, and where there was no noise or disturbance, no trouble of any kind, and I pointed out that on Page 37 in about a three-inch space, the NEW YORK TIMES had referred casually to this incident, although it was one of the most important developments in the South over the past century, of voluntary integration on a peaceful basis. And I said that the next day in Charlotte, because a truck driver's wife had egged on two or three students to throw some droppings from an ice truck, some icicles so to speak, to throw at the Negroes, that day the great, fair, staid NEW YORK TIMES carried three columns on the front page with pictures. I was told, I could not verify this, that the picture was staged because the photographer missed it when it went on, but they went through it again. I reported all this at the Orlando, Florida, speech to about 700 people from all over Florida. The next day I had a telephone call from an editor there who asked if I could substantiate what I had said. I said certainly. I wouldn't have made the statement if I couldn't. Then I told him all about it again and so within a day there was a two-column editorial over the full page of the Orlando SENTINEL with my picture, I think, but illustrating how much prominence they gave the situation and from that the NEW YORK TIMES went into action and we had a letter of inquiry from Turner Catledge, the distinguished managing editor. We we gave him the whole story of both of the New York Rotary Club situation and the situations in Charlotte and Greensboro, and pointed out to him that if the NEW YORK TIMES, for example,

handled the situation that way, what chance did a state have that was trying to mind its business and trying to do a decent job, what chance did it have of getting over its message to the people and to the world. And, as you remember, Bob, many times after that, with the famous Monroe kissing case and many other things, we had the same problem because many of the papers are looking for controversial situations. And I might just throw in, it had nothing to do with segregation but ties in with it: I recall vividly at the time, the very afternoon that the President of Guinea, Mr. Toure, came here, we were to meet him at the airport at 4:00 o'clock, but we had a press conference in the early afternoon and Bill Armstrong, the news editor of WRAL, said at the end of the conference he would like to make a statement. He said he had a call from a national broadcasting chain that day saying that they would like to have him shoot some film on the Toure visit and he said, "I will be glad to do it. What particular phase of the visit do you want?" And he said, "We want that part of it which shows the rioting in the streets when Toure comes." And when he said to him, "North Carolina doesn't do things that way," the man said, "Then I'm not interested," and hung up. That is the kind of thing that you got to worry about in all of these things and that is particularly true in this matter of school segregation. We have seen it through the years that have happened since our plan was passed by the legislature and the people and it has been part of the problem we are facing, part of the problem that we faced, the Little Rock situation and other things. But, basically, our own North Carolina news media have done a remarkable job.

Rankin: O. K. Have we got hurried thoughts or summary here on this thing that we should, anything past the last year or so that you want to discuss?

Pearsall: I think this should be brought out, Ed. I think we might cite some examples of how, let's speak first of these three cities that integrated. Did you get anything

on the record on that?

Rankin: No. Well, I mean only to mention that they had had press coverage, but nothing about the boards if you are going to mention their actions.

Governor: Of course, people called me back and forth during those hours saying please tell the school board not to do it, please tell them to do it, and we told our callers that it was up to the local Boards of Education.

Rankin: That's right.

Pearsall: First is that I think those boards rendered a real service to the State of North Carolina and they were willing to "guinea pig this thing" so to speak. It had to start

somewhere and they recognized it in those cities, which perhaps was the best place to start. It took courage on their part to do it. They got a little bit out of sorts with us. The chairman of the Greensboro board, for example, called me on the telephone when I made a statement ~~at the~~, after they had done it, saying in effect that I hoped they were doing the right thing. Just trying to be non-committal. Incidentally, that statement was cleared by Joyner and I think by you and everybody else in the committee cleared it. But everybody was on edge. But by and large that was a real contribution. Reference is made often to the fact we never have used the local option plan. Well, nobody had actually voted, but it has had its influence. I recall when they started to integrate in Greensboro a group called me from a certain address, told me how many people were there, wanted to know what they could do. They had had a mass meeting the night before and this was an executive committee meeting that was called and what could they do about it, and I told them to get them a lawyer and exercise their rights under the local option plan. What is that? Well, I told them in effect. They said, "Well, fine. We didn't know a thing about that. We will get a lawyer and we will go to work. That's all we want to know. Thank you." They hung up, probably went to see a lawyer and found out the ramifications of the thing and, in the meantime, time was passing and the children got in the schools and there was no incident. It wasn't as bad as they had thought it would be. The result being that it tided them over, but that safety valve feature, which we described it as, served in that particular case ^{for which it was} as the very purpose ~~it was~~ designed, ~~to do~~.

Governor: Psychologically. Don't ~~xxx~~ use the safety valve until you need it.

Pearsall: They had it there and they could use it if they wanted to. And in effect, they just weren't locked in. Greensboro again under the use of assignment statute -- the refinement of it, Bob, which you drew when they amended it in the '56 special session,

they have accomplished the just unheard of in Greensboro, ~~where they switched to the~~ from use of ~~their law~~. They have changed ^a ~~the~~ school ~~for~~ a white school to a Negro school. They transferred out of that school 300 white children and transferred into it 300 Negro children, and few people in this State, one member of our committee when I was talking about this sometime ago, didn't even know that had been done. ^{figured} ~~But that was~~ the mechanics we provided under this assignment amendment, ~~there~~. So it serves its purpose every day. That's all I got...

Rankin: Bob, do you have any more to wrap up on this thing that you want to mention, main points that you think we have overlooked?

Ciles: I would add that so far as drafting the legislation on this in the spring of '56, keep in mind that we had the report from the committee in April, early part of April '56, where the committee gave its general recommendation of local option legislation and tuition grants. And then the Attorney General was asked to prepare the legislation. At the time I was in the Attorney General's office and helped them on that, but also at that time the advisory committee had its own acting executive council and secretary and as was appropriate the advisory committee wanted to utilize his services and wanted to keep everybody happy on that part. Well, one of the side light items of interest was our effort and the difficulty of utilizing the assistance of Mr. Ellis and, at the same time, not utilizing it. That applied with respect to drafting the legislation as well as the task of drafting the suggested rules and regulations under the assignment statute which was passed out to school officials in the spring of '56.

Pearsall: Continuing on this question of leadership. It is another example of what I mean by leadership, the courage it took. I was conscious as perhaps the rest of you were that there was dissatisfaction on the way we were moving, moving too slow.

Bill Rodman talked to me several times about special sessions of the General Assembly?

He was urging all the while that we have one. We ought to move. Virginia had done something. The other States were talking big and the pressure was on, terrifically on the Governor all the while. Why didn't North Carolina do something? But he was taking his own counsel and taking the counsel of his advisers and their advice was to wait until the thing jelled, but the pressure as you know was terrific all the way through for North Carolina to do something. You're dragging your feet. We were even called by Virginians as the Turn Coats as you remember. This fellow Gray called me up one time and just accused us of running out on them, deserting the South, things of that type. We went to this conference in the Governor's office in Richmond, you remember.

Rankin: January of '56.

Pearsall: Yes. And there the general feeling was that these other states were doing a lot of something and North Carolina is not, but we held our fire, waited until we got thin ready in April and made our report. But there was terrific pressure all that while and it takes real manhood to stand up under that sort of thing and we were getting it. I have a file full of them. He's got thousands of letters from people condemning him for not doing something. But there is where leadership shows that we had lesser men who were seeking to further ~~the~~ their political advantage, or for some other advantage, not primarily interested in public education. You could have a different story all together from what you got in North Carolina. Now, if you want me to I will run down in a chronological sort of form and maybe we could come back and fill in a little later, but let me outline in a very hurried way the high lights, as I recall, of events that took place beginning with the adjournment of the 1955 regular session. Among the recommendations which the original Umstead committee made was in addition to the assignment statute and passing of the resolution, ~~It also recommended a continuing~~

~~step~~ and that ^{the} legislature set up a permanent ~~a~~ legislative committee for ^{the} that purpose of ^{making a continuing study of the school problem.}

The legislature accepted that recommendation and authorized such a committee. The Governor, Governor Hodges, I think in July, appointed this committee, composed of seven. You recall the law required two members from the House, two from the Senate, three at large. He appointed the three at large from the original committee -- Bob Hoffman of Morganton and Colonel Joyner and myself. Bob Hoffman was a Republican and I think it was wise that both parties were taken on both committees. We met at the Mansion, you recall, Governor, with the Attorney General there. I don't think Mr. Lake was present.

Governor: We ought to tell them right there, Tom, why we didn't put a Negro on and then you can come back to that.

Pearsall: All right. I've got the memorandum right here on that. When we organized and talked -- well, prior to that time, you and I talked at length about it, talked many times about it, we reviewed the experiences which we had had and I told you about the Nashville experience. I told you about the experience with the Negro leadership that we had called into our first committee and how on every hand we found first and foremost in the minds of the Negroes the question of asserting their rights. They were going to have what they say the Supreme Court had declared their rights to be, and that was immediate admission to the public schools of North Carolina, disregarding completely our primary objective, and that was to preserve the public schools. We tried to appeal to them on the basis of what's for the best interest of the State. How can we save the schools.

Governor: They didn't have objectivity.

Pearsall: They had no objectivity about it and I take either credit or blame, whatever it might be, for recommending without reservation, Governor, when he had that question

seriously under consideration. He had been advised by many people that Negroes ought to be on the committee. I felt like that they would be a hindrance to the committee. I frankly told them that I didn't think the committee could function properly. We had an objective and that was to preserve public schools. I didn't think any Negro in North Carolina could serve with that objectivity; that the Negro leadership wouldn't permit it. I went so far as to say that I, if I were a Negro ^{was} and put in that position, I couldn't approach it objectively because the pressure ^{would be} ~~is~~ just too great. I had seen what had happened to poor Hazel Parker, Negro Home County Agent down my section of the State. ~~They just~~, ^{It's} pitiful what they did to her. So it was on that basis that I recommended to the Governor that he not put a Negro on. I just thought we could be effective without one, and with one we couldn't. You would be having rump sessions all the time with your white members ~~and then you got to come back and have a public hearing and approve what you did with the minority sentiment always expressed.~~ And ^{that} that generally was the feeling of the committee. ~~It was certainly my feeling.~~ Well, he appointed the seven. We had our first meeting at the Mansion.

Rankin: What meeting are we talking about?

Pearsall: We are talking about July of '55. Now, the first action of our committee was to recommend that the local school boards appoint local advisory committees. Now you have to get the sequence of events here. In May '55 the implementation decree came down and we didn't know what they meant by moving, ah, what's the phrase?

Johnston: "With all deliberate speed."

Pearsall: "With all deliberate speed." We felt that we at least had to make some show that we were approaching the matter; that we were considering it.

Johnston: You know what they meant by good faith?

Pearsall: Yes. Well, we thought we knew what they meant by good faith. So we felt that in good faith that the school boards ought to make a move; that if they were called into court and they hadn't made a move you certainly couldn't prove good faith. So it was our recommendation that they appoint a committee to advise them. We sent out the circular, I have here, recommending that they do that, without describing in any detail what their function was except to study the situation and to advise them as to what they thought the sentiment of the people was and what should be done about the school question in light of the Court's decision. And some of the counties appointed committees and some didn't. In retrospect, we found later that was not necessary, but we didn't know at that time just what the Court was going to do. We were expecting lawsuits immediately and we were afraid of a lawsuit that would cover the whole State at one time. At Duke University we had another seminar on education and the Governor made a speech over there and named our committee at the time. I was there with one or two other members of the committee. The Governor in the summer of 1955 was preparing his statement of August 4, which was made and is of record, of course.

Governor: August 8.

Johnston: I think somebody ought to mention the fact that Jonathan Daniels wrote an editorial entitled "Southern Leadership at Its Best."

Pearsall: Complimenting the Southern leadership at its best.

Johnston: The last good thing he said about us.

Pearsall: Prior to all of this, I skipped over one event. Prior to the August statement

Johnston: He's sorry he said this.

Pearsall: In order to off-set the fact that we did not have a ^{Negro} member of our committee, it was determined we would try again to get the Negro leadership of the State to meet with our committee. Our first committee, the Umstead committee, was criticized ^{because} for the three Negro members who were on the committee ^{who} ~~were~~ state employees. They felt that the Governor had ~~influence~~ influence and power over them and that ~~they were not~~, their souls were not their own. And this time we decided we would try to get some ^{Negro} ~~white~~ ^{who} ~~that~~ were not handpicked so to speak and we asked some of the Durham Negroes and some of the Charlotte Negroes to ^{pick} ~~send~~ about 15 outstanding Negro leaders. We didn't pick them ~~and~~ they sent them and we had a good long session. I think you were there, Paul. You were there Governor. We got the same response at that meeting, even though a little stronger, that we did at the earlier meeting; that is, they were insisting upon immediate integration that their rights had been declared by the Court and they were going to have them. And the statement by the Greensboro man was to the effect that he didn't care what the effect on the public schools was. Stand or fall, he was going to have integration of public schools. Papers will carry a list of who was there. I've got them somewhere in my file. But we were very much disheartened over that effort, but recognized again that we would have to just take the ball and assert whatever leadership we felt was necessary, without their cooperation, to save the schools. And I think it had some influence perhaps, Governor, on your statement of August 8, ^(in preparation of that.)

Rankin: Tom, could you say, in connection with this, why this timing of August.

I mean, why did your committee think that now is the time to move ahead. In other words, you had to come up with something concrete.

Pearsall: Well, we took the Court's decision literally that we had to act in good faith

and that we had to begin to do some work and some study on it. By this time there was a pretty general feeling in the committee. And remember here that we had a committee this time who were mostly lawyers, people who understood the mechanics of government and felt the Supreme Court meant what it said. The first committee was a broad committee and it had some people on there who didn't appreciate the significance of the Court's decision. But this latter group, you analyze who they were, could see the handwriting on the wall, and we knew that something concrete had to be developed now. ~~And the Court's second decision was that the first committee~~ ^{implementing} could wait because the decision was yet to come. ^{With} The second committee, the law had been laid down pretty definitely then, ~~and they felt they could...~~

Governor: We were prepared then to organize. Didn't you get a paid staff and all that?

Pearsall: Yes, sir. We decided that we were going to have to have an office in Raleigh. We couldn't operate with the one in Rocky Mount as we did before and we were going to have to have some help. So I went to Dave Coltrane and Dave recommended Mr. Taylor. To me, ~~I had never had~~, I don't think I had ever met Mr. Taylor before, but...

(all talk at once and laugh)

Pearsall: Well, that's how he came. And back in those days, remember, none of us, ~~we~~ ^{just} hadn't grown up. All of us had ~~this~~ ^{the} feeling of resentment, terrible resentment toward the Court and the whole situation. And a man who would stand up and speak ^{like} Mr. Taylor would -- he would impress Dave and so Dave told me that he felt that he had a lot of influence with the legislature and he ~~understood this fellow~~ ^{found} was a lawyer. And I talked with the Governor about it and he authorized me to go over to see him and I went over and had a long talk with him.

Governor: I asked you to satisfy yourself, didn't I?

Pearsall: Yes you did, and I admit that I misjudged him.

Johnston: Well, we needed a little something for him to write, you know, but we didn't know were going to get _____.

Rankin: You didn't want a Junior Grade Beverly Lake, did you?

Pearsall: No. I remember how he traded me on that price. It was a terrible price we had to pay him -- ~~thirteen~~ \$12,000. But he was hard up. He owed a mortgage ~~on a house~~, on a building over there and said he had to pay it. He didn't make any bones about it. He said \$12,000 and would not come without it. Well, we swallowed pretty hard on that and I didn't approve it. So we came back and talked about it and decided we had to do something. And anyway, he came over after about 30 days and then Colonel Joyner had a young man who had been in his office for a while and he didn't need him any longer.

Rankin: He needed a home.

Pearsall: That's true, but he thought the fellow was ^{all right.} ~~he~~ recommended him without reservation. So the Colonel and I both missed and the two ^{went to work for us.} ~~came over and~~

Governor: Who is this fellow you are talking about?

Pearsall: I am talking about Ellis now. Tom Ellis. So they came over and we first set up an office in the Agriculture Building and later got over in the Revenue Building. We had one stenographer I think for a while and it finally developed into two. It is interesting to note that, as I read through my file here, that we had to call their hand pretty heavy at one time. They were beginning to make statements everywhere and issued publications which we didn't authorize so I had to write ^{Joyner} him and give him pretty specific instructions, that any speeches they made would have to be approved by the committee; any publications or anything that went out of their office had to have our okay. So we found out pretty early in the game that we had ^{a staff that} ~~some fellows who~~ didn't

think like the majority of our committee ~~thought~~^{so} and we had to put the shackles on them.

Johnston: Tom, let me inject one little note of humor, but it's factual. It was when the committee was first set up and they first hired Mr. Taylor and the office was still over in the Agriculture Building. You may have been present, I don't remember. T. came in with an excerpt from an encyclopedia he had picked up in Louisiana or somewhere. He had been on a tour. And I don't know what encyclopedia it was, but anyway he had it, and he was quoting it with great ~~and~~ seriousness about the peculiar odor of the Negro and the fact that the texture of his hair was not really hair, but wool. He went on, at length, about that with an, well that's when it dawned on me that we had gotten hold a a real

(double talk)

Pearsall: Well, we couldn't deal at length with that question but I think it is fair to say that the committee recognized, early in the game, that we had ~~people~~^{men} who were just unreasonable, ~~but~~ that they had a different attitude and idea about our approach which we couldn't buy.

Governor: We didn't mind the attitude personally, but they were working for a committee that had to decide the policy.

Pearsall: Well, we felt that way and finally later we had to just tell them so. When we got down to the deliberations ~~of~~^{on} the report we had to tell them so in so many words. They were doing quite a bit of traveling around and studying, so they said, ~~and I am going to mention in proper order here a report which I made.~~ All during the time of the fall of 1955, there was continuing to crop up, especially from the Attorney General, the idea that we needed a special session of the Legislature now. ~~Let's have it.~~ I knew that he was a little restless. Colonel and I knew. We had talked about it and, on Bill Rodman's insistence, you invited a group of our committee and the legislative leaders to meet in

your office on October 21, I notice here, to consider the question as to whether or not the special session should be called and the result of the conference was, after that due consideration it was decided that it should not be. So early in the game, even then, we were thinking about a special session. I notice from the notes that there was sent out to the membership of the committee some memorandums on an agenda and it deals with the question of whether or not we should have tuition grant and it is very much in detail here, but by December we had in your office pretty well jelled this idea of...

Governor: This is Giles' office you are talking about?

Pearsall: In the Attorney General's office. In the Attorney General's office the idea of tuition grants and local option was pretty well jelled and it was ~~pretty~~ on December 11, we had a meeting down at my lodge at Rocky Mount. All the committee came down. We spent the night and you ^(Gov.) came by on the way back from down East and spent a full day with us. That was the first time the thing was actually proposed as a package sort of a deal and the Attorney General, Bill Rodman, did it. ~~I recall his sitting over in that far corner and Colonel Joyner was sitting over here and it was still a little foreign to the Governor.~~

Governor: ~~He had to lie down.~~

Pearsall: ~~His hand hadn't quite grasped it and it shocked him so his mouth dropped open. He just couldn't take it in. But I think the idea was born, that is it congealed sort of an idea.~~

Johnston: I think the Governor thought it up, actually. I was present at that time. I always remember all those quail. They were wonderful. The Governor brought it up in a very direct and right to the point way and that jarred Colonel Joyner. And then Mr. Rodman -- I can see him right now sitting over in that corner that you are talking

about -- he sort of stood up and, with his usual habit of looking at the ceiling, just sort of ambled around on the subject and made it a little bit more palatable to the Colonel than the direct fashion which the Governor had thrown it out.

Pearsall: We felt after that meeting that we had something we could put our teeth in. And instructions were given to the Colonel and myself, chairman and vice-chairman, to begin to draft a report. We started to work on it, and I will come back to that in a minute. In the meantime T. Taylor and Tom Ellis had been off on a trip all through the Southern States and they came back and filed a report with us, and I have a copy of it here, I can't put my hands on it right now, I want you to see it, but it was the wildest type of recommendation you could imagine. In effect, it admitted that the public schools of North Carolina had served their purpose, they were through and we just as well start to looking for another means of educating the children of North Carolina. And this was a document that perhaps

All right, we come into the writing of the report. You ^(Pearsall) were in Florida during Christmas or right after that and the Colonel came up with a draft. I attempted something ^{but} and he came up with something ~~and his was~~ so much superior to what I was proposing that we junked mine, and used his as a basis for making the report. We came to Raleigh on several occasions, ~~to the hotel~~, and had our long and drawn-out meetings where we considered the report, item by item, and it was at that time that we had to put Taylor and Ellis in the position that they were just our employees and that they were not to dictate the policy. They were to perform whatever job we gave them to do based on the general policy which we laid out. I've got a memorandum on that here which showed again the problem we had with them. Let me get this outline on the record and then we will come back. After many, many sessions, really the most tedious ^(Pearsall) sessions I ever went through with, in the midst of which we had the congressional

manifesto. That complicated the matter, you remember, and Kitchin and Cooley didn't sign it, ~~and I remember...~~

Governor: Chatham and Cooley

Rankin: Deane

Governor: and Chatham.

Johnston: Deane, Chatham and Cooley.

Pearsall: That's right. I recall that we were very much upset over it. We had something originally in our report reflecting on it and Cloyd Philpott, a great Baptist he was, didn't want us to put it in there because of Deane. He was quite a Baptist leader. And, anyway, we took it out. Made no reference to it. But we finally came up with a report which was made on April 4, that's a matter of record. Now, immediately after the making of that report...

Johnston: Five.

Pearsall: Five. Thank you. We undertook something that had been overlooked and I think very significant. We just as well get the record straight on this thing. We hadn't had the cooperation of Charlie Carroll like we felt we should. Charlie was scared to death of the whole subject. He had, with great pleasure, pushed the responsibility off on us. We had assumed the responsibilities which I thought that he should have assumed all the way through. But it was just too hot a subject for him, showing again the people even in the educational world like he didn't know how to handle this problem. And anybody ^{who} ~~that~~ would take it off his shoulders, ^{was welcome to it.} ~~he was glad to put it on.~~

We had insisted all the while since the '55 session which ~~created~~ enacted the assignment statute, that he ought to issue rules and regulations to implement it, but he hadn't done a thing. We were approaching the closing of schools in the spring of

1956. We were going to use, for the first time, the assignment statute and still no rules and regulations had been promulgated. So Bob Giles and our committee undertook to write some rules and regulations with their help. We didn't get a lot of help out of Charlie Carroll. We got somebody to finally come over, Douglas, or who was it that came over to help?

Somebody: Everett Miller.

Pearsall: Everett Miller. Fine fellow. He was a very able man.

Johnston: Very helpful.

Pearsall: He was very helpful. But we worked for numbers of days to work up a set of rules and regulations for implementing the then existing assignment statute, ('55 statutes). And we set up meetings throughout six districts of the State. We had, at those meetings, representatives of the Superintendents' Association, the Office of the Superintendent of Public Instruction, Attorney General's Office, and our committee. We had three teams. Each team took two meetings, and, without any publicity, we went to these meetings where we had called the superintendents and school board members from all over the State in the respective districts. We had in our two, I think, Greenville -- Bob, you and I went to Greenville -- and Fayetteville. We got the same report from the others that they were very worthwhile meetings and it was the first time the Superintendents had some machinery placed in their hands by which they could use the assignment statute, which they did use in many cases the spring of that year. Such questions as how much notice to give. And that notice feature, for example, has been a life-saver all the way through, even used until this good day. Well, newspapers picked it up in Charlotte, and I think that is about the only place they picked up the fact that we even had the meetings. They went on without any great fanfare.

~~(somebody says a sentence in a whisper)~~

Pearsall: ~~All~~ right. Then we had to proceed to draw the legislation to implement our April 4 report. That is where Bob did yoeman's service, not only in the rules and regulations of the assignment statute, he did most of that work, but then he really went to work and did the State a great service, and I certainly want to take this opportunity to get on the record hoping it will be made permanent somewhere that he rendered the State of North Carolina some of the finest legal advice, when you come right down to ~~it was really~~ really helping a client or serving a client, the State being his client, he contributed I think as much as any lawyer has ever contributed to his State in that capacity. We worked on those things for weeks and weeks it seemed to me and then we began to make plans for the special session. We had conferences in your office and we decided when to call it and the special session was held...

Johnston: Tom, don't forget our briefing session.

Pearsall: Oh, yes.

Governor: Let's stop ~~it~~ right here *and discuss the briefing sessions*

Pearsall: I forgot the briefing session.

(Record 15)

Governor: These briefings were for the special session, ~~was it?~~

Rankin: Yes, in preparation for the special session and let's not miss those.

Pearsall: The briefing sessions?

Rankin: Yes.

Pearsall: Well, during the time, and shortly before, we prepared the legislation, the Governor invited members of the Legislature to Raleigh in groups. My recollection is you would have about

Johnston: That was before the report.

Pearsall: Huh?

Johnston: That was before the report was.

Pearsall: That was _____

Johnston: Before the report.

Pearsall: That's right. Back in the winter. It was timed to fit in with the announcement of candidates for the General Assembly. Again, bear it in mind the fact that we timed this thing in relation to politics as well as to the content of law, etc. Everybody was floundering. What sort of platform to run on for the Legislature. No leadership was being ^{given} ~~we~~ were being accused of that. ~~Now this leadership and~~ the Governor felt, in light of that, that we ought to bring these ^{legislators} ~~boys~~ in and tell them what our thinking was. He invited them in in groups of about 15 and had them for lunch and dinner, lunch one day and dinner that same day, ~~wouldn't you? all during the week.~~

~~Governor: I've forgotten.~~

Johnston: I think he had them in groups of about 30 and had them for dinner.

Pearsall: Had them for dinner? We didn't have two sessions a day?

Johnston: No.

Pearsall: Anyway, over a period of about four or five meetings we had all the members of the Legislature from all over the State. Invited them down and sat in the drawing room, the library, and spent, I reckon, two hours over the matter. The Governor would open up. The Attorney General would have a few little remarks to make. Then I would outline our thinking, pointing out to them the general theme that we were following and giving them a plank to run on, so to speak, so that they wouldn't go back and make all sorts of wild promises about what they were going to do and come to the Legislature committed. So most of these fellows ran their campaign based on either no race issue; or, if the issue were raised, they used our general approach as a plank in their platform to stand on. So when we elected the General Assembly, or nominated them in May, we had a group that was not all wild. Well, then when we got our legislation prepared, we talked at length about having some briefing sessions. Decided in favor of it. The question was whether or not they should be public or private sessions and we made them private, frankly, for two reasons. One of them was that we could speak out openly. We wanted the advice of the members of the Legislature on what we had done. It wasn't final. It wasn't complete. And we told them so when we had these meetings. We were telling them what we were thinking about, here were the bills we were proposing and to please criticize them and make suggestions, and, frankly, we got several right good suggestions. Nothing in the way of basic idea from them, but certainly a refinement of our ideas. Some of these practical politicians -- these boys who knew what they could pass and what they couldn't in the General Assembly -- made suggestions and we went back and made changes at the last minute you remember, Bob.

(Record 15)

And another reason why we didn't have public meetings was we didn't want to try our case before we got to court. It just didn't make sense for us to expose your hand completely and let the newspapers take it and just cut it all to pieces and build up a defense before you got to show your hand. Of course, at the time we knew one newspaper ~~would~~ would take it and distort it and do everything they could to paint the wrong sort of picture to the public generally and especially to the Legislature before we ever got down here. So they were the two reasons, as I recall, why we had these private meetings. ~~You recall the thinking on that?~~

Governor: I thought basically what it was all about so that you could get the job done more quickly because they would speak out at a meeting like that and you wouldn't have to take such a long time at it and as I said later, you remember, Tom, that I thought it was probably the best informed Legislature in history on a particular subject.

Pearsall: That was one thought I had overlooked. We felt definitely that if we brought ^{legislation} ~~these~~ down here cold, they were liable to stay here for two or three weeks and go off on every tangent in the world.

Governor: We wanted to do it in one week ~~and~~

Pearsall: We informed them about it so they could think about it before they came down here and would be able to knock the thing out without too much delay. And that's the way it developed. Your statement that that Legislature was better informed on what it was coming to Raleigh about than any other Legislature was certainly true and that was part of our

Johnston: I think there was one other point there, Tom, and that was you didn't want to have statements made and reported as a matter of public record which could be introduced in evidence in court. It is just that things could be said by people that would sound wrong

(Record 15)

out of context and if put in evidence in federal court just simply wouldn't do. You couldn't have them public.

Governor: Even though they were not official at that time.

Johnston: That's right.

Pearsall: The meetings were held. The first one was held in Rocky Mount, out at my place in Rocky Mount. And that when the NEWS AND OBSERVER picked up meeting in the woods. It was a little fringe of woods about 25, well may 25 or 30 yards thick in a great big open field on the highway, where our place was back on the lake and they called that meeting in the woods. So the other newspapers picked it up and it got to be--well, it worried us some. No doubt about it. We next went to Kinston and Tom White had us ~~be~~ out at Bob ^{Barris} ~~Barris~~' place and the newspaper there bugged the place, and we found the bug before we got started and, of course, cut it off.

Governor: Either a newspaper or a radio station, I don't know which.

Pearsall: Well, maybe it was--Tom, I thought Tom White and the newspaperman had always been fussing. Anyway it was one of the two. Let's just say it was bugged. They didn't succeed. We then had the next meeting at Cloyd Philpott's on his lake.

Governor Hodges: That was when we had to have guards to keep them out.

Pearsall: Well, they said we had guards. We really had them there more or less to direct us back in there, but they also served the purpose, ^{the press} they came down in there and we asked them to go over to a cottage next door. We had been given the use of the place. We would give them a statement when we got through, and one of them slipped around and was ~~there~~ eavesdropping behind the building. And it was at that meeting that Cloyd gave me an ax with a big red ribbon on it ^{saying} ~~says~~, "This is in memory of your meeting in

the woods, so you can cut yourself in and out hereafter. " I have the ax in my lodge now. Then the fourth meeting was held in the mountains beyond Waynesville. My personal opinion was that in spite of the criticism we got, it was a smart move, not only helped expedite it, but informed the legislature before they got down to Raleigh.

Governor: Well, the presentations you and Rodman and Giles and others made were very good indeed and made things much easier for the Governor and the Legislature.

Pearsall: The presentations you have reference to were in addition to these four meetings I have just referred to and followed immediately after our Waynesville meeting.

Governor: Well, I was thinking of the, I was thinking primarily of the meeting with the legislators. Those are the ones we are dealing with. The other meetings later were for the public consumption, held in Raleigh and in Asheville.

Pearsall: We held two simultaneous meetings; Paul and I stayed in Asheville. Or was it Bob? We stayed in Asheville because the Press Association was meeting there. The Attorney General and the Governor had a press meeting in Raleigh. They had television here and we released them simultaneously. We told the press exactly what we had told the legislators. I reviewed them. I said, "Now, gentlemen, we are going to give you today exactly the same type of presentation we gave to the members of the legislature at these four meetings. And I think that helped to ease the situation some.

Governor: Very good.

Pearsall: But that brings us to the session itself and I think the record speaks for itself there.

Governor Hodges: There is a good record, Tom, to save you time, there is a good, pretty clear-cut fulsome record in Dunn's thesis of the whole legislative hearing for the whole week, plus what the newspapers had.

(Record 15)

Johnston: There is a verbatim record of it in the Secretary of State's office.

Governor: Well, that's true, too. I have used this statement, Tom, hundreds of times, since 1956 to other Governors, other Legislators and scores and scores of industrialists and prospects, the most amazing thing about North Carolina is not the fact that she did so and so, but the fact that in the most troublous problem facing her in a century she passed constitutional amendments and new statutes with only two votes against it. It happened that one of those was on one side and one the other. They cancelled off with only two votes against it out of 170 people. To me, that is the most amazing thing that happened in North Carolina legislative history.

Pearsall: I think two outstanding features of the special session were ^{these} ~~features~~:

We scheduled our hearings in the auditorium in the Highway Building where it was very cool and arrangements were all ^{made} up. The press was set up, television and everything were all set up there. Negroes complained that they were not able to get in -- that it was so crowded that they were unable to attend the hearing and they wanted to attend. In order to satisfy that complaint, we moved immediately to the auditorium where everybody could come. Therefore, it was a public meeting in a hall sufficiently large to accommodate any and everybody that wanted to come. The second thing is that we gave notice in the press several days ahead of time that anybody that wanted to be heard before the committee could be heard. All they had to do was to write to the chairman of the committee and it was a free, open public hearing which everybody had an opportunity to express themselves under normal judicial type of circumstances. Nobody was harassed. Nobody was afraid to come. And, as you know, they did come and express themselves as perhaps as much in opposition as in favor of it.

(Record 15)

Governor: One thing in reviewing all of this that comes to my mind which is surprising, even in retrospect, that is one of the chief opponents of what was trying to be done at the time was by the PTA, headed by a charming Mrs. Crawford of Raleigh who evidently had been influenced by a certain newspaper in Raleigh...

Rankin: And by a PTA guy over in Durham.

Governor: A fellow named Walker in Durham. He had been a bad influence in educational circles through the years and if you will follow the record on that she not only protested, *but did a lot of talking and foolishly.* We called her in, had talks with her, tried to persuade her that what we were trying to do was to save the schools and yet, characteristic I think, too often with the PTA in recent years, it's a social tea instead of a constructive force in educational matters.

Pearsall: And she not only opposed us in the General Assembly, but she opposed it in the election proper.

Governor: Exactly.

Pearsall: She appeared on television several times and made public appearances around before PTA's.

Governor: Not that anybody minded the opposition, but the fact that the PTA, which ought to help preserve schools, was so misguided. Let's see if either one of these has any comment on the special session.

Rankin: The special session or the thinking of the members of the General Assembly as they discussed with you. What does this mean, what should we do, which way are we going, etc.?

Johnston: I would like to relate an incident that happened at the meetings at the Mansion prior to the release of the Pearsall report. I think all of us know that there

(Record 16)

is no more rabid segregationist than John Kerr. However, I think all of us know that John Kerr has a head full of sense and a heart of a statesman in many things. Anyway, he came to a second meeting. All the Legislators came to one. Well, John came to the second one and he looked like he felt very bad, pale and shaking. He came and sat next to me at the dinner table and I said, "John, what's the matter with you?" Oh, he says, "I feel terrible." I said, "Well, why you, you've already been to one of these." Oh, he said, "I wouldn't be here except Luther needs a bell goat."

Governor: A what?

Johnston: A bell goat. I tell it because it illustrates a point that many of the Legislators, and I am convinced a great number of the citizens, knew exactly what was taking place, that here was a way that the Supreme Court decision could be accommodated, and they knew it. But it was all done in the framework of something to completely defeat the Supreme Court decision. Now, actually it was both, of course. It was something to slow down the effect of the Supreme Court decision so that it didn't destroy our schools. That's really what it was. But so many of the Legislators would take an attitude that this was purely for segregation purposes when they knew in their hearts, and they would say in private or they would illustrate one way or the other, that they knew very well that they were really passing something to accommodate the decision.

Governor: Of course, Ed Rankin remembers that we had many letters later which accused us of misleading the public by saying that we promised them in the Legislature and in meetings afterwards that we wouldn't let anybody go in the school, let Negroes go to school with white people. They had just taken that position.

Pearsall: Another thought comes to my mind in connection with the preparation

that we made for the whole thing. I have reference to John Kerr being a "bell goat." I recall now we asked several legislators to come to several briefing meetings, so they could act, just as John said, "as a bell goat," as a guide for these other fellows. Now also, just before the special session, we had the directors of the North Carolina Education Association to meet and let us come over and explain our program to them to get them to endorse. They did. We also met with the School Board Association, members of the State School Board Association, and others. We appeared before them and got their endorsement. We appeared before the State Board of Education and got their public endorsement. So the thing was planned just about as minutely as any campaign I ever saw, because we just knew how important it was to have these educational forces behind us. We tried to get all the educational forces to support us and finally did have that in the end. When we were drawing our legislation at the hotel we had their representative. We invited Mr. Carroll to come and he sent Mr. Everett Miller. Everett Miller was a great deal of help to us and in my opinion was a man of quite some ability. He seemed to know the school law at that time better than anybody over there and he was keeping Mr. Carroll informed all the while on what we were doing. After we had agreed and understood completely that Carroll had agreed, he came to one of our meetings and withdrew his approval and made a

suggestion that rather than put in the constitutional amendment as we provided, he wanted to give the amendment a limited life. He wanted, at the end of two years, for it to expire. I remember that was one of his provisions. That wouldn't work, but we had some difficulty in our committee and I think finally ...

Governor: Why did he change his mind and want to ...

Pearsall: Well, there was quite an effort being made on the part of the local newspapers to make him do so, as they had called him "the last resort, that you have got to save the public schools and now is the time to show your manhood and your statesmanship and your love for education -- you just stand up and fight this" and that apparently had some influence on him, because under the pressure, or apparently under the pressure of that, he changed because the change came about the time that type of appeal was being made. But we talked to him as strong as we could at the committee and I understand the Governor had a conference with him and, in the final analysis, he did approve it. I want to say for the record, however, that when he appeared before the committee -- well, it was the whole legislature -- it was the committee of the whole, his testimony, I thought, was very forthright. It was a good strong argument which no one else had made. He made a point, which I thought was very good, and he didn't pull any punches then. And in the election which followed, he went out and did what he could, but we were disappointed. Frankly, the committee was disappointed all the way through in the lack of cooperation that we got from his office, especially in the implementation of the assignment statute. Members of the State Board of Education were very much concerned about his lack of leadership. And one of them made a statement to me that "it looks like your committee has turned out to be the Superintendent of Public Instruction in the state because you are doing the job that

(Record 16)

he ought to do." And I have reference to a man who perhaps knows more about public education ^{than anyone in the State}. He's a professional educator in one of our colleges. You probably know who I am talking about. He made no bones about the fact that ^{Carroll was} ~~they~~ were not fulfilling their responsibility.

Governor: Bob, do you have any comment on the special session?

Giles: My reaction sitting down in the City Auditorium for the hearings --and I think I attended all of them with the Legislature meeting as a committee of the whole -- I was greatly impressed with the presiding officers, the Speaker of the House, Mr. Larry Moore and Lt. Governor Barnhardt alternated, and I think everyone was impressed with their utter fairness and genial temperament in handling all of the sessions regardless of how intemperate some of the language was, used by people appearing before the session. The presiding officers certainly contributed, immeasurably in my opinion, to the spirit of the over-all approach which was being taken by the Governor and by the advisory committee and I think had a great deal to do with the way the legislative session came out. One of the little incidents that I recall, on the first day of the hearings where the opposition, you might say, to the legislation, got in their big licks. Professor Maggs appeared that afternoon and made a very skillful and clever presentation against all the legislation, and then that evening several prominent Negro people came in from Durham generally. Many of them made very able presentations and arguments in support of their position. Another person in the group, I believe Mr. Irvin Carlyle, and, as I recall, toward the end of that first day, it was about 10:00 o'clock in the evening, the thing, all we had heard was opposition and much of it was from some heavy weights. So sitting down there with Judge Rodman, Attorney General, Paul, Mr. Pearsall and Colonel Joyner,

(Record 16)

maybe two or three others, the question came up whether or not this thing was just going too far, to let the day end on that note. And whether or not Colonel Joyner shouldn't step into the breach. He had been primed and prepared to make a major statement on behalf of the committee and the approach. There it was about 10:00 o'clock and the question came up whether or not to throw him in there right then and there and not let the day end on such a lopsided note. Well, Colonel Joyner was dead tired. That was obvious. And, while he indicated he was willing to do whatever the group wanted, it would seem to be pretty obvious that he was not in a good physical condition to do it. Anyway, there was some further talk and discussion and as I recall the presiding officers pretty much took it out of our hands when they decided, well, it was time to adjourn for that particular day. But anyway, the note of adjournment on that day, as I recall, was one of rather pessimism.

Governor: It was because they came to me the next morning at the press conference and asked me if I were discouraged because the whole sentiment had been the other way.

Johnston: Let me say this. I had moved over into the Sir Walter Hotel for that session. Mr. Larkins was still technically the Legislative Counsel for the Governor, but I don't believe Mr. Larkins ever got an opportunity to read the bill or the report either. Anyway, I was living at the Sir Walter and that night that you speak of I stayed up until 4:30 in the morning. Heard Legislators around the lobby and up the stairs and down the stairs. I never did so much talking in my life. It was a bad time and Professor Maggs had really put a good deal of fight into them and Lake had gotten in some licks that day and it had scared them all.

Pearsall: I have two notes I think we ought to make on the session itself, the special

(Record 16)

session itself. One of them relates to the activities of one of our former employees and the other to our then employee. I have reference to T. Taylor and Tom Ellis. Now T. had resigned from our committee -- correct me on this -- in order to run for the Legislature against John Kerr, in which race he was pretty sorely beaten, but he had to retire to run and we had considered for sometime whether or not we would ask him for his resignation, but we knew that this was coming and we just lived along with it until he did resign. But we continued to keep Ellis on. But when we came to the special session, Taylor in collaboration with Satterfield and Morgan...

Johnston: Taylor was a member of that session.

Pearsall: Taylor was a member because that was the lame duck session, which carried over you see. The General election having been held in November. But he, along with Morgan and Satterfield, had Beverly Lake to draw a bill, which was counter, of course, to what we proposed, and in effect would strike from the Constitution the requirement for free public school system and place in the hands of the General Assembly the authority to provide, or not to provide, for a public school system. In addition to Taylor working for that bill ^{he} and made the primary speech on the committee floor for it. Our then employee, Tom Ellis, was working around the committee hearing room very much in opposition to our bill and in favor of the Satterfield bill, which it was known as, -- and as ~~Paul suggested, in the hotel lobby as well as up here~~ and I caught him at it red handed and called his hand on it. He said, "Well, I reckon you are ready to fire me." I don't recall my remark, but I had to restrain myself from telling him that was certainly what I ought to do. And we seriously considered that. But again, trying to keep harmony, we had a special election we had to have, so we kept Ellis on through doing routine sort of

(Record 16)

work. He never did do much, but he stayed on up here until, oh, I think perhaps the last of October before he resigned and went back to practice of law.

Johnston: Tom, let me say something here if I may. Sort of in mitigation of the camp of T. Taylor at that session. As I say, T. was a member of that session and, of course, we all knew how he felt about the committee's approach. He didn't like it. He much preferred the other approach. But, so far as I could tell -- and I think this is accurate -- he absolutely refrained from taking any position against it at all until the last night of the hearings on the amendment. And, he came to me before he made his speech and he said, "Paul, I have stayed quiet about this because of my previous employment with the committee. You know and they know that I am not in sympathy with it. I think it is so late that what I have to say is not going to have much effect anyway, but I feel bound to get up and say how I feel because otherwise the record puts me in favor of this legislation and I am going to get up and say what I have to say." And I told him to go ahead and do it. And as far as I know up to that point he had not done anything to get us in trouble.

Rankin: Who were the two people who voted against it?

Governor: Satterfield voted against the whole idea as being too liberal, etc. and Edwards from Durham, Dan Edwards of Durham, voted because he felt the other way, that it go far enough -- that we should have been integrated.

Johnston: He was a substitute member, anyway.

Pearsall: The other thing I want to mention about the special session was a statement which Larry Moore made, presiding as Speaker of the House, sometime during the

(Record 17)

consideration of the actual bill itself, somewhere along the first or second or third reading, somewhere along there. Well, it was the second or third reading. He made the statement, and what I call a clear, plain layman's type way: "Gentlemen, what this is is a bill that will let you integrate schools in your county if you want to and keep you from integrating them if you don't." Now, of course, his latter statement was not correct. You may have to integrate them if you don't want to. But it certainly put everybody on notice.

(everybody talking at once something about closing the school)

Governor: He was right in his statement.

Pearsall: I guess he was.

Governor: Yes, he was right in his statement.

Pearsall: My main point was that everybody knew that this bill permitted integration.

Governor: And it was a great statement on Larry's part and he handled himself very well during the whole thing. Coming from the East, as he did, he deserves nothing but credit.

Pearsall: I know personally how deeply he felt about it.

Johnson: He made the statement while the House was waiting for the Senate to take some action, or something, and they were sort of in a recess but they were sitting easy when he made that statement and it was a beautiful thing.

Governor: When was it, Ed, when they had the first integration in the schools on the voluntary basis in Greensboro? Was it '57? Or was it the fall...

Rankin: September of '57.

Governor: Well, do we need to talk about anything the '56 and '57.

Pearsall: Yes. There is one thing you ought to tell about, Governor, about your

(Record 17)

appointment of a committee headed by McPherson, who handled the campaign for the special election.

Rankin: The campaign, I think, is important.

Governor: Well, after the special session was over; and it lasted just one week and was handled very well as I have pointed out only two votes against it out of the 170 people, is the question of selling the idea to the people and giving them a chance to vote because the statutes, as you recall, Mr. Pearsall, were dependent upon the constitutional amendment's passing. The statutes took effect automatically if the constitutional amendments were voted upon favorably by the people. Of course, the people themselves didn't vote on the statutes. We selected a man who probably felt as moderate and as liberal as you may think toward the over-all situation as anybody did but basically thinking in terms of schools and keeping them open. That's Holt McPherson, Editor of the HIGH POINT ENTERPRISE. He took, on a voluntary basis, the responsibility of directing this situation. I recall as a newspaperman how at times he got very much vexed with one Jonathan Daniels and one or two other people, primarily Jonathan Daniels, on some of the positions they had taken, that he felt, as a newspaperman, were wrong. He was able to persuade Ralph Howland, trained newspaperman, formerly with the CHARLOTTE OBSERVER, to act as a public relations man and they prepared simple question and answer brochures, and the campaign was put on throughout the State. I think it is rather ^{interesting} ~~interesting~~ indeed that about 83% of the people voted for the suggestion, practically every county in the State--I think all but one, maybe.

(Record 17)

Rankin: All counties.

(all taking at once)

Governor: Jones County. Was it a mistake?

Pearsall: It was reported in the paper as not carrying it, but it was typographical error in all papers.

Governor: Then this thesis we want to call attention to. The thesis shows that Jones was against it.

Pearsall: I have called that to Dunn's attention. He is going to correct that.

Governor: I had thought all the time it was a hundred counties. Well, it was about 83% and there were upwards of a half million people that went to the polls to vote on this very special situation. I think it is a tribute to the people of North Carolina the way they voted and the way they handled it.

Pearsall: Let me interrupt you right there. I want you to come back. ^{to my former theme} It is a tribute to the leadership, ^{and} ~~and again that's~~ my best evidence as to the point, ^{made} while ago that the people of this State are ready to follow good leadership. That was the thing they were grasping ^{for} at. It was the only thing that was offered. It was something constructive and the leadership of the State had supported it and they took it almost a hundred per cent, unanimously. That's the best evidence I know of the think I was talking about earlier.

Governor: Well, that's representative government.

Pearsall: That's right. Leaders propose a thing and the people will follow you like that.

Giles: I would like to add this comment on the leadership thread, which I think

(Record 17)

is very important, and say that in my opinion there are three individuals during that period from June of '55, July of '55, through September '56 that were certainly key. First, of course, would be the Governor, who by virtue of his position and personality could have turned the whole situation most any way. He certainly could have turned it directly opposite from the way it went. Next, I think, was the Attorney General, because of the office itself. A different man in that office during that time could have been a tremendous handicap regardless of the position the Governor took or the advisory committee. I think, third, was the advisory committee itself and the chairman. If the chairman of the advisory committee had been a different personality, a different man, who had been appointed, say, by the Governor back in '55 and then as the thing moved along and he had not seen eye to eye, they had had different opinions and approaches on it, the Governor would have been in a bad situation to get a new chairman or to appoint a new committee, and that would have been difficult. So on your leadership thread there, I think, in my opinion, those three individuals, with of course the Governor occupying the unique position of responsibility and authority, were really the key during that period.

Pearsall: Let me add one more, and I would certainly put it high upon the list of those, perhaps second to the Governor, who is entitled to a great deal of credit for what was done, and that is Colonel Joyner. I am sure all of us in this room who worked with him recognizes him, just as I do, as one of the finest citizens of North Carolina, a man who is so intellectually honest and a man with such fine legal talent, that I say he was the guiding strength and force all through the committee deliberations. I don't think there is any question about that.

(Record 17)

Governor: I think that is true.

Pearsall: That he is the author primarily, as you all know, of the report itself. Of course, the committee agreed on its principles, but we asked him to frame it in proper language and he did and it is almost pretty reading. It is just a beautiful expression. He is an artist when it comes to writing documents. This is one of his primary assets in the practice of law and not only in that respect was he a tower of strength, but the fact he is the son of Dr. J. Y. Joyner, who was the Superintendent of Public Instruction of this State under Aycock and his name is identified with public education throughout this entire century. That gave great strength to his presence on the committee and gave our report, our recommendations, I think, a lot of dignity and a lot of force that it may not otherwise have had.

Governor: I think that is a very fair and generous statement.

Pearsall: I want to say as Chairman I made very few decisions without consulting him

(Record 17)

and certainly he is entitled to a tremendous amount of credit for, if credit is due to anybody, to any of us, for what was done. He continues to advise and counsel. I don't know whether the public generally knows it now, but we have little informal caucuses even now with this committee. Most of the work is legal work now--that is defending cases and is handled mostly by local committees, which it should be. That the very essence of the law. We have stayed out of it and I think have been successful in defending our lawsuits largely because, as a State Agency, operating as a State Agency, we haven't made ourselves a party to it. Just let me say again, this ought to be in the record, that Paul Johnston and Bob Giles both have worked with us from the very outset and, certainly, we didn't make any decision in the earlier days without consulting Paul and later without consulting Bob. I think I have in this record somewhere a statement with regard to Bob's activities and I want to apply with equal emphasis that statement to Paul. Governor, these boys with legal minds, minds trained to reason, logical sort of minds and with personalities that aren't warped by prejudice, etc., were a tremendous asset to the committee and we are very, very fortunate that we had them.

Governor Hodges: The Governor would subscribe to that also a good secretary in Ed Rankin, who helped in all of it.

(The End)