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Elreta Melton Alexander (1919–1998) was a pioneering African-American attorney from Greensboro, North Carolina. Coming of age during the Jim Crow period of the South, she was the daughter of a Baptist minister and a teacher, and grew up in a black middle class community. The descendant of two white grandparents, her bi-racialism formed her early awareness of colorism within the African-American community. Alexander received her Bachelor of Arts from North Carolina Agricultural and Technical University before going on to become the first African-American woman to graduate from Columbia Law School in 1945. In 1947, she became the first African-American woman to be admitted to the North Carolina bar. Her husband, Dr. Girardeau “Tony” Alexander was a prominent surgeon at L. Richardson Hospital, the segregated hospital for African Americans in Greensboro. Their marriage, which lasted thirty years, was often troubled, with domestic violence, infidelity, and alcoholism, ending in divorce in 1968.

After establishing her practice in Greensboro, Alexander became a successful attorney. In 1964, she defended Charles Yoes, who stood with three other men accused of raping a white woman, Mary Lou Marion. The trial went on to become the longest criminal trial in Guilford County court history at the time, and changed the county’s jury selection procedures. In 1968, Alexander became the first African-American woman to become an elected district court judge. During her tenure she created the controversial Judgment Day program, aimed at rehabilitating young, first-time offenders. In 1974,

Alexander ran for North Carolina Supreme Court chief justice, losing in the Republican primary to James Newcomb, a white, fire-extinguisher salesman. Newcomb went on to lose to Democrat Susie Sharp, who became the first elected female state Supreme Court chief justice in the country. Alexander's loss prompted changes to North Carolina judicial election requirements. Through it all, Alexander remained devoted to her only son, Girardeau, III, who suffered from schizophrenia. While not a well-known figure in the Civil Rights Movement, this dissertation offers a new perspective on civil rights leadership. Alexander was more than a judge to those she interacted with; she was also a teacher who integrated her commitment to civil rights in everything she did. As Alexander said, "Every case to me was a civil rights case." This work contends Alexander dedicated her career to civil rights and challenging the status quo of the segregationist South through performative leadership and using her professional standing to advocate for marginalized individuals who lacked a voice in the southern legal system.

FIGHTING WITHIN THE BAR: JUDGE ELRETA ALEXANDER AND CIVIL  
RIGHTS ADVOCACY IN GREENSBORO, NORTH CAROLINA

by

Virginia Lyndsay Summey

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Approved by

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Committee Chair

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APPROVAL PAGE

This dissertation, written by Virginia Lyndsay Summey, has been approved by the following committee of the Faculty of The Graduate School at The University of North Carolina at Greensboro.

Committee Chair Charles Bolton

Committee Members Greg O'Brien

Omar Ali

Anya Jabour

October 18, 2017  
Date of Acceptance by Committee

October 18, 2017  
Date of Final Oral Examination

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retreats Drs. Paul Silvia and Anne Parsons served as generous editors and sounding boards. Erin Lawimore and the staff at the Martha Blakeney Hodges Special Collections aided me in accessing Elreta Alexander's papers and continue to care for them so her voice and legacy will be preserved. Dr. Mark Elliott and the participants of his dissertation writing group have read and edited almost every chapter here. Every doctoral candidate should be so lucky. And Dawn Avolio, Kristina Wright, and Laurie O'Neil not only keep the history department running, but have personally kept me on top of deadlines and paperwork in addition to becoming wonderful friends.

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## CHAPTER I

### INTRODUCTION

This dissertation explores the life of groundbreaking attorney, Elreta Melton Alexander Ralston (1919–1998).<sup>1</sup> In 1945, Alexander became the first African-American woman to graduate from Columbia Law School. In 1947, she was the first African-American woman to practice law in the State of North Carolina, and subsequently, in 1968, became the first African-American woman to become an elected district court judge. Despite her accomplishments, Alexander is little known to scholars outside of her hometown of Greensboro, North Carolina. While Alexander did not actively participate in civil rights marches and demonstrations, she used her professional achievements and middle-class status to advocate for individuals who lacked a voice in the southern legal system. Participants in the civil rights movement did not agree on one particular form of activism. The movement consisted of an array of individuals who used different strategies to achieve the goal of equality. I argue that Alexander, and black professional women like her, were integral to the civil rights movement. Even if they were not picking up signs and publicly protesting, women like Alexander challenged laws that adversely affected African Americans and integrated white professional spaces.

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<sup>1</sup> Throughout most of her career, Elreta Alexander Ralston was known as Elreta Melton Alexander, or as “Judge A” while she was on the bench. I will refer to her in this dissertation by her original married name, Alexander.

Women and African Americans have historically used the law as a means of obtaining personal and societal change. Changes in the law were vital to the accomplishments achieved during the civil rights movement.<sup>2</sup> Using her professional status, Alexander combatted segregation by demonstrating that black women were worthy and capable of achieving careers alongside white men, thereby creating environments in which other African Americans could succeed. Her legal expertise and ability to reach across racial boundaries also made her an important figure in the civil rights movement in Greensboro, North Carolina.

This dissertation will join the ranks of thesis-centered biographies that bring pioneering African Americans into the spotlight and highlight their central role in advancing civil rights. Barbara Ransby's groundbreaking biography of Ella Baker argues that Baker wanted to change the system and that achieving change required persistent dialogue, consensus, and struggle.<sup>3</sup> I use Ransby as a model by arguing Alexander changed the legal system. Ransby, as well as historians Tim Tyson and Kathleen Charron, demonstrate in their biographies of civil rights leaders that there were multiple approaches to combating segregation and systematic white repression in the South.<sup>4</sup> In *Radio Free Dixie*, Tyson explores the life of Robert Williams, who approached the civil rights movement militantly. In *Freedom's Teacher*, Charron demonstrates how Septima

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<sup>2</sup> Tracy A. Thomas and Tracey Jean Boisseau, eds., *Feminist Legal History: Essays on Women and Law* (New York: New York University Press, 2011), 1.

<sup>3</sup> See Barbara Ransby, *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: The University of North Carolina Press, 2005).

<sup>4</sup> See Katherine Mellen Charron, *Freedom's Teacher: The Life of Septima Clark* (Chapel Hill: The University of North Carolina Press, 2009); Timothy B. Tyson, *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (Chapel Hill: The University of North Carolina Press, 1999).

Clark used education to combat racial injustice. These biographies use the lives of individuals as a lens in which to examine different aspects of the civil rights movement and unique forms of activism. My work on Alexander will continue to push civil rights historiography in a new direction. Historians often focus on individuals who push societal boundaries. Martin Luther King, Jr., Fannie Lou Hamer, Rosa Parks, and other prominent figures of the civil rights movement all changed society by working against it. Alexander, on the other hand, was an example of someone who defied racial stereotypes. She changed society and the legal system by working within it, quietly removing barriers and clearing paths for future African-American professionals.

Like any work attempting to encapsulate an individual's life, this work explores many themes that intersect and shape an individual's life. Elreta Alexander's life story encompasses many major themes of the twentieth-century South, from Jim Crow to civil rights and legal and political history. Several historians have laid the foundation for my work on Alexander. Many books focus on an aspect or theme of Alexander's life that help contextualize her life story. Born in 1919, young Elreta Melton Alexander came of age during the era of Jim Crow.<sup>5</sup> Jennifer Ritterhouse analyzes "growing up Jim Crow" and being reared in the segregated South. She examines how children learned about race in the South and interacted across the color line. Alexander knew what it was like to grow up in the Jim Crow South. Like the parents of young black children in Ritterhouse's book, Alexander's parents, J.C. and Alain Melton, took strides to ensure

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<sup>5</sup> Throughout most of this dissertation I will refer to Elreta Melton Alexander by her married and professional name, Alexander.

their children were shielded from Jim Crow segregation. Ritterhouse focuses much of her analysis on the communication between black and white children during this period, but primary sources indicate that Alexander had a different experience. Alexander's parents rarely patronized racially segregated businesses and young Elreta and her siblings attended black churches as well as black primary and secondary schools, as was customary in the pre-*Brown* era. Ritterhouse also focuses on how black parents taught their children "racial etiquette." Alexander never gave any indication that her parents taught her to practice deference to white people. Instead, sources indicate that Alexander was taught to be a leader in the black community. I argue that the Melton family's middle-class status shielded young Alexander from many of the horrors of the Jim Crow South.<sup>6</sup>

For the Melton children, growing up among the black middle-class also came with a sense of responsibility. J.C. Melton made receiving an education a requirement and raised his children with an emphasis on respectability and racial uplift. In *What a Woman Ought to Be and to Do*, Stephanie Shaw details "socially responsible individualism," using one's education and talents for the good of the race. This book contextualizes the philosophy that Alexander's parents stressed during her childhood: that one's talents should be used for the benefit of others. While many of the women in Shaw's book predate Alexander professionally, Alexander would still be intimately familiar with the concept of "socially responsible individualism." During the Jim Crow

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<sup>6</sup> Jennifer Ritterhouse, *Growing Up Jim Crow: How Black and White Southern Children Learned Race* (Chapel Hill: The University of North Carolina Press, 2008).

era, few African Americans received a college education or pursued professional careers. Those who remained in rural areas worked in agriculture, while those in urban areas often worked in factories or for wealthy, white families. Shaw argues that the few, like Alexander, who received extensive educations were expected to help those less fortunate. Many educated black women went into the teaching profession but still struggled financially. As a successful and wealthy attorney, Alexander frequently used her legal talents to take on pro bono cases for those with few means. Rarely turning down clients based on ability to pay, Alexander felt that everybody deserved equal representation under the law regardless of race or class.<sup>7</sup>

The “politics of respectability” that was emphasized in the Melton home was also a key tenet of the black Baptist Church, of which the Melton family were members. J.C. Melton was a Baptist minister at a time when the black Baptist Church was a hub of community organizing and intellectual thought in the African-American community. In *Righteous Discontent*, Evelyn Brooks Higginbotham argues black women were vital in promoting the social mission of the church. The women’s movement in the black Baptist Church emphasized education and a “female talented tenth.” Women such as Alexander’s mother, Alain Melton, were personifications of the politics of respectability in their behavior and attitudes towards racism. Their emphasis on manners, moral codes, and self-help was passed on to their daughters, such as Elreta Alexander and her sister, Etta, both of whom became attorneys.<sup>8</sup>

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<sup>7</sup> Stephanie Shaw, *What a Woman Ought to Be and To Do: Black Professional Women Workers During the Jim Crow Era* (Chicago: The University of Chicago Press, 1996).

<sup>8</sup> Evelyn Brooks Higginbotham, *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880–1920* (Cambridge: Harvard University Press, 1993).

Growing up a member of the black middle-class also shaped Alexander's upbringing and the expectations placed upon her from a young age. Cedric Robinson's *Black Marxism* helps contextualize the class component of Alexander's life. She was the product of educated, middle-class parenting—the “black bourgeoisie.” Karl Marx argued that “politics was the concentrated expression of economics. . . . The propertied and the property-less were locked in an irreconcilable struggle, in which those who worked the means of production would eventually control them.”<sup>9</sup> Robinson takes Marx's Eurocentric analysis and applies it to the economic and cultural repression of African Americans. He theorizes that the white intelligentsia wrote history in a manner that “accommodated” the exploitation by the ruling class over laboring classes. The black petit bourgeoisie felt they needed to incorporate their history into the broader American narrative. Robinson states that the “aspirations of the Black middle class required a history that would . . . lend historical weight to the dignity they claimed as a class, and suggest their potential as participants in the country's future. They required a black historiography that would challenge their exclusion from the nation's racial parochialisms while settling for those very values.”<sup>10</sup> In order to fight for inclusion, the black middle class had to embrace the principles of those who determined economic and cultural norms. While young Elreta was raised to be a leader within her race, she was required by

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<sup>9</sup> William Henry Watkins, “A Marxian and Radical Reconstructionist Critique of American Education: Searching Out Black Voices,” in *Black Protest Thought and Education*, William Henry Watkins, ed. (New York: Peter Lang Publishing, 2005), 109.

<sup>10</sup> Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: The University of North Carolina Press, 2000), 189–90.

her father to receive an education, which allowed her eventually to integrate both black and white middle-class worlds.

One of the bedrocks of the black middle class was education. When Carter G. Woodson wrote *The Mis-Education of the Negro* in 1933, higher education was dominated by white males who espoused racist ideas and rhetoric. Woodson, who earned his Ph.D. in History at Harvard University in 1912, rose through the academic ranks when the philosophy of the Dunning School dominated historiographical thought. In *The Mis-Education of the Negro*, he criticizes the black intelligentsia who came up through the same system, accusing them of failing to uplift the race and for seeking to assimilate in white society.<sup>11</sup> Asserting that Eurocentrism and racism permeated the academy, Woodson contends the black intelligentsia thus had to embrace a racially conservative ideology in American institutions of higher learning. In the early twentieth century, a significant degree of assimilation was necessary to achieve a high level of education.

In 1945, when Elreta Melton Alexander became the first African-American woman to graduate from Columbia Law School, she had just completed a rigorous course of study on American law based on a legal system that discriminated against African Americans, and particularly African-American men. Speaking of her time at Columbia, Alexander stated that “my sister made me some beautiful clothes so I could be decent going to Columbia Law School.”<sup>12</sup> Part of attending Columbia was fitting in with her

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<sup>11</sup> Pero Gaglo Dagbovie, “Among the Vitalizing Tools of the Radical Intelligentsia, of Course the Most Crucial was Words,” *Journal for the Study of Radicalism* 3, no. 2 (Fall 2009): 81–112.

<sup>12</sup> Elreta Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection, Martha Blakeney Hodges Special Collections, University of North Carolina at Greensboro.

rich classmates who the professors “expected to become Senators.”<sup>13</sup> Perhaps it was because of the lightness of Alexander’s skin, or perhaps it was because of her status as Columbia Law student, but Alexander was accepted by the white establishment at Columbia University. Her acceptance into a white environment, her notion of aesthetics, her vernacular, and her professional positions made her race secondary in the eyes of many whites. Her experiences when she returned home to North Carolina, on the other hand, presented new challenges regarding her race and career.

Class remains an important unit of analysis throughout Alexander’s life. In *Gender and Jim Crow*, Glenda Gilmore argues that middle-class black women, such as black political activist Sarah Dudley Pettey, were active in promoting interracial cooperation. Alexander, who worked alongside white attorneys, certainly embodied interracial work. In *Uplifting the Race*, Kevin Gaines examines the black middle-class ideologies of self-help and uplift, the idea that African Americans should work and pull themselves up by their own bootstraps. Gaines argues these ideologies, rooted in inequality within the race, were rife with tension and contradiction. While important and influential in the struggle for equal rights, Gaines states that black middle-class ideology placed emphasis on patriarchy, the accumulation of wealth, and debunking the notion of biological race differences. Alexander embodied many of the contradictions discussed by Gaines. She espoused the self-help and uplift ideologies, and her professional success allowed her to accumulate wealth. She also lived a life that was inconsistent with Gaines’s analysis. Through her poetry, she expressed her anger towards whites, she

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<sup>13</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

brazenly integrated white spaces in Greensboro, and she took on pro-bono cases so all African Americans, regardless of race, could have proper legal representation. Alexander could not speak for lower-class blacks, but she dedicated her career to making sure they were not left behind in the civil rights struggle.<sup>14</sup>

This dissertation also touches on several themes pertaining to race and gender. The role of black women within the mainstream feminist movement has been marginalized. Seminal works on feminism such as Ruth Rosen's *World Split Open*, Christine Stansell's *The Feminist Promise*, and Nancy Cott's *The Grounding of Modern Feminism* do not substantially address black women in the movement. Like many feminists, Elreta Alexander had to balance a successful career and motherhood at a time when doing so was culturally frowned upon. While Betty Friedan drew attention to the plight of educated white women limited to the role of housewife in *The Feminine Mystique* in 1963, black women like Elreta Alexander faced the same burdens with the added complication of race. And while Alexander probably would not have described herself as a feminist, despite refusing to confine herself to the role of housewife, her career not only broke down barriers for African-American professionals, but also for female professionals. She stated one of her primary goals was to prove that "brains are not sex or color coded."<sup>15</sup>

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<sup>14</sup> Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996); Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896–1920* (Chapel Hill: The University of North Carolina Press, 1996).

<sup>15</sup> See Nancy Cott, *The Grounding of Modern Feminism* (New Haven: Yale University Press, 1987); Betty Friedan, *The Feminine Mystique* (New York: W.W. Norton, 1963); Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Viking, 2000); Christine Stansell, *The Feminist Promise: 1792 to the Present* (New York: Modern Library, 2011); Anna R. Hays, *Without*

Black women yield a “multiple consciousness,” dealing with issues of race and gender in their daily lives. According to Patricia Hill Collins, “On certain dimensions, black women may more closely resemble black men, on other, white women, and still on others, black women may stand apart from both groups.”<sup>16</sup> Postmodernist theories of intersectionality and assemblage examine how these multiple characteristics inform our understanding of women like Alexander. Kimberle Crenshaw argues that black women are “sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not accurately reflect the interaction of race and gender.”<sup>17</sup> The experiences of black women are at times influenced by their race, at times influenced by their gender, and at times both.

Alexander’s career initially rose in the mid-twentieth century “between waves”; however, historians have begun to question that chronology. Nancy Hewitt’s *No Permanent Waves*, addresses the waves metaphor and recasts the chronology of the women’s movement as a more fluid movement. Hewitt argues that “efforts to advance women’s interests and gender justice never disappear completely but continue in local areas or in muted form until changed circumstances allow them to ignite broad mobilizations and new contestations over priorities, strategies, and alliances.”

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*Precedent: The Life of Susie Marshall Sharp* (Chapel Hill: The University of North Carolina Press, 2008), 348.

<sup>16</sup> Patricia Hill Collins, “The Social Construction of Black Feminist Thought” in *The Black Feminist Reader*, Joy James and T. Denean Sharpley-Whiting, eds. (Malden, MA: Blackwell, 2000), 191.

<sup>17</sup> Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” in *The Black Feminist Reader*, Joy James and T. Denean Sharpley-Whiting, eds. (Malden, MA: Blackwell, 2000), 209.

The rise of Alexander's career occurred before the mainstream "Second Wave" but demonstrates that individual women continued to create opportunities for themselves and others. Even if Alexander is not represented in feminist literature, there are several books focusing on powerful black women, which highlight themes present in Alexander's life. Notably, Deborah Gray White's *Too Heavy a Load* examines issues Alexander faced in her career, such as the intersection of gender and race, as she had to not only encounter and overcome racism but also male chauvinism to succeed in a career dominated by white men.

Alexander's career thrust her into the spotlight and made her somewhat of a regional celebrity. As with many women with a public persona, Alexander's looks and style were commented upon in the local media. Despite her standing as an Ivy-League-educated jurist, Alexander embraced fashion and made her unique style one of her trademarks. Black women and appearance is being studied by an increasing number of historians. Kobena Mercer analyzes hair as an important racial signifier. Blain Roberts's *Pageants, Parlors, and Pretty Women* examines beauty standards and race in the twentieth century South. Roberts argues that beauty for black women served as a form of empowerment, which is certainly the case for Alexander. She used her ability to afford high fashion as a power statement in the courtroom but also as a means of empowering some of her poor, black clients before they entered a courtroom. Alexander sent her

clients to court in luxury cars to give them a sense of confidence when entering a courtroom where the justice system was already skewed against them.<sup>18</sup>

Like most individuals, Elreta Alexander could be a woman of contradiction. While she exuded confidence and power in the courtroom, her personal life was far more tumultuous. She suffered domestic abuse at the hands of her first husband, Dr. Girardeau Alexander. While many sociologists have examined domestic violence, very few have analyzed the role of race in this violence. Along the same vein, very few historians have studied the historical roots and effects of domestic violence. One notable exception is Linda Gordon's *Heroes of Their Own Lives*, but even Gordon fails to give the correlation between domestic violence and race much attention. Other historians, such as Katherine Charron in her biography of Septima Clark, have written about black women who suffered abuse at the hands of their husbands, but she does not spend much time analyzing why the violence occurred.<sup>19</sup> Most of my analysis of the Alexander marriage comes from Elreta Alexander herself. Through letters and interviews, she openly discussed her marital troubles. Her reasons for staying in a bad marriage were rooted in racial pride and the couple's professional standing in the community. This dissertation will hopefully contribute to our historical knowledge of domestic violence, and how race and class affected household dynamics during Alexander's lifetime.

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<sup>18</sup> Kobena Mercer, "Black Hair/Style Politics," *New Formations*, No. 3 (Winter 1987): 33–54; Blain Roberts, *Pageants, Parlors, and Pretty Women: Race and Beauty in the Twentieth-Century South* (Chapel Hill: The University of North Carolina Press, 2014).

<sup>19</sup> See Charron, *Freedom's Teacher*; Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston 1880–1960* (New York: Viking, 1988).

As in her personal life, Elreta Alexander could also be contradictory in her professional life. In the media, she claimed to be a “reluctant pioneer,” when she was obviously anything but. She was a pillar of Greensboro’s black community, yet she defended members of the Ku Klux Klan in court. And she espoused liberal policies in the courtroom, yet ran for her judgeships as a Republican at a time when Republicans increasingly embraced conservative policies capitalizing on white fears of black advancement. In examining some of these contradictions, this dissertation contributes to Greensboro and North Carolina political history. While William Chafe correctly pointing out Greensboro’s “progressive mystique,” in 1968 and 1974 elections, Greensboro elected African Americans to judgeships and to the state legislature, proving that, indeed, the City of Greensboro was more progressive than some of the state leaders in Raleigh or voters across North Carolina. The mid-term elections in 1974, however, demonstrate that the rest of North Carolina, and especially its conservative voters, were far from ready to accept female or racial minorities in leadership positions. Historians of North Carolina politics, particularly Rob Christensen and Tom Eamon, largely focus on the major players in North Carolina politics. While she never ran for governor or United States Senate, I attempt to give Elreta Alexander her place in the group of North Carolinians who changed the state’s political landscape.<sup>20</sup>

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<sup>20</sup> See William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom* (New York: Oxford University Press, 1980); Rob Christensen, *The Paradox of Tar Heel Politics: The Personalities, Elections, and Events that Shaped Modern North Carolina* (Chapel Hill: The University of North Carolina Press, 2010); and Tom Eamon, *The Making of a Southern Democracy: North Carolina Politics from Kerr Scott to Pat McCrory* (Chapel Hill: The University of North Carolina Press, 2014).

Elreta Alexander created her own unique form of activism. Alexander's career forced her to assimilate into a legal community dominated by white men. According to E. Patrick Johnson, the "black who has been accepted into the elite circle of whiteness is expected to bracket the blackness that proffered his or her (temporary) invitation to the welcome table of whiteness."<sup>21</sup> In other words, for African Americans to make it into elite establishments (Columbia University is a good example) there is some requirement for them to check their blackness at the door. As a result, a certain amount of performance is required. Individuals adjust their behaviors in order to "fit in" as the circumstance dictates. Poor, African American children sometimes fail to assimilate or "fit in" with mainstream America because of their failure to adopt middle-class, "white" values. Conversely, members of the black leadership who have been accepted in the American mainstream have been accused of losing the ability to understand what it would take to connect the African-American community to the rest of society. Alexander grew up in an educated, middle-class household. So her assimilation into mainstream America was probably easier than that of someone who came from poverty. However, for Alexander to establish a career in the segregationist South, a certain amount of performance was necessary.

There is little question among those who knew her that Elreta Alexander had performance down to a fine art. Alexander used performance to highlight the contradictions inherent in a segregated society. As an attorney in courtrooms, Alexander

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<sup>21</sup> E. Patrick Johnson, *Appropriating Blackness: Performance and the Politics of Authenticity* (Durham: Duke University Press, 2003), 9.

would deliberately sit in the segregated section of the courtroom away from the other white attorneys to prove a point. In front of white, male attorneys and judges she would drink from the “white” water fountain because she said she just wanted to see what the difference was. From the bench, when a white woman once complained that her daughter was “runnin’ around with colored boys,” Alexander peered down from the bench and said “Darlin, have you looked at your judge?”<sup>22</sup>

In this sense, Alexander used performance intentionally to prove a point. I argue that Alexander’s performance was actually her unique brand of activism. Alexander always considered herself a “showman” and stated that “it always seemed kind of stupid to me for people to treat people as second-class citizens and expect a first-class performance.” Having been musically trained as a child, Alexander was familiar with the stage. In her legal career, she often used courtrooms and meeting rooms as her stage. Alexander frequently used “performance activism” to change the attitudes of individuals in North Carolina.

Despite all the intersecting themes of Alexander’s life, and the accompanying historiography, Alexander herself guides much of the narrative in this dissertation. Her extensive unpublished interviews, as well as her published book of poetry, *When is a Man Free?*, reveal Alexander’s personal motivations and thoughts on the civil rights movement and her role as a jurist. Like all individuals, Alexander was a multi-faceted

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<sup>22</sup> Donald Dale Jackson, *Judges: An Inside View of the Agonies and Excesses of an American Elite* (New York: Atheneum, 1974), 134.

and sometimes contradictory individual. Her own words sometimes clarify and confuse her actions. But her words also validate my thesis that she was a unique activist.

All of these themes are incorporated here into a linear account of Alexander's life. Chapter II focuses on Elreta Melton's childhood and ancestry and explores issues of class and race in the Jim Crow South, particularly in the 1920s and early 1930s. I examine how Elreta's childhood laid the foundation for her future activism. Young Elreta was the product of two biracial parents who grew up in the Reconstruction South. As a child, Elreta learned how to grow up and navigate—and at times defy—the segregationist system of Jim Crow. Elreta's father, J.C. Melton, was a graduate of Shaw University in Raleigh, North Carolina, and served as a black Baptist minister, providing his wife and three children with a comfortable home life. At school, Elreta learned about colorism and the class divisions that often divided the African-American community. This chapter will also focus on education and argue that Greensboro, North Carolina, fostered a sense of activism in its young, black students. An academically gifted child, Elreta graduated from Dudley High School in Greensboro at age fifteen, in 1934. She enrolled at North Carolina Agricultural and Technical University (NC A&T), the local historically black university (HBCU). NC A&T would later become an integral setting of the civil rights movement, and this chapter will explore how the school influenced Elreta's activism. Elreta excelled academically, and at a fraternity dance she met her first husband, Girardeau Alexander. After graduation in 1937, she took a job as a schoolteacher and the couple settled in Greensboro.

Chapter III introduces Alexander's legal career, arguing that she stumbled upon her ground-breaking career unwittingly. Following the advice of a friend, Alexander decided to pursue a career in law. With her marriage becoming increasingly troubled, Alexander applied to the most expensive law school she could (forcing her husband to pay more money) and became the first African-American woman admitted to Columbia Law School. Upon her arrival at Columbia, the dean of the law school greeted her warmly and informed her of her pioneering status. Alexander was unnerved at the weight suddenly placed on her shoulders but went on to excel at Columbia, embracing her blackness. After graduation in 1945, Alexander took a position at a law firm in Harlem, traveling to North Carolina on weekends to establish residency to become eligible to take the North Carolina bar exam. During her time in New York, World War II raged on, and African Americans at home found new, albeit short-lived, job opportunities. This chapter will also explore how the war and changing opportunities for African Americans influenced Alexander's career and activism. After practicing law in Harlem, Alexander became the first African-American woman to practice law in North Carolina in 1947. Alexander established her career in Greensboro and took up controversial cases dealing with integration and defending black clients. She represented black, male clients who petitioned for the use of the all-white Elizabeth Park Golf Course. I argue that in these early years Alexander formed her judicial philosophy and unique form of activism, creating the groundwork for her future activism. By drinking out of the white water fountains or making a public display when she sat in the black section of courtrooms

during her trials, Alexander learned to highlight the irrationality of segregation through her role as an attorney.

Chapter IV focuses on what was perhaps her most significant case as a defense attorney. On the afternoon of June 21, 1964, four African-American young men went to a rundown mansion known as Horney Place, outside of High Point, North Carolina, to drink some beers and do some target shooting. Also near Horney Place was an area in the woods known as “lover’s lane,” and on that evening, Mary Lou Marion and her married boyfriend, Mick Wilson, were having sex in the back of his car. What started out as a prank on the part of the four black men to scare the white couple turned into a racially and sexually charged rape case in Guilford County. I argue that for Alexander, who defended the young men, the trial changed the trajectory of her career. The trial brought out her commitment to civil rights as she revealed disparities in sentencing, bias in the jury selection process, and racial issues in the judicial system.

Chapter V challenges Elreta Alexander’s assertion that she was a “reluctant pioneer.” In 1967, she published a book of poetry revealing her own frustrations with race relations in the United States, and in 1968 she became the first African-American woman in the country to become an elected district court judge. From the bench, she established the Judgment Day program, which became a forerunner to modern deferred sentencing programs. The Judgment Day program targeted young, first-time offenders at the same time police tactics began to target young African American men and their incarceration rates began to rise. As Alexander achieved career milestones, Greensboro and the South was embroiled in the civil rights movement. This chapter will situate

Alexander and her brand of activism within the movement and examine how she challenged the status quo within the confines of the law. This chapter also explores the pressures Alexander faced balancing a family and career while being an African-American woman. While the Alexanders were a professionally successful couple, their marriage was plagued with violence, infidelity, and the stress of raising a son with paranoid schizophrenia. In this chapter, I argue that Alexander carefully compartmentalized her personal and professional lives so as to not jeopardize her pioneering accomplishments.

Finally, in Chapter VI, I focus on the last decades of Alexander's career in the 1970s and 1980s. As much as Alexander accomplished in her career, there were still societal and institutional structures prohibiting her from reaching certain career heights. In February of 1974, Alexander filed as a Republican candidate for the chief justice election of the North Carolina Supreme Court. Alexander did not receive the Republican nomination for the North Carolina Supreme Court Justice position, losing to a white fire extinguisher salesman. I argue that Alexander's participation in the 1974 North Carolina Supreme Court election highlighted the prejudices that existed concerning gender and race in politics. This chapter will examine race, gender, and politics and how Alexander challenged the North Carolina Republican Party. I will also examine the later part of her career as a judge, including her role in the trials after the Greensboro Massacre of 1979 and her return to private practice.

Alexander was certainly not the first black woman to make history in the legal field, nor to use her professional career as a basis for her activism. In 1927, Edith

Sampson became the first black woman to obtain a Master of Laws degree from Loyola University. In 1947, she was the first black woman appointed as an assistant state's attorney in Cook County, Illinois, and in 1950 became the first black member of the American delegation to the United Nations.<sup>23</sup> Sampson, who was born in Pittsburgh, Pennsylvania, undoubtedly faced racism and discrimination growing up and throughout her career, but outside of the rigid framework of the Jim Crow South. Sampson inspired another trailblazing black woman, Barbara Jordan, who heard Sampson speak to her high school in Houston, Texas.<sup>24</sup> Jordan also achieved a remarkable amount of "firsts" in her career. She was the first black woman elected to the Texas State Senate after Reconstruction, in 1967, and in 1973, became the first to represent Texas in the United States House of Representatives. Growing up, Jordan did not have the advantages of Elreta Alexander. Jordan grew up in Houston's Fifth Ward without the middle-class comforts afforded to Alexander. She also did not have benefit of Alexander's light complexion, as light skin was often associated with privilege. It was Jordan's "single-minded pursuit of achievement and power" that set her apart from her contemporaries, earned her a place in civil rights history, and the title "American Hero."<sup>25</sup>

I make no claims that Alexander was an American hero. While no African-American woman could easily blaze a ground-breaking professional trail in the Jim Crow and segregationist South, Alexander was afforded intelligence and a middle-class status, which made her path slightly less rocky. She also did not initially pursue her legal career

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<sup>23</sup> Davis W. Houck & David E. Dixon, eds., *Women and the Civil Rights Movement, 1954–1965* (Jackson: University Press of Mississippi, 2009), 72.

<sup>24</sup> Mary Beth Rogers, *Barbara Jordan: American Hero* (New York: Bantam Books, 1998), 43.

<sup>25</sup> *Ibid.*, xv.

with the dogmatic enthusiasm of Barbara Jordan. But when Alexander found herself in the position to challenge racial or gender discrimination in North Carolina, she accepted the challenge head on and in the process broke down barriers and fundamentally changed the treatment of race and gender in the North Carolina legal system. While the stories of Sampson and Jordan have received significant attention from historians, the story of Elreta Alexander has thus far eluded them.

An example of Alexander's exclusion comes from University of North Carolina Law Professor Charles E. Daye's 2000 article highlighting civil rights lawyers from North Carolina. Daye stated that civil rights lawyers in the mid-twentieth century all had four basic characteristics. First, they "were both personal pioneers in many walks and endeavors and were all pioneers in numerous ways in the legal profession." Second, these attorneys "believed as an article of faith that their prospects for success as lawyers and as advocates lay in mutual assistance and substantial personal and professional collaboration." Third, they "worked extensively in and with their communities teaching, advocating, and being leaders and role models." Finally, civil rights attorneys "did not take civil rights as something isolated in their lives as lawyers when they happened to have a civil rights case or as citizens when they had civil rights issues to advocate, but rather considered the fight for justice and equality to be an integral part of their very beings as lawyers and their essence as citizens."<sup>26</sup> All of these characteristics describe Elreta Alexander. She was a pioneer in her personal and professional lives. From her

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<sup>26</sup> Charles E. Daye, "Legacy of Civil Rights Lawyers: Still Needed as Much as Ever," *The North Carolina State Bar Journal*, 5, no. 4 (Winter 2000): 12–16.

family, to her participation in club work, to forming the first integrated law firm in the South, she advanced her professional standing through becoming an integral part of the Greensboro community. She was an in-demand speaker, whether she was addressing a professional group or dispensing words of wisdom from the bench during one of her Judgment Days. Alexander was more than a judge to those she interacted with; she was also a teacher who integrated her commitment to civil rights in everything she did. As Alexander said, “Every case to me was a civil rights case.”<sup>27</sup> From defending Charles Yoes to walking through the front door of the Irving Park Delicatessen, fighting for equality was at the core of Elreta Alexander’s being.

Alexander is among the elite group of attorneys who deserves her recognition in civil rights historiography. Daye’s article includes black attorneys who embraced the fight for civil rights and also deserve their place in civil rights historiography. Floyd McKissick, Annie Brown Kennedy, and even Alexander’s friend from Columbia Law, Herman Taylor, are all rightly included in Daye’s analysis. Elreta Alexander, however, is not. What was perhaps an oversight is an error that this dissertation seeks to correct. By Daye’s standards, Elreta Alexander was a civil rights pioneer. And she was certainly a civil rights pioneer in the eyes of those she influenced. According to Durham County attorney Karen Bethea Shields, the individuals who never received the recognition were the heart and soul of the civil rights movement.<sup>28</sup> Alexander has yet to receive her due

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<sup>27</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>28</sup> Conversation with Karen Bethea Shields, May 26, 2017, Notes in possession of the author.

recognition. This dissertation is an attempt to rectify Alexander's exclusion from civil rights and legal historiography.

Some may argue that Alexander did not serve the civil rights movement as an activist because she did not publicly protest, or that her lucrative career as an attorney placed her in the ranks of the middle-class and thus out of touch with the plight of working-class blacks. Elreta Alexander was neither the perfect civil rights activist, or women's activist, if there was ever such a thing. But by choosing a career within the bar, Elreta Alexander became an activist for all marginalized people. Her life story and career happened to have coincided with a time when African Americans protested against their legal and social condition and women continued to fight for professional standing and rights in and outside of the home. The historical era in which her life is situated make her accomplishments and unique style all the more noteworthy. According to her former law partner, Jerry Pell, Alexander once told a young, black client that he had hurdles in life that he had to jump over. She advised him not to complain about the hurdles, just jump over them. This work will hopefully lead to research on other ground-breaking African Americans who did not knock over or plow through hurdles, but jumped over them instead.

## CHAPTER II

### A RESPECTABLE CHILDHOOD

In many ways, Elreta Melton's childhood resembled that of many middle-class African Americans growing up in the Jim Crow South. With an emphasis on respectability, education, and racial uplift, middle-class black parents groomed children like Elreta to be the leaders of their race. Most of these middle-class black children were destined to become teachers or ministers, charged with the responsibility of passing on their values to the next generation of African-American children. Elreta Melton took the lessons of her childhood and turned them into a ground-breaking career as an attorney and judge that would test antiquated Jim Crow policies. Growing up in the segregated South prepared her for the difficult legal situations she would later endure. A native North Carolinian, she was acutely aware of the treatment of African Americans in the South, as well as in the federal justice system. Her upbringing also taught her how to navigate—and at times defy—the segregationist system of Jim Crow. Her collegiate career at North Carolina A&T State University, a historically black university, reinforced the importance of education and respectability in her life, in addition to marking the beginning of what would become a turbulent personal life. These experiences laid the foundation for the role she played bridging communities in Greensboro later in her life during the civil rights movement.

Middle-class black values embraced by the Melton family are instrumental to an analysis of Elreta's childhood and early adulthood. Families like the Melton's embraced W.E.B. DuBois's concept of the "talented tenth." DuBois advocated the concept of the "talented tenth," stating that through continuing, classical education, as opposed to the industrial education advocated by Booker T. Washington, a small percentage of African Americans could go on to become leaders of their race. In his 1903 essay of the same name, DuBois states, "The Negro race, like all races, is going to be saved by its exceptional men . . . it is the problem of developing the Best of this race that they may guide the Mass away from the contamination and death of the Worst." These "talented tenth" would therefore be in a position to advocate uplift ideology, which for many black elites meant they were the "bourgeois agents of civilization" for the black lower class.<sup>1</sup>

For African-American families in the Jim Crow South, the term "middle-class" was more than just a monetary status. For middle-class blacks, the Jim Crow era was about gaining respectability and proving the abilities of the African-American race. During the first half of the twentieth century many African Americans focused on the economic and educational viability of their communities. Therefore, the term "middle-class" for African Americans was about education, proper decorum, and respectability in an attempt to promote a "better class" of blacks in the Jim Crow era.<sup>2</sup> Education,

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<sup>1</sup> W.E.B. DuBois, "The Talented Tenth," in *The Negro Problem*, ed. Booker T. Washington (New York: J. Pott & Company, 1903); Kevin Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996), 2.

<sup>2</sup> Gaines, *Uplifting the Race*, xiv. There are many secondary sources that evaluate the black middle class in the early twentieth century. See for example Glenda Gilmore's *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896–1920* (Chapel Hill: The University of North Carolina Press, 1996); Stephanie Shaw's *What a Woman Ought to be and to Do: Black Professional Women Workers During the Jim Crow Era* (Chicago: The University of Chicago Press, 1996); and Evelyn Brooks

respectability, and racial uplift would become repeated themes throughout Elreta's childhood and adult life.

Like many middle-class black parents, the Meltons attempted to shield their children from the humiliating inequities that often accompanied growing up in the Jim Crow South, partially in an attempt to foster their own sense of self. This period of southern history, which lasted roughly from the *Plessy v. Ferguson* court decision in 1896 to the *Brown v. Board of Education of Topeka, Kansas* ruling in 1954 and beyond, included Elreta's formative years. Jim Crow society was based on a rigid system of racial etiquette and segregation intended to disempower African Americans. Parents taught children to follow specific "rules of behavior or face the consequences." As children in the South learned about their own racial identities, black children found themselves relegated to their segregated spaces in society. Segregation was the foundation of southern society as it provided a physically structured racial hierarchy. In an era of lynching and extralegal methods of enforcing separateness and white supremacy, the consequences of contesting that segregation could be extreme. While it was impossible for the Meltons to completely shield their children from the difficulties of growing up black in the South, middle-class parents like the Meltons also emphasized notions of respectability as a means of resistance to white supremacy. Elreta's father's rule was that his children would walk twenty miles before they would ride on a segregated bus, so they would not be treated like second-class citizens.<sup>3</sup> Throughout her

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Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880–1920* (Cambridge: Harvard University Press, 1993).

<sup>3</sup> Jennifer Ritterhouse, *Growing Up Jim Crow: How Black and White Southern Children Learned About Race* (Chapel Hill: The University of North Carolina Press, 2006), 5; Gale Elizabeth Hale, *Making*

life Elreta would resist segregation and white supremacy, while maintaining the notions of respectability that she grew up with.

Elreta Narcissus Melton was born on March 21, 1919, in Smithfield, North Carolina, approximately forty miles southeast of Raleigh. Her father, J.C., was a Baptist minister and her mother, Alian, was a teacher. She was the third of three children; her brother, Judson, was four-years-old and her sister, Etta, was one-year-old at the time of her birth. Before leaving Smithfield when Elreta was two, the Meltons became victims in a land fraud deal when they purchased a home legally belonging to somebody else. Reverend Melton neglected to have the title searched and ultimately the family was evicted from their home because they were unable to pay off the legal owners. Elreta recalled her mother crying after the family lost their home. The loss of the money and the house was undoubtedly a blow for Reverend Melton, who worked hard to provide a middle-class upbringing for his children. While as an adult she never specifically discussed this incident in relation to her career, this early exposure to injustice and the nuances of the law surely proved formational in her life, as she recalled the incident seventy-two years later in an interview about her distinguished legal career.<sup>4</sup>

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*Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Vintage Books, 1998), 124; Elreta Alexander Interview, November 6, 1977, Box 5, Folder 13, Elreta Alexander Papers, Martha Blakeney Hodges Special Collections and University Archives, The University of North Carolina at Greensboro.

<sup>4</sup> Interview with Judge Elreta Alexander Ralston by Anna Barbara Perez, February 18, 1993 & March 4, 1993, Interview number J-0018, Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. <http://dc.lib.unc.edu/u/?sohp,1262>; Johnston County Register of Deeds, May, 1921 registration of deed, 1927 contract giving up Fuller St. property 1933, Johnston County vs. J.C. Melton et al.'s, suit over Fuller St. Property.

The records of this account are not entirely clear, but according to records from the Johnston County Register of Deeds, the Meltons were involved in several real estate transactions within the period between May 1920 and May 1921. The 1920 census lists the family as living on Caswell Street next to the First Missionary Baptist Church. A series of documents from the Johnston County Register of Deeds show

The individual who exerted the most influence on Elreta, and who was the primary impetus behind the Melton family's emphasis on middle-class values, was her father, Joseph Cleveland Melton. Melton was born on February 16, 1882, in Hertford County, North Carolina. According to Elreta, he was the son of an African-American man, John Melton, and a white woman, Narcissus, who married in Gates County, North Carolina, during Reconstruction.<sup>5</sup> According to Elreta, her paternal great-grandfather, Jarvis Melton, was the son of an African man and a Native American woman. In 1875, a ban on interracial marriage was inscribed in the North Carolina Constitution.<sup>6</sup> At that time interracial marriages could be dangerous, particularly in the South, often provoking racial violence. Whites who vocally advocated against miscegenation frequently evoked religion, arguing that God created the two races with the intention for them to be separate. The beliefs of white, southern Protestants heavily influenced anti-miscegenation laws and court cases, as well as set a precedent for future discriminatory laws against African Americans. Although her family tree had a long history of interracial partnerships, Elreta did not indicate any specific violence inflicted on her

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there were multiple real estate transactions by J.C. Melton. There was a quit claim deed dated June 1920 to J.C. Melton on Fuller Street in Smithfield. There is also a March 1921 deed made out to J.C. Melton for property on Belmont Avenue (no longer in the neighborhood) and a May 1921 indenture between the Meltons regarding the Fuller Street property.

<sup>5</sup> There is not conclusive evidence for the existence of a marriage certificate for John and Narcissus Melton. The 1870 census records list Narcissus and her mother, Kittie Flood, as mulatto.

<sup>6</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection. This account does not coincide with census records; Mark Elliott, *Color Blind Justice: Albion Tourgee and the Quest for Racial Equality from the Civil War to Plessy v. Ferguson*, (New York: Oxford University Press, 2006) 160; John Hope Franklin, *The Free Negro in North Carolina, 1790–1860* (Chapel Hill: The University of North Carolina Press, 1995), 10. The law outlawing interracial marriage was repealed in 1977 by North Carolina § 51-3.1. The specific date of the inception of North Carolina's anti-miscegenation law, however, varies among scholars. Laws enacted in 1715 prevented free Negroes from voting and from intermarrying with whites.

father's family. She and her family had light complexions as a result of her mixed-race ancestry. Their skin tone also influenced their treatment by society, as later in life Elreta could sometimes pass as a white woman.<sup>7</sup>

According to Elreta, none of her ancestors were slaves, which became important as to how Elreta saw herself, and how her classmates viewed her. She recalled her classmates calling her "free issue," "high yellow," or "yellow bitch" as a child. The rural, agricultural area of northeastern North Carolina contained populations of free African Americans before the Civil War, where the population and rural environment largely shielded them from violence. The same area consisted of the descendants of Native Americans and Africans who lived as bi- or tri-racial people. Elreta herself stated that in the northeastern North Carolina counties of Hertford and Winton, "You couldn't tell the whites from the blacks, because the white man had family here and across the street he had his black family. And the children came out nearly the same; every now and then, there'd be a little brown one in there." The Melton family's multiracial lineage and resulting light skin possibly enabled them to avoid the confines of slavery.<sup>8</sup>

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<sup>7</sup> Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 172; Fay Botham, *Almighty God Created the Races: Christianity, Interracial marriage, and American Law* (Chapel Hill: The University of North Carolina Press, 2009), 156; Conversation with Jerry Pell, May 29, 2014, notes in possession of the author.

<sup>8</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Franklin, *The Free Negro in North Carolina*, 14. According to Franklin, "At the time of the taking of the first census in 1790, there were 5,041 free Negroes in North Carolina. . . . By 1800, the number of free Negroes had grown to 7,043, at which time the slave population was 133,296 and the total population 478,103. The majority of these free Negroes were concentrated in twenty-five coastal and piedmont counties." Also see Arwin D. Smallwood, "A History of Native American and African Relations from 1502 to 1900," *Negro History Bulletin* 62, no. 2/3 (April–September 1999): 18–31; Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Paul Heinegg, *Free African Americans of North Carolina, Virginia, and South Carolina From the Colonial Period to About 1820, Volume II* (Baltimore: Clearfield Company by Genealogical Publishing Co., 2005). Heinegg's extensive research into the free African Americans of Virginia, North Carolina, and South Carolina also included an analysis of the Melton family.

Although biracialism and light skin could sometimes prove advantageous for African Americans, life was not easy for J.C. Melton. Despite being a part of a long history of biracialism and free blacks in northeastern North Carolina, being the product of an interracial marriage weighed heavily on him. According to Elreta, he denied that his mother was white, as it was not considered apropos at the time. He was the third of five children and the only male. When his mother died in 1886 and his father remarried a biracial woman, there was little room and few resources for their combined twenty-one children. So at the age of nine or ten, Melton went to work at a logging camp near the Great Dismal Swamp in northeastern North Carolina. After years of logging, drinking, and gambling, and with only three years of education, Melton decided he wanted to go to college. Taking a job as a carpenter to pay for school, he finished his secondary education and was subsequently accepted to Shaw University, in Raleigh, North Carolina.<sup>9</sup>

Shaw graduates were expected to become leaders in their fields. J.C. Melton worked his way through college as a janitor, graduated, and went on to become a mathematics teacher, before returning to seminary at Shaw and becoming a Baptist minister. Careers in the ministry were typical for many male Shaw University alumni. Along with a Baptist education, graduates also carried with them a deep sense of social justice and a desire for racial uplift. The notions of respectability, the importance of an

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<sup>9</sup> The number of children in the Melton family matches United States census records. The 1870 and 1880 census records, however, list J.C. Melton's mother Narcissus A. Flood, as "mulatto." Census records from 1900 list John T. Melton as having married Martha A. Melton in 1889. Joseph C. Melton, eighteen, is listed as a member of the household. The whole family is listed as black; Also see Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

education, and an emphasis on social justice were all emphasized in the Melton household by Reverend Melton.

Founded in 1865, Shaw University was the first black collegiate institution to be established in the South. The American Baptist Home Mission Society founded Shaw to help provide education and training to former slaves and their children. Funded largely by the northern friends of the school's founder, Henry Martin Tupper, Shaw was chartered in 1875. Theology was the first subject taught at Shaw in 1865, and women were first admitted in 1870.<sup>10</sup> As Shaw grew, it quickly became a model of black education dedicated to uplifting African Americans.

Shaw took the education and reputation of its students seriously. One of Shaw's presidents, Charles F. Meserve, who served from 1894 – 1919, took a DuBoisian approach and felt the school should focus on classical training and that industrial training was “relatively insignificant to the higher education of black students.” The focus on classical studies at Shaw and other similar black institutions aimed to make its alumni competitive with college-educated whites after they graduated. Students from Shaw were groomed to achieve respectable status within the burgeoning black middle-class. In June 1893, Shaw's first president, Henry Martin Tupper, stated that the “strongest feature . . . of Shaw University has been and is the moral and religious influence exerted, constituting a moulding power in the development of student life which almost every pupil feels and acknowledges.”<sup>11</sup> Not only were Shaw students expected to graduate and be

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<sup>10</sup> Clara Jenkins, “A Historical Study of Shaw University: 1865–1963,” (Ed.D. Diss., University of Pittsburgh, 1965), 22, 49.

<sup>11</sup> James D. Anderson, *The Education of Blacks in the South, 1860–1935* (Chapel Hill: The University of North Carolina Press, 1988), 70; Jenkins, “A Historical Study of Shaw University,” 107.

professionally competitive, but they also were expected to become upstanding examples of Christianity and morality.

J.C. Melton carried notions of respectability from Shaw and translated that into his work outside of school. While working as a carpenter to earn money for school, Melton first encountered his future wife at the age of twenty-three. According to Elreta, Alain Reynolds was only nine years old. Immediately after catching the eye of young Alain Reynolds, Melton said, “I’m going to marry that girl.” After graduating from Shaw with his mathematics degree, he went to Cofield, North Carolina, to accept a teaching position at Waters Training School—the same school where he had previously been a construction worker.<sup>12</sup> Alain Reynolds, now a teenager, was a pupil in his class. The two began courting, and Reynolds was transferred out of Melton’s class. Alain went on to college and after finishing her second year, the couple married on March 11, 1914. Alain Reynolds was twenty and J.C. Melton was thirty-three at the time of their marriage. They had their first child, Judson, the next year.

Alain Reynolds was also the product of a biracial family, born in 1894 in Cofield, North Carolina. Alain’s mother was light brown-skinned, and her father, per Elreta, was a white merchant named Robert Reynolds. Reynolds reportedly enforced segregation in his store, and Elreta recalled that he “had a rule that no black-skinned people could come

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<sup>12</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; United States Department of the Interior, National Park Service, National Register of Historic Places Inventory–Nomination Form, <http://www.hpo.ncdcr.gov/nr/HF0386.pdf>. According to the C. S. Brown Auditorium’s nomination form to the National Register of Historic Places, Waters Institute, near Cofield in Winton, North Carolina, was founded by Calvin Scott Brown in 1886 as Chowan Academy, then renamed Waters Normal Institute in 1893 after northern benefactor Horace Waters. Brown was an African American educator who founded the school after realizing the desperate need for a school for black pupils in Hertford County.

in the front door. This carried over to my mother, and when my brother married a dark-skinned girl, it almost broke up the family.”<sup>13</sup> For the daughter of a white merchant, the maintenance of light skin, which affected how one was treated in southern society, was very important.

With his light skin tone, along with his education and career, J.C. Melton was an acceptable spouse for Alain Reynolds. After marrying in 1914 and having son a Judson, Melton entered the ministry and accepted a pastorate in Reidsville, North Carolina, and Alain became a teacher. Ministers and teachers dominated the black middle-class, and while the Meltons were far from wealthy, they were comfortable. The Melton family arrived in Smithfield, North Carolina, in 1916, and then moved on to Scotland Neck, North Carolina, before moving to Danville, Virginia, in 1925. There, J.C. assumed the pastorate at Loyal Baptist Church. While there, Melton’s initiative helped “the church pa[y] over \$35,000 on the indebtedness of the church, which was \$40,000 when he came.”<sup>14</sup> Melton stayed at Loyal Baptist for several years, but with the country in the throes of the Great Depression, the church could no longer afford his salary. With the encouragement of Dr. F.D. Buford, president of North Carolina Agricultural and Technical University (NC A&T), Melton moved with his three children to Greensboro,

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<sup>13</sup> United States Census Bureau, 1910 United States Federal Census; Heinegg, *Free African Americans of North Carolina, Virginia, and South Carolina from the Colonial Period to about 1820*, 558; Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection. Census records for Alain Reynolds’s mother, Emma Turner, list her as either “black” or “mulatto.” The 1910 census records for her father, Robert E. Reynolds, list him as “mulatto” and being a farmer. No records list him as white. Paul Heinegg’s work also includes an analysis of the Reynolds family.

<sup>14</sup> Higginbotham, *Righteous Discontent*, 41; The Proceedings of the Baptist State Convention of North Carolina in 1922, 1923, and 1924 list J.C. Melton as pastor of Shiloh Baptist Church in Scotland Neck, North Carolina; Church history provided by Loyal Baptist Church, Danville, Virginia via email to author, October 22, 2015.

North Carolina, in 1930 to assume the pastorate at United Institutional Baptist Church. His wife, Alain, remained in Danville to keep her teaching job and remain close to friends. For the rest of Elreta's life, Greensboro would be the center of her personal and professional worlds.

In 1930, Greensboro was a burgeoning, progressive city that personified the "New South." In 1949 political scientist V. O. Key called North Carolina a "progressive plutocracy" and stated that the state "has a reputation for fair dealing with its Negro citizens." Greensboro was representative of the state's progressive reputation. Known for its textile and insurance industry, as well as its five colleges, Greensboro took pride in being known for its racial tolerance. At the same time, it was a city where African Americans remained dependent on whites for menial service jobs in textile mills and factories. Greensboro, like the rest of North Carolina, was a paradox. Neither the city nor the state's reputations reflected the social reality of its African-American citizens.<sup>15</sup>

Greensboro's progressive reputation was rooted in its history. With the support of abolitionist Quakers who settled in Guilford County, African Americans carved out their own community early in Greensboro's history. Quakers were known for their abolitionist stance and progressive racial views during the era of slavery. In 1869, Yardley Warner, a Quaker, came to Greensboro to start a community for former slaves. He purchased 35.5 acres south of Greensboro, and the community of former slaves became known as Warnersville. In 1923, Warnersville was incorporated by Greensboro, and by that time,

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<sup>15</sup> V.O. Key, *Southern Politics in State and Nation: A New Edition* (Knoxville: The University of Tennessee Press, 1984), 206; William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), 5–6.

the city boasted two African-American colleges, which gave the black community a sense of pride. Greensboro also had strong African-American organizations, such as the National Association for the Advancement of Colored People (NAACP) youth group established by Ella Baker during World War II. As a minister, J.C. Melton and his family contributed to the strong African-American community in Greensboro. Melton frequently delivered prayers at African-American events at North Carolina A&T and throughout town. J.C. and Alain Melton also established the first African-American Girl Scout Troop in Guilford County, North Carolina.<sup>16</sup>

Greensboro provided the Melton children with a strong community and educational opportunities. But it was not a safe haven from the horrors of Jim Crow. While there was only one reported lynching in Guilford County between 1883 and 1930, the Jim Crow South was an extremely violent place, where white vigilantes resorted to intimidation, whipping, arson, and at times murder to keep the white, male patriarchy intact. Although middle-class black parents like the Meltons wanted to protect their children, they also wanted to teach them about race and racism without damaging their sense of self-worth. Many attempted to shield their children from the societal rules Jim Crow put in place. Determined to raise their children with dignity, parents, including Elreta's, often forbade their children from patronizing segregated facilities when possible.

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<sup>16</sup> Arvin D. Smallwood, "A Walk Into Greensboro's Past: Warnersville, 1865 to Present," Presentation at the Greensboro Historical Museum, Greensboro, North Carolina, October 18, 2015; Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York: Basic Books, 2010), 220. There are several articles in the *Chicago Defender* that mention J.C. Melton participating in community spiritual events in Greensboro, North Carolina. Those include "'Vision' Subject at A&T Vespers," December 28, 1935, 10; "3rd Convocation at A&T Called Best in History," September 5, 1936, 3; and "Dr. Patterson Addresses Dudley Day Celebration," November 9, 1940, 3; Alexander interview, 9, Southern Historical Collection.



Figure 1. The Melton Family. Elreta Alexander Collection, MSS 223, Martha Blakeney Hodges Special Collections and University Archives, Jackson Library, The University of North Carolina at Greensboro.

Many middle-class black families, such as the Meltons, forbade their children from using segregated public accommodations, such as riding segregated busses, although they did attend all-black schools, since there were no desegregated alternatives. For black adults, self-segregating their children also took away some worry when having to teach them about race and racism. While still adhering to the Jim Crow rules of racial etiquette, teaching middle-class black children the concept of respectability and personal dignity made the degradations of Jim Crow slightly easier to bear. Creating their own spaces

helped black children develop their own sense of self and define their abilities on their own terms, rather than the terms imposed on them by whites. The methods used by the Melton parents worked for young Elreta Melton. When she recalled as an adult seeing the bigger houses belonging to white people in Greensboro during the Depression, she said she “resented it, not because I wanted to integrate with them. I’ve always felt they were kind of looney, anybody that felt there was something better about you because of your color and your sex, I thought there was something wrong with your mind.”<sup>17</sup>

Despite not fully understanding notions of racial superiority as a child, young Elreta still had normal childhood desires to participate in everyday activities and live in a nice house, even if that meant complying with the rules of segregation.

Regardless of her parents’ best efforts, young Elreta sometimes longed to access public facilities not available to her because of her race. The Carolina Theatre, in downtown Greensboro, originally billed as the “Showplace of the Carolinas,” opened on Halloween night in 1927. With its Greek temple design, bright colors, and air conditioning—a rarity at the time in North Carolina and surely a draw on a hot summer’s day—the Carolina Theatre was an experience to behold for Greensboro’s citizens. The theater, however, only allowed African Americans to view films from the third balcony. Because of its segregation policies, however, J.C. Melton forbade his children from patronizing the theater, even if they were allowed on the third balcony. Defying her father, Elreta sometimes snuck into the theatre to enjoy the cool air and the latest

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<sup>17</sup> Claude A. Clegg, *Troubled Ground: A Tale of Murder, Lynching, and Reckoning in the New South* (Urbana: University of Illinois Press, 2010), 8, 184; Ritterhouse, *Growing Up Jim Crow*, 6, 17; Alexander Interview, 13, Southern Historical Collection.

Hollywood films. As much as the Melton parents tried to shield their children from the degradations of Jim Crow regulations, even as a child, Elreta knew how to work her way around policies that stood in her way. The ban on segregated facilities in the Melton household applied to the parents as well. Elreta stated that the rule was relaxed once, when her parents went to the Carolina Theatre to attend a production of “Porgy and Bess.”<sup>18</sup>

An essential component to respectability and middle-class values during the Jim Crow Era was education. Coming of age before integration, the Melton children attended all-black schools, which were frequently subpar when compared to the schools for white children. Local and state governments in the South dedicated little funding for all-black schools, resulting in inadequate facilities, overcrowding, and out-of-date textbooks. To remedy this inequity, the Meltons enrolled their children in music lessons, requiring each child to learn how to play a musical instrument. Elreta excelled at the piano and boasted about her singing voice. Reverend Melton also continued his children’s schooling after their formal classes, reiterating the basics, such as reading and mathematics, and also teaching them Greek and Latin, which probably served Elreta well in her legal career.<sup>19</sup>

The emphasis on education was particularly important for young, black girls growing up in the Jim Crow South. Sexual and economic exploitation of black women

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<sup>18</sup> Carolina Theatre, “History,” <http://www.carolinatheatre.com/carolina-theatre-history.aspx>; Conversation with Jerry Pell, May 29, 2015, notes in possession of the author; Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

<sup>19</sup> The conditions of schools for black students in the Jim Crow South is well documented. See Stephanie Shaw, *What A Woman Ought to Be and to Do* (Chicago: The University of Chicago Press, 1996); Adam Faircloth, *Teaching Equality: Black Schools in the Age of Jim Crow* (Athens: University of Georgia Press, 2001); Alexander Interview, 8, Southern Historical Collection.

ran rampant in the Jim Crow South, as many black women worked in the homes of white families who took advantage of what they saw as cheap labor. Negative associations with the sexuality of black women was rooted in slavery, when slave owners or oversees sexually assaulted female slaves regularly, and then portrayed them as Jezebel-type figures. A formal education was key for black women to avoid work in the domestic or agricultural sectors, where they were prone to abuse. Education, with an emphasis on moral and honest behavior, was essential not just for personal uplift, but for uplift of the race. Young women such as Elreta and her older sister Etta received educations aimed at teaching them how to avoid unsavory attention, and how to counteract negative typecasts of African Americans among whites. With young black women being particularly vulnerable to sexual abuse by white men, daughters were taught to avoid presenting themselves as sexual beings, hoping to affect the impressions and treatment of whites.<sup>20</sup> Like other middle-class black parents, Reverend Melton encouraged an education that would lead to achievement and respectable careers. He was extremely successful in this undertaking, as both Melton daughters went on to become attorneys.

In addition to serving as her educator, Reverend Melton was the dominant parent in young Elreta's life. The itinerant life of a minister proved difficult for Alain Reynolds Melton. Elreta recalled as an adult that her mother was at times absent when she was a child. She stated that for one year Reverend Melton would take the three children to

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<sup>20</sup> Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York: Basic Books, 2010), 110–116, 129, 172–3; Stephanie Shaw, *What a Women Ought to Be and to Do: Black Professional Women Workers During the Jim Crow Era* (Chicago: The University of Chicago Press, 1996), 23. Also see Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: W.W. Norton & Co., 1985); Shaw, *What A Woman Ought to be and to Do*, 24.

Dudley High School, then on weekends drive fifty miles north to Danville and bring her mother back to Greensboro. “Daddy,” Elreta stated, “during the course of that year . . . was determined to get Mother to live with the children.” The relationship between J.C. and Alain Melton was sometimes strained. Elreta recalled after the deaths of both her parents that Alain never wanted to marry a minister but did so to get away from home. Additionally, she did not want her children to be seen as the “preacher’s children,” associated with the rigid expectations that being the offspring of a minister often entailed. At times, J.C. and Alain discussed separation, and one of the children always accompanied J.C. on his pastoral visits, to avoid the appearance of any impropriety. Alain’s absence reinforced the bond between Elreta and her father, making his guidance all the more influential.<sup>21</sup>

Based on Elreta’s description in 1977, there is evidence that Alain Melton may have suffered from mental illness, which sometimes created trying situations in the Melton house. After a year of living apart from her children, Alain moved to Greensboro and enrolled at Bennett College to finish her degree, eventually becoming a teacher at J.C. Price School. But professional success did not ensure private happiness. Alain stated that she did not know life could be so hard, and Elreta remembered that “every weekend, Daddy made us go upstairs and sort of sit guard with Mother so she wouldn’t jump out the window.” Elreta was a teenager during this worrisome period. But as an adult she never displayed any hostility towards her mother and in a 1993 interview praised her mother for being a progressive woman, saying she was “intent upon enjoying

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<sup>21</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

the good life, the good life of making contributions.”<sup>22</sup> The mother-daughter relationship between Alain and Elreta was complex.

Being the middle-class wife of a Baptist minister brought with it more stress than most middle-class black women experienced, which also affected the children. Despite her own issues, Alain Melton was determined that her children would be able to sing and dance, despite traditional expectations of minister’s wives, which frowned upon dancing. Ideally, prominent black Baptist women “pictured the ideal wife of a minister as a good homemaker, an intellectual, and at the forefront of social reform causes.” Black Baptist women emphasized respectable behavior, but Alain Melton provided her children with some respite from the demands of respectability. Reverend Melton, on the other hand, with his strong focus on the importance of education, often played the role of disciplinarian. Although Reverend Melton enforced strict rules aimed at respectability, young Elreta idolized her father and particularly recalled the fun times they had when Alain was out of town. As a young child, Elreta had her sights set on becoming a minister, like her father. While she could not become a Baptist minister because of her gender, years later she credited her father with her success in the legal field and with instilling in her a strong sense of self-esteem.<sup>23</sup>

While Elreta ultimately ended up in the courtroom instead of the pulpit, her upbringing in the black Baptist church was instrumental to her success. Within the walls

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<sup>22</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Alexander Interview, 10, Southern Historical Collection.

<sup>23</sup> See Milton C. Sernett, ed. *African American Religious History: A Documentary Witness* (Durham: Duke University Press, 1999), 134; Alexander Interview, 3, Southern Historical Collection. Sernett’s book includes several essays on African-American women who were leaders in their churches;

of the church, African Americans were free from the uncomfortable aspects of Jim Crow. Middle-class families, such as the Meltons, were attracted to the black Baptist church because of its emphasis on education and racial uplift. After emancipation, the church served as a house of worship for freed slaves, but also as a community center, library, meeting place, and thrift store. African Americans were motivated spiritually, politically, and intellectually by the church. In the following decades, its community-oriented nature allowed congregants to temporarily escape the Jim Crow laws of segregation imposed on them by the outside world. During Jim Crow, the black Baptist church started placing more importance on the education of its ministers, and many of the church's women started promoting middle-class values in order to gain respectability for themselves and their church family.<sup>24</sup> With the exception of singing and dancing, the importance of respectability taught to Elreta by her parents came largely from the church.

When the Meltons moved to Greensboro, they chose their home based on notions of respectability. The family settled in a comfortable house at 400 Beech Street, which the church rented as a parsonage. The Meltons selected the house upon moving to Greensboro. The original church parsonage was a half mile away on East Market Street, and according to Elreta, “Mother wouldn’t live there—and that was the only condition that Daddy could come here, because E. Market St. was where all the gamblers hung out, and it was right around Daddy’s church, and she didn’t want my brother to be in that environment, and all of us. So we lived there [on Beech Street].” The house was situated

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<sup>24</sup> See E. Franklin Frazier, *The Negro Church in America* (New York: Schocken Books, 1964); C. Eric Lincoln and Lawrence H. Mamiya, *The Black Church in the African-American Experience* (Durham: Duke University Press, 1990); Higginbotham, *Righteous Discontent*, 176.

in the Cumberland neighborhood, just east of Greensboro's downtown, which had developed along with NC A&T, the first public historically black college or university in North Carolina. In the 1930s, the Cumberland neighborhood was home to prominent African-American citizens, such as James B. Dudley, the second president of NC A&T, before the neighborhood fell into disrepair in the 1950s.<sup>25</sup> But during Elreta's youth, she was in close proximity to primary and secondary schools and surrounded by neighbors who emphasized education.

In Greensboro, the education Elreta received became the foundation of her activism and willingness to stand up for others later in life. Elreta attended and graduated from Dudley High School. Dudley, an all-black school established in 1929, was the first black high school in Guilford County and served as a model of excellence in the African-American community. Greensboro, known for the quality of its African-American schools, often served as a progressive model and a source of pride for the black community. In 1932, 68 percent of the teachers in Greensboro's black schools had college degrees, and six of the ten accredited black elementary schools in North Carolina were located in Greensboro. Dudley High School benefited from the leadership of men like John Tarpley. Tarpley, who came to Greensboro as a teacher at Bennett College, honed his reputation as a bridge builder, one who could establish relationships with white leadership to gain necessary funding for black schools, while also defending the rights of Greensboro's African Americans. Outside of the schools, Tarpley secured funding for a

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<sup>25</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Millicent Rothrock, "Neighborhood Communities Evolved with Distinct Identities," *Greensboro News & Observer*, September 15, 1990.

YMCA in the African-American community and served as head of the North Carolina Negro Teacher's Association during World War II.<sup>26</sup> Throughout her educational career in Greensboro, Elreta would be influenced by African-American leaders who attempted to bridge divides between the white and black communities.

Even for middle-class African Americans, however, receiving a primary education on par with those received by white children could be difficult. Books and furniture used by white schools were often handed down to black schools before being discarded. In Guilford County, North Carolina, the twentieth century saw improvements in the education of black children but on a slower pace than for white children. The school board allocated fewer expenditures to black schools, and from 1905 to 1945, there was no standard, accredited high school for African American students in Guilford County. In many cases, education for African-American children depended on private philanthropic efforts, such as those by Julius Rosenwald, who provided matching grants to aid in the construction of eight hundred public schools in North Carolina for black children from the 1910s to the 1930s. In what historian James Anderson calls a system of "double taxation," African Americans had to pay taxes to support white public schools, while using their own money to support schools for their own children. Many black students, however, lacked the skills necessary to pursue a higher education, due to subpar primary education. J.C. Melton ensured that would not be a problem for his children.

Elreta enrolled at Dudley when she was only twelve years old. Her mother taught at a two-teacher school when Elreta was four, enrolling the child in the first grade two

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<sup>26</sup> Chafe, *Civilities and Civil Rights*, 18–19.

years early. Youth did not slow her down. As a child Elreta was curious and determined. After an operation at age thirteen to remove a ruptured appendix, the doctor told Reverend Melton that his daughter was precocious. Elreta “couldn’t wait to get out of the hospital to look in the dictionary to see what the word ‘precocious’ meant.” She was involved in Dudley’s music programs and joined the drama club. When she served as campaign manager for her friend Juanita Hunter’s student government campaign, Elreta labored over the campaign speech she gave in support of her friend. Reverend Melton helped her write her speech and taught her when and how to use inflections in her voice, a skill Elreta used in her legal career. She presented the speech in the Dudley High School auditorium, which Elreta thought “was the biggest thing I have ever seen,” and because of her nerves, she talked too quickly, and the other kids mocked her. Elreta returned home that evening determined to “conquer that stage.” Almost forty years later, as an accomplished judge, Elreta admitted that “it’s always been hard for me to speak on the Dudley High School stage.”<sup>27</sup> Public speaking, however, was generally not something that bothered Elreta.

Attending all-black schools did not eliminate students’ exposure to discrimination. Elreta recalled a teacher at Dudley High School, Mrs. Minor, who would make fun of the darker children and those whose parents worked in the service industry, calling them names such as “hayseed” in front of the class. Elreta stated these children often came to school without having the opportunity to get the lint out of their hair, indicating that they worked in one of Greensboro’s textile factories to help their family.

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<sup>27</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection

“Colorism,” discrimination based on skin color within the African-American community, also existed at Dudley. The color of one’s skin, even within the African-American community, affected how a person was treated socially and professionally. Lighter-skinned African Americans tended to reap the benefits of colorism, while darker-skinned individuals faced more discrimination within their own race. Issues of colorism were prominent among children as well. When discussing her time at Dudley High as an adult, Elreta stated, “Discrimination against darker-skinned students by the teachers was typical, unless they had special talents (e.g., athletes) . . . We had a saying at that time: ‘If you’re white, you’re right; if you’re yellow, you’re mellow; if you’re black, get back.’”<sup>28</sup> As a child, Elreta stated that she primarily spent her time with lighter-skinned children, perhaps in an attempt to avoid pejorative comments regarding the color of her skin, or a childhood need to be with those most like her.

Because of her early exposure to colorism, Elreta would later pride herself for defending clients of all skin tones. As a descendant of two white grandparents, Elreta was extremely light-skinned. She was acutely aware that the color of her skin changed the way people thought of her. Light skin was symbolic of the upper-class, particularly for black females. Light-skinned black females found themselves with more educational and professional opportunities; thus, they often ended up in a higher socio-economic group.<sup>29</sup> While the lightness of Elreta’s skin did not ensure her place in middle-class

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<sup>28</sup> Bettye Collier-Thomas & James Turner, “Race, Class and Color: The African American Disclosure on Identity,” *Journal of American Ethnic History* 14, no. 1 (Fall 1994): 5–31; Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

<sup>29</sup> The significance of light skin since slavery has been well documented. See Gaines, *Uplifting the Race: Gilmore, Gender and Jim Crow*; Blain Roberts, *Pageants, Parlors, & Pretty Women: Race and Beauty in the Twentieth-Century South* (Chapel Hill: The University of North Carolina Press), 2014.

society, she was cognizant of the benefits it provided her and made sure she used her position to help all individuals regardless of race.

At Dudley, however, lighter skin did not always help Elreta's position. Elreta later stated that while Mrs. Minor treated the darker children as inferiors, she mocked Elreta, referring to her as "Madam Queen" when she did not laugh at Minor's jokes intended to belittle the darker-skinned children. Young Elreta was a very talkative and assertive child and made sure she expressed her dissatisfaction with Mrs. Minor's treatment of other children; she even alerted her father and the principal, Dr. John Tarpley, to the situation. The principal called Mrs. Minor into his office where she was apparently reprimanded, as Elreta stated she changed her treatment of students. While other teachers whispered that Elreta seemed to think she was as good at their jobs as they were, the situation was quelled. Later, Elreta stated this incident probably changed the trajectory of her life.<sup>30</sup> From then on she was determined to make sure African Americans of all skin tones received equal treatment.

At Dudley, Elreta also benefited from the instruction of teachers who vocally spoke out against Jim Crow. Vance Chavis was Elreta's science teacher. Chavis influenced a generation of young black students in Greensboro. He was open about his participation in the NAACP emphasized the importance of voting, urging students to encourage their parents to register and vote. Chavis emphasized the lessons children like Elreta learned at home, telling students to "not to go in the back way at the movie theater and climb all those steps in order to pay for segregation." He also advocated protest,

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<sup>30</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

helping organize students a theater boycott during the 1930s, and refused to accept Jim Crow rules by refusing to ride segregated buses and railroads.<sup>31</sup>

Growing up in the Jim Crow South, young Elreta was undoubtedly affected by prevalent racial attitudes, although in hindsight she claimed Jim Crow did not necessarily affect her in an adverse way. In a 1993 interview with the Law School Oral History project at the University of North Carolina at Chapel Hill, she was asked if she thought about segregation as a child. She responded that she thought about it, but that it did not necessarily have an adverse effect on her childhood. Despite the fact that she had two white grandparents, she did not long to be associated with white people.<sup>32</sup> When Elreta reflected on the Jim Crow time period after a ground-breaking career, she was able to see the rewards of growing up—and persevering—during a trying time. As a child and teenager, however, it would have been hard for any black individual to maintain this level of confidence in an environment designed to degrade and disempower African Americans. But the hardships of growing up black in the Jim Crow South presented young Elreta with hurdles that she jumped over, establishing a pattern for her adult life and career.

Despite her middle-class upbringing, Elreta learned how to persevere through hardship as a child. While Greensboro had a “small but significant” black middle-class, most of the African Americans in Greensboro worked menial jobs serving whites. Indeed, Reverend Melton’s middle-class ideals sometimes did not go over well with

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<sup>31</sup> Chafe, *Civilities and Civil Rights*, 23.

<sup>32</sup> Alexander Interview, 12, Southern Historical Collection.

working-class parishioners. Despite all African Americans being seen as inferior by whites, the emergence of a black middle-class created friction within the black community. Middle-class blacks often expressed a desire to reform or improve the lives of working-class blacks, even though many working-class blacks already emphasized the concepts of respectability to their children. With their educations and without the responsibility of being burdened by agricultural and domestic labor, many middle-class blacks felt their talents should be used for the sake of racial uplift. But what many in the working-class viewed as racial uplift, others viewed as accommodation to white society. Additionally, the emphasis on self-help that accommodated uplift ideology sometimes indirectly faulted lower-class African Americans for their socioeconomic condition. This class friction was apparent during the tenure of J.C. Melton as the thirteenth minister of the First Missionary Baptist Church in Smithfield. Melton did “good pastoral work and was the first pastor who led the church to raise \$1600 in a rally . . . The church increased in membership and people rallied to hear him.” As a minister, J.C. Melton “was ahead of his time.”<sup>33</sup> Pushing for new programs and fundraising campaigns, he often made his working-class congregations uncomfortable. In the Jim Crow South, African Americans often had few places to congregate other than schools and churches. Because he was an educated and well-spoken man, there was sometimes a rift between Melton and his congregants, highlighting the increasing tension between black socio-economic classes.

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<sup>33</sup> Chafe, *Civilities and Civil Rights*, 16; Ritterhouse, *Growing Up Jim Crow*, 20; Higginbotham, *Righteous Discontent*, 18; Gaines, *Uplifting the Race*, 4; Dr. Carolyn Grantham Ennis, *The Historical Heritage of First Missionary Baptist Church, 1866–2008*, Smithfield, NC: published by author, Johnston County Heritage Center, pgs. 2, 5.

The tension between Melton and his congregants was not uncommon as the increased emphasis on higher education and a more subdued worship style by college-trained ministers clashed with older, untrained ministers and laity. This tension between education and traditional worship style was particularly true in rural, Southern churches with a large working-class congregation, similar to the environment in Smithfield. Many educated and well-trained black ministers were unprepared for conflicts they would encounter as they attempted to reconcile traditional religious beliefs and practices with the ideals of middle-class respectability. Class issues followed Melton to United Institutional Baptist Church in Greensboro. The United Institutional Baptist Church formed when two Baptist churches, Mt. Sinai and East Market Street, merged, and Melton was the first minister of the newly merged church. The socioeconomic make-up of the church consisted of “the ‘have nots’ with a few educated middle income members,” including teachers, a dentist, a college president, and a lawyer.<sup>34</sup> Most members, however, served as domestic workers and laborers.

In the twentieth century black ministers found themselves increasingly torn between their spiritual duties and their efforts to uplift the race. In an effort to reorganize church procedures at United Institutional, Reverend Melton implemented a system where an appointed parishioner visited congregants’ homes and took church collections. At the same time, he took a salary cut to improve church finances. The program worked long enough to repair the church basement, install a new baptismal pool, and get new choir

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<sup>34</sup> Higginbotham, *Righteous Discontent*, 44; United Institutional Baptist Church, “Pastoral History of United Institutional Baptist Church.” 2.

uniforms. But despite the improved financial situation of the church, the rift between Reverend Melton and his congregation grew. At-home visits to collect money for the church probably did not sit well with the working-class members of J.C. Melton's church. While Melton was not the only middle-class black man in the church, he led a group of people who generally did not have his educational attainment—or his \$25.00/week salary. According to a church history, in January 1937, J.C. Melton resigned as the minister of United Institutional Baptist Church.<sup>35</sup> Rev. Melton left the church because of an inability to connect with his congregants and overcome increasingly fractious class divides.

As an adult, Elreta stated her father's departure from United Institutional was a direct result of class conflict and claimed that her father had to leave the church "because he dared to work to send his kids to school."<sup>36</sup> The church, however, believed the Melton family had more money than they needed. According to Elreta, her father did not willfully resign but left when the church withheld his salary after his wife and three children all graduated from college. The incident highlights class divisions in the African-American community that Elreta would confront head-on in her legal career.

The Melton family's racial and class status set the foundation that placed Elreta on the path to becoming a pioneering attorney and judge. Racial etiquette was an important component of growing up in the Jim Crow South. It determined where you fit into your community depending upon your race, and it determined how you would

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<sup>35</sup> Gayraud S. Wilmore, *Black Religion and Black Radicalism: An Interpretation of the Religious History of African Americans*, 3rd ed. (Maryknoll, NY: Orbis Books, 1998), 3; "Pastoral History of United Institutional Baptist Church."

<sup>36</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

interact with those around you. The Meltons, however, worked to ensure that Elreta herself was able to determine her own role and place in society, while still maintaining notions of respectability. In fact, there was a rule regarding education in the Melton household: nobody could sleep under Reverend Melton's roof without finishing college.<sup>37</sup> The Melton family's emphasis on education afforded their children a college education.

In the early twentieth century, however, a formal education was out of reach for most African Americans. Many whites in Jim Crow society subscribed to the notions of scientific racism, believing that those of African descent were inferior, lazy, and not intelligent enough to receive education outside of vocational training. A formal education elevated the class status of black families, setting them apart from others. At the same time, it also placed a heavy burden of responsibility on their shoulders. Those few African Americans who received an advanced education were expected to use that knowledge for the benefit of the race. This concept of "socially responsible individualism" instilled in privileged young African Americans made them acutely aware that they were not just getting an education for themselves, but they were getting an education to change the positions of African Americans in Jim Crow society.<sup>38</sup>

After graduation from Dudley High, Elreta enrolled at North Carolina Agricultural and Technical University as a scholarship student. In addition, she focused heavily on cultivating her musical talents, traveling around the state in plays "to show that decent kids could go to A&T college."<sup>39</sup> At A&T she would continue to apply the

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<sup>37</sup> Ritterhouse, *Growing Up Jim Crow*, 4; Alexander Interview, 9, Southern Historical Collection.

<sup>38</sup> Shaw, *What a Woman Ought To Be and To Do*, 2-3.

<sup>39</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

values of her childhood to her education and embrace the notion of “socially responsible individualism” to use her talents and education for the betterment of her race. As a historically black university, A&T would become an integral setting of the civil rights movement and further lay the foundation for Elreta’s groundbreaking career.

North Carolina Agricultural and Technical University was originally founded as an annex to Shaw University in Raleigh, North Carolina, in 1890. In 1887, the state of North Carolina established North Carolina Agricultural and Mechanical University for white students in Raleigh. The state created North Carolina A&M as a land grant college under the second Morrill Act, passed by Congress on August 30, 1890. The act provided each state with \$15,000 a year for institutions focusing on agriculture, mechanical arts, math, and sciences. The act also stipulated that the money should not go towards a college where race was a factor in the admission of students. Separate colleges for black and white students, however, were in compliance as long as the funds were equally distributed between the black and white schools. Because of the second Morrill Act, the state legislature created A&M College for the Colored Race in 1891, with the A&M for white students becoming North Carolina State A&M. The racial stipulation in the second Morrill Act allowed A&M for the Colored Race to become the first public black college in North Carolina. On March 3, 1892, the board voted to relocate the college to Greensboro, and the school began to expand to include courses in the humanities, fine

arts, business, and education. In 1915, the school was renamed the Agricultural and Technical College of North Carolina.<sup>40</sup>

A&T became a cornerstone of Greensboro's black community. Along with the all-black private women's college, Bennett, the school became an example of Greensboro's perceived racial progressiveness. The condition of Greensboro's black community can be traced back to its access to education. From the 1930s through the 1950s, African Americans in Greensboro had a higher median education level than in other North Carolina cities, as well as a higher median income, with 15 percent of blacks in town working in the professional careers. In the Jim Crow era, Greensboro's black schools were an important source of activism and change. For instance, women at Bennett College were encouraged to avoid spending their money at establishments where they were not treated equally and to devote their spare time to volunteering in the community. Also, as a private school, Bennett's leadership was not required to pander to the all-white North Carolina legislature for funding. North Carolina A&T, on the other hand, had to secure state funding, which often meant complying with white wishes. The school, however, maintained its academic rigor. In the 1920s and 1930s, A&T was an academic institution on the up-and-up, quickly increasing and solidifying its academic reputation and becoming known to black America as a place of excellence. A&T was also a hub for community gatherings, political dialogue, cultural events, and intellectual

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<sup>40</sup> Warmoth T. Gibbs, *History of The North Carolina Agricultural and Technical College* (Dubuque, IA: William C. Brown Book Company, 1966), 2–5. North Carolina A&M in Raleigh is now North Carolina State University; North Carolina A&T State University, "History and Mission," 2016, <http://www.ncat.edu/about/history-mission.html>.

discussion, a place where Greensboro's African Americans, who were denied access to white institutions, could engage in and cultivate intelligent discourse.<sup>41</sup>

From 1925 to 1955, Dr. F. D. Bluford was president of A&T. Since A&T's existence depended upon white, North Carolina legislators for funding, Bluford frequently found himself in the difficult position of having to appease the expectations of whites in power, while leading a university built to cultivate strong African-American leaders. While Bluford publicly denounced protest on campus, in 1948 he privately told Randolph Blackwell, an A&T student running for state assembly, that he was free to use the school's auditorium as long as he did not ask for permission. If asked about protest activities on campus, Bluford needed to be able to tell white leaders he had not sanctioned Blackwell's actions. Blackwell later stated that despite Bluford's sometimes reputation as "the last of the hand-kerchief heads," he also had a strong sense of dignity, and that although he was "discredited and constantly abused, [he] also had some of the same yearnings as those of us that were out there raising hell." Bluford was a family friend of the Meltons, and had initially encouraged Reverend Melton to assume the pastorate in Greensboro.<sup>42</sup> Elreta would later find herself in a similar career position, having to defend African-American interests while appeasing whites in power. Bluford's difficult position surely provided Elreta with an example of how to live and operate in two racial communities.

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<sup>41</sup> Chafe, *Civilities and Civil Rights*, 17–18, 20.

<sup>42</sup> Chafe, *Civilities and Civil Rights*, 21–22; Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

Elreta started college at A&T in 1934, and the school encouraged female students to take a wide variety of courses. The college catalog stated that “all courses in the College are open to women on the same basis as men. There is a great demand for well-trained women not only as teachers but in practically all fields of endeavor.” From the time she started at A&T Elreta knew she did not have to pursue a limited career track. She majored in music, which would be a lifelong passion.<sup>43</sup>

At A&T Elreta was both socially popular and academically successful. To earn extra money, she waited tables, all while maintaining her grades and an active social life. She was consistently on the school’s honor roll, maintaining a high grade point average. Elreta also described herself as having many boyfriends, and she and her older sister, Ella, were regulars in the gossip section of the school’s newspaper, *The Register*. In one edition, the columnist wrote “A and T male students are sticking close to Home Sweet Home this year . . . Motley has found a home at last with one of the Melton sisters,” and later, “Wonder what Miss Elreta Melton will do now. Miss Loretta Bagwell and Miss Marion Leech are pulling straws over Mr. Richard Lewis. Whatta man!”<sup>44</sup> Elreta never seemed to have problems attracting the attention of the opposite sex.

She was also an active member of the Ivy Leaf Club, A&T’s chapter of the Alpha Kappa Alpha sorority. Alpha Kappa Alpha, established in 1908, is the nation’s oldest

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<sup>43</sup> The Fortieth Annual Catalogue (1934–1935) of the Agricultural and Technical College of North Carolina. Majoring in music was fairly common for women coming out of the black middle class, as detailed in Stephanie Shaw’s *What a Woman Ought To Be and To Do*. Many intended to pursue careers as professional performers or private music instructors.

<sup>44</sup> “Eighty Students on Honor Roll for First Quarter,” *The Register* 29, no. 3 (February 1935), 1; “Winter Honor Roll Announced” 30, no. 6 (May 1936), 1; “Four Tie for High Honors as List is Announced” 31, no. 5 (February, 1937), 6; “So Help Me,” and “The Voice Speaks,” *The Register* 30, no. 2 (November, 1935), 3.

black Greek-letter sorority. Black organizations, particularly those for women, were a key aspect of the politics of respectability, which had been emphasized to Elreta throughout her life. Black women's organizations became a place where public action and private interests met, to create a foundation for future activism. Entrance into these organizations in the early twentieth century, however, often depended on social class and physical attributes. "Paper bag tests," where a skin color lighter than a beige paper bag was seen as a necessary component of membership, added an aura of exclusivity to many black sororities.<sup>45</sup> Already familiar with the concept of colorism, Elreta at times embraced, and at others rejected, her biracialism and the advantages that sometimes accompanied it.

Elreta's older brother, Judson Melton, was also involved in the Greek system and served as president of the Alpha Phi Alpha fraternity at A&T. Alpha was a "high-brow, white-collar, light-skinned, high-achieving fraternity," as Alexander described it. Black fraternities were instrumental in forming what E. Franklin Frazier called the "Black Bourgeoisie." Franklin argued that membership in Greek letter societies for African-American men indicated upward mobility: the ability to escape working-class roots and achieve middle-class status. W.E.B. DuBois also felt black fraternities were an important part of black education because they fostered leadership. DuBois encouraged many

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<sup>45</sup> Deborah Elizabeth Whaley, *Disciplining Women: Alpha Kappa Alpha, Black Counterpublics, and the Cultural Politics of Black Sororities* (Albany: State University of New York Press, 2010), 2, 20, 35.

fraternities, like Alpha, to diversify their membership and recruit members from working-class black families so they could also hone their leadership capabilities.<sup>46</sup>

Like many fraternities, Alpha also provided social and recreational activities for African-American youth. Elreta claimed to have been the “official songstress” at A&T during the early 1930s. Her musical talent landed her several notable gigs, and she was frequently asked to sing solos at school events such as school dances, cantatas, and special programs.<sup>47</sup> It was her talent as a singer that led her to her introduction to her first husband. During her last year at Dudley, at age fifteen, she met Girardeau “Tony” Alexander. At the Alpha annual dance Elreta was invited to sing “Under a Blanket of Blue” during the intermission. After arriving at the dance with his sister and his girlfriend, Judson Melton put Tony, a shy, innocent pledge, in charge of his little sister for the evening. Much to Elreta’s dismay, Tony’s dancing abilities were not up to her standards, and she left the dance disappointed that she did not dance with other college men. From that night forward, however, Tony would always be a part of her life.

Tony Alexander came to North Carolina A&T after growing up in New York City. His father, who grew up in Brooklyn, was sent to attend college in North Carolina after impregnating a girl in New York. He became one of the first three engineering graduates from A&T, where he met, and subsequently married, Tony’s mother, Lavinia, who was of Cherokee, European, and African ancestry. Tony was born on East Market

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<sup>46</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Derrick P. Alrige, “Guiding Philosophical Principles for a DuBoisian-Based African American Educational Model,” *The Journal of Negro Education*, 68, 2 (Spring, 1999): 182–199.

<sup>47</sup> “The Ivy Leaf Club,” *The Register* 18, no. 5, 4 (May 1934); “Young Women Hold Appreciation Hour,” *The Register* 29, no. 3 (February 1935), 1; “Choral Club Gives ‘The Christ Child’” *The Register* 29, no. 2 (December 1935), 1; “Senior Education Students in Program,” *The Register* 31, no. 2. (November 1936), 1.

Street in Greensboro before the family returned to New York. Although his father deserted the family after moving north, Tony returned to Greensboro at the behest of his maternal grandfather. It was common for young African Americans with the ability to go to college to attend institutions where they, or their parents, had social, familial, or professional connections.<sup>48</sup>

Tony did not immediately secure Elreta's affections. After she enrolled at A&T, however, he increasingly became a fixture in Elreta's life, even when she dated other young men. She later stated, "I didn't want to get tied up with him, but gradually I began to date him. The first thing I did was teach him how to dance, in my father's living room." J.C. Melton kept a watchful eye over his youngest child's dating life. Frequently courting at the Melton house, Elreta stated her father "was very jolly, and he would always come in and tell the fellows jokes. But he would never leave you in the living room but five or ten minutes, and you would hear him clear his throat." As Elreta and Tony became an exclusive couple, it became apparent that they had drastically different personalities. While Elreta was social and participated in school dances, Tony sat in the corner and watched. But as they came to know each other better, Elreta grew to respect his intelligence and his work ethic. Despite their budding relationship, Elreta later admitted that "I'd still pull my antics . . . he'd come in the front door and I'd run out the back . . . because I knew we were getting too close." Young Elreta was not in a hurry to be tied down. Despite her efforts to not get too close to Tony, Elreta was linked with him

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<sup>48</sup> Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection; Shaw, *What a Woman Ought to Be and to Do*, 47.

in the A&T newspaper. In 1936, it was reported that “G. Alexand[er] is falling for the lovely Elrita [sic] Melton. Tony, she is plenty ‘smart.’” Later that year in the “Campus Chatter,” the author stated, “If you’d stop mooning about Tony, Miss Melton, I’d tell you something. Perhaps he’d rather tell you.”<sup>49</sup> While the author was not specific as to what Tony would rather tell Elreta, the two formed a tempestuous bond lasting for rest of Tony’s life. At A&T, however, Tony began to exhibit some self-destructive behavior. He attended parties with another fraternity, the Omegas, known for their frequent drinking and partying. Elreta’s brother, Judson, even threatened to kick Tony out of Alpha. Even Elreta’s best friend, Katharine Tynes, had quickly grown weary of Tony, saying, “You know, I don’t like him. He’s so brilliant; [but] I don’t like him.” After being put on probation by the fraternity, Tony cleaned up his act, but his hard drinking and erratic behavior returned several years later.

While Tony’s behavior could be difficult to tolerate, it was the loss of Elreta’s best friend that she never overcame. While at Dudley High and A&T, Elreta’s best friend was Katharine Tynes, who was also the daughter of a minister in Greensboro. For years the friends were “almost like twins,” as they encouraged each other through their academic endeavors. They pledged for a sorority together, double dated together, and went to school dances together. When Katharine committed suicide in July 1935, at the age of eighteen, Elreta, who was sixteen at the time, was devastated. As Elreta remembered forty-two years later, “It changed my life; I began to look at people for what

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<sup>49</sup> Alexander Interview, May 12, May 19, 1977, Box 5, Folders 7, 8, Alexander Collection; “The Voice of the Skull,” *The Register* 30, no. 4 (January 1936), 3; “Campus Chatter,” *The Register* 21, no. 3 (December 1936), 2.

they were, and I was less concerned about just the good times: . . . I became determined to live out Katharine's life; . . . If I hadn't tried to live Katharine's life too, I think I would have just been a flirt . . . After her death, I began taking up for the underdog. I talked to people on the street, which I hadn't done before."<sup>50</sup> The death of her best friend haunted Elreta for years to come, as she stated that she felt Katharine's presence with her often. Elreta did not just receive an institutional education influencing her future career, but she also learned hard life lessons and perspectives, which gave focus to her life and prepared her for her work with a variety of individuals.

After Katharine's death Elreta stated that she began to feel sorry for Tony, "that he could not communicate with such a brilliant mind." When Tony graduated from A&T, he gave Elreta his fraternity pin, and she promised to marry him "if I could grow up first; I was only 17 at the time." After she graduated from A&T in 1937 at age eighteen, Elreta Melton and Tony Alexander became engaged. Tony attended Meharry Medical College in Nashville, Tennessee, which was the first medical school for African Americans in the South. Elreta went to Chester, South Carolina, for a year to teach history, math, and music. According to Elreta, she did not necessarily want to become a teacher, but "I wanted to get free . . . hang loose."<sup>51</sup> After living under the strict guidance of her father, this teaching job was Elreta's first time on her own.

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<sup>50</sup> Katharine Tynes's official death certificate states that she mistook a bottle Yager's Liniment for medicine and drank a portion with caused her death. Her death was ruled accidental. See Alexander Interview, May 19, 1977, Box 5, Folder 8, Alexander Collection.

<sup>51</sup> Alexander Interview, May 12, May 19, 1977, Box 5, Folders 7 and 8, Alexander Collection; Meharry Medical College, "About Meharry," 2016, <https://www.mmc.edu/about/>.

In her first years as a teacher, she witnessed racial injustices in education and politics, while dealing with a marriage that would embroil her life in turmoil and pain. Teaching was a common profession among young, educated black women, but it was not an easy job, with black teachers earning less and teaching more children than their white counterparts. A&T, like other historically black colleges, trained their female students in a variety of areas, which proved helpful for new teachers who regularly found themselves faced with tasks requiring training outside their field, including raising money for the school and its students. In rural schools, similar to the schools where Elreta started her career, minimal funding came from local and state governments, while the community supported education by supplementing teacher salaries by supplying housing, or providing food and shelter at a low cost. Elreta paid fifteen dollars a month rent out of her fifty-seven-dollar monthly salary.<sup>52</sup>

While in Chester, Alexander became involved with a divorced man eighteen years her senior named Harold Crawford. Crawford was a professor at South Carolina State University, a historically black university approximately one hundred miles south of Chester. When Tony and Harold unexpectedly showed up to the same choral concert in Chester, Tony became so upset that Elreta later stated he threatened to quit medical school and marry her right away. She did not want to marry while Tony was still in medical school. Reverend Melton advised his daughter to think long and hard about her decision. He stated, "You could get pregnant, and then you couldn't work to send him

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<sup>52</sup> Shaw, *What a Woman Ought to Be and To Do*, 144, 175–6; Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection.

through school, and you'd have to struggle." Despite her father's advice, and her own hesitations, Elreta reluctantly agreed to marry Tony. In a letter dated July 9, 1950, from Elreta to her husband, she explained why she married him despite her misgivings. She stated:

We had considered ourselves engaged for quite some time: . . . But, as you insisted that you would not continue school and that your necessity for a re-examination was due to worry over me, I told you that I would rather sacrifice my freedom to avoid your wasting your life. You said that if I would marry you, it would be a bond of encouragement . . . a reason for going on . . . We loved each other and both knew that sooner or later we would wed, for that reason we felt that nothing was lost by quietly marrying and keeping it a secret until you were able to take on the obligation of a wife.

Elreta later added that "at 19 years, one does not have the maturity of an adult."

The seeming inevitability of the union, combined with immaturity and the guilt she felt over Tony's troubles in medical school, ultimately overruled Elreta's doubts. The two eloped on June 7, 1938. While they were both in Greensboro, and with Reverend Melton out of town for a meeting, the couple took a taxi to Asheboro, North Carolina, about thirty miles south. After receiving their marriage license, Elreta remembered the clerk in the register of deeds office issued their license, "because she said she never will forget how scared I was."<sup>53</sup> Time would prove that Elreta's fears were not unfounded.

The new Mrs. Alexander was nineteen years old; her new husband was twenty-three. The couple returned to Greensboro, and the next day, Tony left. He did not quit medical school, but went to New York City where he worked during the summer before

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<sup>53</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection.

returning to Meharry in the fall. Elreta kept the marriage a secret from her family, maintaining the name Melton, which took a toll on young Elreta. She stated, “I stayed in my room for about a month, crying, and [my parents] thought I was sick and didn’t know what was wrong with me. I was ashamed to tell them, I was scared of being married, I couldn’t go out with fellows . . . my parents were really concerned about my mental welfare.” Elreta did not want to return to South Carolina, as the state did not allow married women to teach.<sup>54</sup> She later stated she did not want to teach under false pretenses. During the Depression years, however, jobs were scarce, but Elreta finally secured a position in Sunbury, North Carolina, in 1938.

In Sunbury, located in northeastern North Carolina, Elreta quickly learned the realities of other black families who did not have the benefit of a middle-class lifestyle or easy access to education. Sunbury was a part of the Tidewater region of North Carolina, where just over seventy years before African slaves worked on large plantations. Elreta described the area and the children as “very poor . . . farming country . . . these kids, some of them would have to walk ten or twelve miles each way to go to school. And on rainy days, it was the first time I’d ever seen oxcarts, [they did] the best they could to get any education.” Elreta was the school’s music teacher, and under her direction the school choir began fundraising performances to raise money to bus children into school.

Teaching at an all-black school, Elreta likely taught the children of sharecroppers, who

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<sup>54</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection; Also see Patricia Ann Carter, *Everybody’s Paid But The Teacher: The Teaching Profession and the Women’s Movement* (New York: Teachers College Press, 2002). Carter states that by 1931, “77% of all U.S. school districts had instituted bans on married women teachers.” This was most notable in smaller towns, like Chester, South Carolina. Carter also states that the justification behind a ban on married teachers was the belief that “the married woman’s true place was in the home.”

were hit particularly hard by the Depression. Falling crop prices, took a particular toll on sharecroppers and tenant farmers, who already struggled to support their families and pay their landlords.<sup>55</sup>

Elreta faced a new set of challenges in her next teaching position. The year after Sunbury, Elreta taught in Taylorsville, North Carolina, approximately ninety miles west of Greensboro, where she taught math and music for two years. While in Taylorsville, Elreta clashed with the school's principal, Robert Johnson, after forming a friendship with his wife. The teacher's quarters included the home of the principal and his wife, which became uncomfortable when Elreta started receiving special treatment from the principal's wife in the form of nice food and gifts. When Elreta threatened to leave to avoid an awkward situation with the other teachers, Johnson told her that she would not be going anywhere. When Elreta moved out anyway, Johnson tried his best to discredit her to the school superintendent. Elreta, however, bested Johnson, as her choir and students won the praise of the superintendent, and was offered to return to her position for another year. This incident was early practice for her legal career, when white men and prosecution teams would attempt to discredit her work.

While Elreta taught school, Tony worked to complete medical school at Meharry Medical College. He had a small Model A Ford, which cost thirty-five dollars, and he drove over the Appalachian Mountains every two or three months to visit his wife. When Tony graduated from Meharry in 1940 he accepted an internship at Reynolds Hospital in

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<sup>55</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection; W.O. Saunders, "He never wanted land till now." Interview with A. D. Pool, Elizabeth City, N.C., November 10, 1938, WPA Federal Writers' Project, <http://www.learnnc.org/lp/editions/nchist-worldwar/5873>. Accessed May 11, 2016.

Winston-Salem, North Carolina, before taking a two-year surgical residency at L. Richardson Hospital, the all-black hospital in Greensboro.<sup>56</sup> When Tony secured his residency, he demanded that Elreta stop teaching. She returned to Greensboro, and the couple went public with their marriage.

In was in these early years of their marriage in Greensboro that Elreta later said she “realized I had made a very serious mistake” in marrying Tony. The couple’s marriage would be defined by turmoil and abuse. While Tony struggled with alcohol, he also had to face changing societal norms. Gender roles in marriage gradually changed during this time, and concepts about domestic duties for men and women began to shift. Patriarchal and traditional family structures temporarily changed when the United States entered World War II. Men had typically assumed the provider role, going to work every day while the woman stayed at home, but as more young women entered the job market and earned limited economic independence, assumptions based on the “man-as-provider model” began to clash with reality.”<sup>57</sup> Elreta claimed Tony kept her on a tight rope financially, refusing to purchase items for their new house while bringing in five hundred dollars a month as a doctor. After much persuading, Tony gave Elreta permission to work as long as she was home by four o’clock in the afternoon when he returned home for the day. A&T President F. D. Bluford offered Elreta a position as an assistant in the A&T library, where she earned seventy-five dollars a month.<sup>58</sup>

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<sup>56</sup> Meharry Medical College, “1940 Meharry Medical College Commencement,” *Meharry Medical College Archives*, accessed July 11, 2016, <http://diglib.mmc.edu/omeka/items/show/191>.

<sup>57</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection; Beth L. Baily, *From Front Porch to Back Seat: Courtship in Twentieth-Century America* (Baltimore: The Johns Hopkins University Press, 1988), 4.

<sup>58</sup> Letter from F.D. Bluford, Box 1, Folder 1, Alexander Collection.

In the 1940s husbands had legal control over their wives' earnings. But while patriarchy and a husband's control over his wife transcended racial lines, the appearance of manhood was especially strong in the black community. In the African-American community, males had historically been emasculated, making patriarchal gender norms of high importance. Slavery depended on the emasculation of black men, and sex was a powerful weapon used by slave owners to make their male and female slaves subservient. White, male slave owners raped female slaves, with male slaves having no method of legal recourse. After slavery, Jim Crow laws attempted to subdue any agency gained by black men. In 1900, North Carolina passed a disfranchisement amendment which placed suffrage restrictions such as literacy tests, poll taxes, and a grandfather clause on black men. At this time, George White, a black legislator, stated, "I cannot live in North Carolina and be a man." In the early twentieth century, Eurocentric hegemonic conceptions of manhood heavily influenced middle-class black men, demanding high moral character and separate spheres for women and men.<sup>59</sup> The politics of respectability weighed heavily on both Tony and Elreta's shoulders, as ongoing oppression affected the gender roles in their relationship. These patterns of emasculation prompted many African-American men to forcefully assert their masculinity and authority in their marriages.<sup>60</sup> In the case of Tony and Elreta Alexander, Tony's behavior likely reflects

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<sup>59</sup>Angela Hornsby-Gutting, *Black Manhood and Community Building in North Carolina, 1900–1930* (Gainesville: University Press of Florida, 2009), 2, 7

<sup>60</sup> Gendered expectations often accompanied the politics of respectability. See Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States* (Chicago: University of Chicago Press, 1995); Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: The University of North Carolina Press, 1996); Deborah Gray White, *Too Heavy A Load: Black Women in Defense of Themselves, 1894–1994* (New York: W.W. Norton & Co., 1999); Hornsby-Gutting, *Black Manhood and Community Building in North Carolina, 1900–1930*

developing patterns of control and abuse, in addition to his alcohol dependency, in an increasingly changing world.

Eventually, an unsuccessful city council race would change the trajectory of her life. It was in her new life as an unhappy, part-time housewife that Elreta made a formative decision about her career. In 1943, an African-American Methodist minister, Reverend Robert Sharp, ran for Greensboro city council. Elreta described him as “a perennial runner and a perennial loser, mainly to get people [African Americans] involved and to exercise their franchise.” Sharp had certainly been a perennial loser. In his 1933 race for Greensboro City Council, Sharp was supported only by about 12 percent of voters city wide. In the next two elections, white candidates polled higher than Sharp in black areas, and he never received more than 15 percent of ballots cast. After 1935, however, black voter registration began to increase, and the Greensboro City Council slowly became more receptive to the needs of the African-American community. Although black voters had been disenfranchised in North Carolina, in Greensboro, whites did not overtly suppress African-American votes.<sup>61</sup>

With little work to do at home, as she was not yet a mother and only worked part-time, Elreta decided to volunteer for Sharp’s 1943 campaign and learn a little bit about politics. According to Elreta, other workers for African-American politicians in Greensboro “more or less” paid African Americans for their votes. Reverend Sharp,

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(Gainesville: University of Florida Press, 2009); Claudia Lawrence-Webb, Melissa Littlefield, and Joshua N. Okundaye, “African American Intergender Relationships: A Theoretical Exploration of Roles, Patriarchy, and Love,” *Journal of Black Studies* 34, no. 5 (May, 2004): 623–39.

<sup>61</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection; Chafe, *Civilities and Civil Rights*, 24–25.

however, did not and subsequently lost the election, coming in ninth out of twelve candidates. It was, however, his best showing in a Greensboro City Council election.<sup>62</sup>

Elreta was distraught. She was consoled by Sharp, who said, “Elreta, I didn’t run to win: . . . In your lifetime, you’ll see something change; you’ll see us marching to the polls and being a part of citizenship: . . . Don’t cry about it; do something about it.” The next day Sharp brought Elreta a copy of *Blackstone’s Commentaries on the Law* and told her she would make a good lawyer. Elreta initially laughed at the suggestion, and her father thought it was absurd and suggested she instead work on her master’s degree and go back into teaching. Elreta decided to take back some of the agency she had given up early in her marriage and tell Tony she would be going back to school. According to Elreta, “The tables had turned. No longer was he the sniveling lover; he was the big man, the pretty little doctor . . . and he had the women running after him . . . and he’d been as poor as Joe’s turkey.” Tony, with his new-found confidence and large paycheck, had no problems with his wife going to back to school. He responded, saying, “Go to any school you want to, but you have to live with my mother in New York. I’m glad to get you out of town.” After marrying young and while still in school, Tony was perhaps eager to discover himself on his own terms as well. Elreta agreed to Tony’s condition but not without making him hurt. She “looked at every school in New York that taught law: Fordham, New York U, St. John’s, Columbia. And I looked and I said, all right, which one is the most expensive? That bastard, I’m gonna take care of him. I’m gonna make him spend some of his money.” Elreta only applied to Columbia University Law School,

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<sup>62</sup> Alexander Interview, 21, Southern Historical Collection; Chafe, *Civilities and Civil Rights*, 25.

and after they reviewed her character and credentials, she was accepted to their summer program.<sup>63</sup>

What started out as a housewife's attempt to stay active put Elreta Alexander on the path to a ground-breaking legal career. Because of Sharp's loss in the city council election, Elreta tapped into her sense of justice and began to pursue a career seeking justice for others. She later stated that the excuse she gave for going to law school was that Tony was registered for the draft, she wanted to find my career, and because "you couldn't tell what was going to happen and we didn't have children." At a time when men left to fight in the war, and women took on new responsibilities on the home front, the beginning of World War II provided an outlet to explain away Elreta's failed effort at middle-class and gender conformity. Elreta joined the waves of women leaving the home and embarking on professional careers.<sup>64</sup>

Despite the lack of intention, Elreta's life up to this point prepared her for a legal career and the barriers she would overcome as an African-American woman. The middle-class values instilled in Elreta by her father, her early encounters with racial discrimination, her education at North Carolina A&T, and her increasing sense of injustice all came together at this moment. Elreta Alexander was on her way to Columbia Law School and a series of impressive "firsts" in her legal career.

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<sup>63</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection.

<sup>64</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection. For information on black women's work during World War II, see Deborah Gray White, *Too Heavy A Load: Black Women in Defense of Themselves, 1894–1994* (New York: W. W. Norton & Company, 1999); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic Books, 2010).

### CHAPTER III

#### BETWEEN TWO WORLDS

The life of a housewife and part-time library worker was not for Elreta Alexander.<sup>65</sup> The loss of Reverend Robert Sharp's city council campaign set Alexander on her path to becoming a barrier breaker, although she stumbled upon her pioneering career somewhat unwittingly. Following Reverend Sharp's advice, Alexander decided to pursue a career in law, moving to New York City to attend Columbia Law School, where she was the first African-American woman admitted. In New York, Alexander learned about race and passing as white, as Columbia marked her first time in a nearly all-white environment. At Columbia, she made the conscious decision to embrace her blackness and become a voice for those without one. After graduation in 1945, Alexander took a position at a law firm in Harlem, traveling to North Carolina on weekends to establish residency to become eligible to take the North Carolina Bar and return home. During her time in New York, World War II raged on and African Americans at home found new, albeit short-lived, job opportunities. The war and changing opportunities for African Americans also influenced Alexander's career and activism, which she brought home to Greensboro, North Carolina. During this time Alexander accomplished many "firsts," but these firsts are less important than the formative experiences she had as a law student

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<sup>65</sup> From here on I will refer to Judge Alexander by her married name, which she used throughout the vast majority of her career.

and young attorney. She was a black woman in a white man's world, and at home a victim of domestic violence. Yet the story of Elreta Alexander is not a victim's story. Rather, those experiences made Alexander stronger, informing the kind of activist she would become.

Alexander's decision to pursue a legal career set her on a path where she would break down career barriers for other African-American women, but it initially started as a way to seek revenge on her husband. In the summer of 1943, Elreta Melton Alexander became the first African-American woman to enter Columbia Law School. Alexander's decision to attend Columbia was not based on the school's stellar reputation, but rather, a furious and determined decision to spend some of her husband's new salary. Alexander was accepted into Columbia's summer program and continued to pursue her degree in the fall of 1943. She did not pursue a groundbreaking legal career, but instead, thought that if she left town her husband, Dr. Tony Alexander, would miss her and eventually beg her to come home. Tony, however, never asked her to come home, although he did demand that Alexander live with his mother, Lavina, who lived half an hour away from Columbia by subway.<sup>66</sup>

After growing up in an environment shielded from racial struggles, Alexander was singled out because of her race for the first time at Columbia. Yet it was not the typical singling-out that most African Americans of that time experienced. The dean of the law school, Young B. Smith, warmly greeted Alexander saying, "We welcome you

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<sup>66</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, MSS 223, Elreta Alexander Papers, Martha Blakeney Hodges Special Collections and University Archives, The University of North Carolina at Greensboro.

Ms. Alexander. You know, you're the first woman of your race we've ever accepted in this school. We've had women here since 1927." Dean Smith emphasized that the law school had hoped to admit an African-American woman, and that Alexander's performance could determine whether the faculty would be open to admitting others. Dean Smith's greeting unnerved Alexander. She later said that she felt trapped, and that "they put the weight of a whole race of people on me," so much that she could not even hear the lectures the first six weeks of class.<sup>67</sup> But when Alexander's mother-in-law told her to go home because she should not be in law school, the comment strengthened Alexander's resolve and made her determined to continue.

Many educated, young, black women at that time felt like the "weight of a whole race of people" were upon them. Among educated African-American women, there was a strong sense of social responsibility. They were among the fortunate few who would not be weighed down by domestic and agricultural labor. They were blessed with good educations, which in turn had to be used for the sake of racial uplift. Women like Alexander felt like they were not just working for themselves; they were working for their race.<sup>68</sup>

World War II affected the operation of Columbia Law School. The number of male law students drastically decreased during the war years, as young men went off to fight, bringing enrollment down to 118 in October 1943, from 505 in October 1940, a

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<sup>67</sup> Interview with Judge Elreta Alexander Ralston by Anna Barbara Perez, February 18, 1993 & March 4, 1993, Interview number J-0018, Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. <http://dc.lib.unc.edu/u/?sohp,1262>, 15, 16; Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection.

<sup>68</sup> Stephanie Shaw, *What a Woman Ought to Be and to Do: Black Professional Women Workers During the Jim Crow Era* (Chicago: University of Chicago Press, 1996), 2.

drop of about 77 percent. With fewer students, seminars were canceled, the moot court halted operations, and the *Columbia Law Review* ran on a reduced staff and cut the number of yearly issues from eight to six. In an attempt to mitigate the effects of a lower enrollment, Columbia Law introduced an accelerated program in December 1941. The aim of the accelerated program was to help male students subject to selective service complete as much of their coursework as possible before being called to war. Many students, including Alexander, took advantage of the program, attending school year-round with the addition of a fourteen-week summer session. The addition of summer sessions allowed law students to complete a three-year program in two. Despite the fewer number of students, Columbia Law faculty saw their workloads increase, as year-round teaching responsibilities were spread among a group of faculty reduced by one-third, as many were granted a leave of absence to participate in military or government service. In 1943, the student body included ambitious women able to earn slots in the law school due to the lack of young men, as well as men who were physically disqualified from service. When Alexander entered the program, one-half of the law school student body were first-year students, and of those, 43 percent were women.<sup>69</sup>

As in other occupational fields, the high number of men fighting overseas created opportunities not previously available to women. While Columbia Law's accelerated program was originally designed to help young men finish their law degrees before entering the armed services, it also produced attorneys who could help fill a demand for

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<sup>69</sup> Julius Goebel, Jr., *A History of the School of Law: Columbia University* (New York: Columbia University Press, 1955).

young lawyers in the nation. Many of these new young attorneys were women. Dean Smith was aware of the new opportunities for women, stating:

Many law offices which, prior to the war, would not employ women law clerks are now taking them and are glad to get them . . . the experience of law offices with women lawyers during the war period should aid in breaking down the prejudice which formerly existed against them. Certainly, there will be an opportunity for a limited number of women with first-rate ability.<sup>70</sup>

Columbia Law, during this time, produced several women of first-rate ability.

Bella Savitzky Abzug, the daughter of Russian Jews who went on to become a member of the United States House of Representatives from New York and a leading figure in the second wave feminist movement, graduated from law school with Alexander. Abzug, along with Constance Baker Motley, who was accepted after Alexander, and Alexander herself, represented a group of women able to gain elite educations during World War II and go on to pioneering careers. In 1976, Abzug stated that “When I was at Columbia Law School, America was involved in World War II. As terrible as the war was, it opened many doors to American women that might otherwise have remained shut: . . . suddenly woman power was perceived as a national resource.”<sup>71</sup> The absence of men allowed women to forge their own groundbreaking paths. During

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<sup>70</sup> Annual Report of the President and Treasurer to the Trustees with Accompanying Documents for the Academic Year Ending June 30, 1943, Report of the Dean of the School of Law, Butler Library, Columbia University Archives, Rare Books and Manuscripts, New York, NY.

<sup>71</sup> Columbia University, One Hundred and Ninety First Annual Commencement, June 5, 1945, Series: Contents List, Box 13, Commencement Collection, 1758, Folder 1, 1945, Columbia University Archives, Rare Books and Manuscripts; Alan H. Levy, *The Political Life of Bella Abzug, 1920–1976: Political Passions, Women’s Rights, and Congressional Battles* (Lanham, MD: Lexington Books, 2013), 27.

this time, Alexander's gender worked in her favor. Her race, however, was at times still an issue.

While Alexander was undoubtedly academically gifted, her admittance to Columbia may not have been based solely on grades. Years later she expressed her belief that Columbia had selected her because she was a married woman with light skin and therefore a "safe" choice. Most darker-skinned African Americans pursuing law degrees attended Howard University or the North Carolina College for Negroes, now known as North Carolina Central University. Columbia Law, however, by 1944 had implemented an affirmative action program to recruit black applicants. Several African-American students who had attended black colleges were admitted to Columbia Law in September 1944, but during the first year many flunked out.<sup>72</sup>

Alexander's admittance into Columbia Law opened the doors for other African-American women. When Constance Baker Motley entered Columbia Law in February 1944, just a few months after Alexander, Motley found "the student body included several other women like myself who were determined to become lawyers, notwithstanding the hard-nosed, antiwoman bias prevalent in the profession. There were about fifteen women there when I arrived . . . Columbia Law School men were being

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<sup>72</sup> Motley, "Equal Justice Under Law," 56. At this time more than 90 percent of African-American college students attended Historically Black Colleges or Universities (HBCUs). Historically underfunded, it is possible that many of these students were unprepared for the rigors of all-white Ivy League law school. Even today, African-American students who attend HBCUs tend to perform better academically than African-American students who attend historically white schools. It is likely that Columbia Law, in 1944, did not attempt to address the financial, academic, and social needs of black students. See Mikyong Minsun Kim and Clifton F. Conrad, "The Impact of Historically Black Colleges and Universities on the Academic Success of African-American Students," *Research in Higher Education* 47, no. 4 (June 2016): 399–427.

drafted, and suddenly women who had done well in college were considered acceptable candidates for the vacant seats.” Like Alexander, Motley was a light-skinned, middle-class African American. Raised in New Haven, Connecticut, her family also placed emphasis on the importance of an education. Also like Alexander, Motley used her Columbia Law degree to pursue a ground-breaking legal career, going on to become the first African-American woman to be appointed to the federal judiciary. In an oral interview, Motley stated what made Columbia Law a great place to begin a legal career were the professors who taught students “how to think through legal problems . . . anybody can memorize something to pass the bar but how you go about resolving legal issues or developing new legal issues is a different order of skill . . . And so that those who finished Columbia and actually get a chance to do anything in the area of the development of new legal theories benefit most from that kind of education.”<sup>73</sup> Alexander would use these same legal skills in her career, particularly in the form of innovative programs she created as a judge.

Alexander, however, got off to a rocky start at Columbia. Because of the pressure put on her immediately upon arrival, her mind was disoriented and she could not answer the questions in class. She was sure the faculty felt they had selected the wrong black woman. She made it through the first summer session before going to talk to Dean Smith. She explained that her husband needed her home, as Tony Alexander had been made a draft board physician, which kept him in Greensboro and out of World War II.

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<sup>73</sup> Oral History interview with Constance Baker Motley, Interview conducted by Mrs. Walter Gellhorn, 1978, Interview number NXCP88-A910, Butler Library, Columbia University Archives, Rare Books and Manuscripts, New York, NY.

Dean Smith was not happy with Alexander's decision. He told her, "You're making a serious mistake. The South is going to need a person like you, because you have one thing that you can do: you can communicate with anybody." The day after Alexander arrived back in Greensboro, a letter arrived from Dean Smith, asking Tony if he could spare her for the summer, stating that it was best for her to remain in law school. Tony, who also still enjoyed the financial and social perks of being a young, handsome doctor, said to his wife, "What the hell are you doing here? Get yourself back on up there!" Alexander returned to Columbia and never considered leaving again until graduation.<sup>74</sup> From then until she finished her degree, Alexander thrived at Columbia Law.

Several professors and fellow students at Columbia had a major influence on Alexander during her tenure there. Professor Jerome Michael taught criminal law and the philosophy of law. During World War II, Michael served as special assistant to the Attorney General of the United States while remaining at Columbia Law. According to Alexander, Michael was "an attractive Jewish man with monocles." Uncharacteristically timid while at Columbia, Alexander rarely spoke up in class. That did not stop her, however, from apparently making an impression on the married Michael. Alexander believed "Prof. Michael had an interest in me that wasn't academic, because he was always inviting me into his office to confer on this nice sofa he had there . . . he made his intentions known. He had a hard crush on me." Michael was also particularly hard on Herman Taylor, another African-American student, as he observed the close friendship

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<sup>74</sup> Alexander Interview, May 12, 1977, Box 5, Folder 7, Alexander Collection.

he had with Alexander.<sup>75</sup> For someone such as Professor Michael, who was a law professor at one of the most prestigious law schools in the country, pursuing Elreta Alexander was an erotic deed that played on the hierarchy of the professor/student relationship. Alexander, to her credit, did not succumb to Michael's advances. But as a woman who took pride in her appearance and bragged about men who had a crush on her, it was unlikely that she offered a strong rebuke.<sup>76</sup> Regardless of the appropriateness of Professor Michael's feelings for Alexander, he was known for preparing his students for the rigors of practicing law. Michael developed students' abilities to think clearly and provided them with opportunities to develop applicable skills in preparation for their profession, which would serve Alexander in later courtroom battles.<sup>77</sup>

Professor Paul B. Hays also influenced Alexander's time at Columbia. According to Constance Baker Motley, Hays was regarded as the most liberal professor in the law school. During Alexander's time at Columbia, Hays was a young, successful lawyer for Pepsi-Cola, was very popular with the students, and was known for taking an interest in their careers even after their time at Columbia.<sup>78</sup> When Alexander took his course on labor law, he made her argue her case on the side of management, as he knew she leaned towards the labor side, providing her with balance and perspective. Hays later made her paper on international labor law required reading for his course. The paper, "A Student's

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<sup>75</sup> Goebel, *A History of the School of Law*, 351; Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

<sup>76</sup> Sexual Harassment in white-collar settings was common during this time. See Julie Berebitsky, *Sex and the Office: A History of Gender, Power, and Desire* (New Haven: Yale University Press, 2012).

<sup>77</sup> Historical Biographical Files, Series 1, Box 217, Folder 4, Rare Books and Manuscripts, Butler Library, Columbia University.

<sup>78</sup> Constance Baker Motley interview by Kitty Gellhorn, 1978, Columbia University.

Plan for Peace,” shows a future attorney dedicated to human and civil rights. Written in April 1944, the plan was built on the assumption that the Allied Nations would establish some sort of international organization and utilize the International Labor Organization in international labor relations.<sup>79</sup> Alexander’s proposed world organization consisted of three major divisions: an Assembly, a Security Council, and a World Court, all designed to “increase men’s happiness in socio-economic fields . . . [and] to aid in the preservation of peace.” Alexander also addressed the plight of oppressed peoples in the United States and throughout the world saying, “The exploitation of racial, religious and minority groups is another dark spot in our national and international history. The thirst for economic power which has made the peoples of the world half slave and half free has sought its justification in the *a priori* development of a psychology of innate superiority, or condescending benevolence, or what have you.”<sup>80</sup> Professor Hays’s course, and law school in general, gave Alexander the opportunity to develop and articulate broad beliefs and ideas on race in America and throughout the world. Decades later, when Alexander contacted Hays for a reference for a fellowship, he wrote to her saying, “Nobody who ever met you failed to remember you.”<sup>81</sup> Alexander’s skill as a litigator, along with her personality, made an impression on the Columbia Law faculty.

Like her time at North Carolina A&T, Alexander balanced rigorous coursework with an active social life. Meetings with friends at a bar called “Chock Full O’Nuts,”

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<sup>79</sup> Elreta Alexander, “A Student’s Plan for Peace,” April 1944, Special Collections, Arthur W. Diamond Law Library, Columbia University, New York New York: The United Nations was formally established on October 24, 1945, one year and six months after Alexander’s paper was written. The International Labor Organization is now a United Nations agency.

<sup>80</sup> Alexander, “A Student’s Plan for Peace.”

<sup>81</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

dinner parties, and strolls down Broadway frequently filled Alexander's social calendar. One of her fellow students, Herman Taylor, who was one of the few other African-American students at Columbia Law, became a close friend. Because "Herman" sounded too much like "German," Alexander instead opted to call Taylor "Fritz." Taylor was from Richmond, Virginia, and graduated from Virginia Union University in 1938, which like A&T, was a historically black university. While the two shared a somewhat similar background, Taylor did not come from a middle-class family. Growing up in Virginia, Taylor made money by completing tasks for black doctors who adopted "white man's ways" and forced Taylor to come in the back door. According to Alexander, Taylor was bitter. But he persevered, and received a master's in business administration at Columbia before attending law school. At Columbia he worked at the faculty club, and provided Alexander with turkey sandwiches. Taylor also worked for the National Association for the Advancement of Colored People (NAACP), keeping records for Thurgood Marshall. It was through Herman Taylor that Constance Baker Motley secured her first job at the NAACP's Legal Defense Fund, replacing Taylor as a clerk to Marshall.<sup>82</sup> Despite having a small number of African-American students, Columbia Law produced some of the most pioneering African-American attorneys in the nation.

Alexander's race seemed to be more of an issue in New York City than it had been in Greensboro, North Carolina, where she had primarily spent time with other African Americans. Issues of colorism were prominent in Alexander's relationships, as

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<sup>82</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection; Constance Baker Motley, *Equal Justice Under Law: An Autobiography* (New York: Farrar, Straus and Giroux, 1998), 58.

Taylor was significantly darker-skinned than Alexander. In fact, while northern states did not adopt the strict Jim Crow policies that permeated across the South, the issue of colorism was just as pervasive at Columbia as it was at Dudley High School. Alexander was cognizant of the colorism issue and was willing to point out people who treated two individuals of the same race differently because of their skin tone. When Alexander received invitations to parties, she insisted Taylor be invited as well. “The white students would invite me to all their parties; I was invisible and didn’t shock their mores . . . I always took Herman with me when I’d go with my white friends, and sometimes sitting on the subway, Herman would be the only dark person in the group.” Having attended all black schools until Columbia, Alexander became acutely aware that her biracialism afforded her opportunities not received by Taylor. It was when walking down Broadway with white friends that Alexander realized she could “pass” without trying.<sup>83</sup>

Many African Americans with light complexions, such as Alexander, have passed as white. In the antebellum South, those who could pass did so to avoid not necessarily their blackness, but the confines of slavery. After emancipation, passing as white could help some African Americans avoid the horrors of being black during the Jim Crow era, but it could also be seen as a traitorous move against one’s own race, and often meant denying one’s family and community. As Alexander increasingly became a part of a predominately white legal community, her ability to pass as white taught her about the power of racial privilege. She realized that her light skin gave her the ability to walk down Broadway without pause, when Herman Taylor was not afforded that same

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<sup>83</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

opportunity. While passing for some might have been a form of reinvention, for Alexander it was an unexpected foray outside of the segregated South she grew up in. She stated, “In New York, my Negro blood was hidden . . . I was thrown into this white world, but I did have two sets of friends. Some weekends I’d be with the black lawyers and their friends . . . But most of the time it was in a white world.”<sup>84</sup> Alexander would later use her ability to pass as an effective weapon against racial discrimination, as a method of exposing the hypocrisy of racial thinking on the part of most whites.

Alexander stated that many of the students at Columbia Law grew up with Cockney or Irish servants, so “the only image they had of Negroes was what they read in the paper or riding through Harlem.”<sup>85</sup> At Columbia, Alexander confronted her white friend, Mildred Preen, a member of the New Jersey state legislature, for avoiding Herman Taylor and other African Americans, but not her. She said, “You love me in spite of the fact that I am a Negro. But I want you to know that I will be a Negro all of my life, and I will never disclaim this. You must see me as I am . . . I’m not going to live on the other side.” Alexander said her white friends, who had so little experience with African Americans, “just couldn’t seem to understand how this girl with so many talents and with such fair skin, how she could be identified with Negroes.”<sup>86</sup> Determined to show her new white friends just how talented a Negro work could be, Alexander made the conscious

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<sup>84</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

<sup>85</sup> Alexander Interview, June 16, 1977, Box 5, Folder 10, Alexander Collection.

<sup>86</sup> Allyson Vanessa Hobbs, *A Chosen Exile: A History of Racial Passing in American Life* (Cambridge: Harvard University Press, 2014), Prologue; Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

decision to embrace her blackness at Columbia Law and use her professional standing to advocate for other African Americans.

Alexander's parents were extremely proud of her accomplishment, although they worried more about her marriage to Tony and her future in the legal profession. Having married under less than ideal circumstances, Tony and Elreta Alexander's relationship quickly devolved into one predicated on abuse and mistrust. As Tony established himself in Greensboro as a prominent African-American surgeon, his behavior became increasingly intolerable to his wife. The abysmal state of their marriage was no secret. When Tony visited his wife at Columbia, he would intentionally humiliate her in public. When friends complimented Elreta in front of Tony, he would retort, "Humph! You don't know her," and mutter other derogatory words about her. He also made few attempts to cover up the affairs he had back in Greensboro. Tony frequently told Elreta about the women he slept with and even briefly lost his surgical privileges at L. Richardson Hospital because of an affair he conducted with a student nurse.<sup>87</sup> A bad marriage and the responsibilities of law school gave Elreta a good reason to stay away from Greensboro and focus on her studies, as well as provided her with the motivation to become a successful, independent woman.

While J.C. and Alain Melton's concern over their youngest child's marriage was valid, their worry over her future in law proved to be unnecessary. Alexander graduated from Columbia Law School on June 5, 1945. After graduation, Alexander made her first attempt to take the North Carolina Bar exam. In 1945, the state of North Carolina did not

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<sup>87</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

want to admit African Americans into the state's law schools. In 1940, a law school was set up for African Americans at North Carolina Central University, then known as North Carolina College for Negroes. The state of North Carolina would also pay to send African Americans out of state to law school.<sup>88</sup> Alexander, however, did not apply for state funding to attend Columbia as she said she was determined to use Tony's money. The statute also stated North Carolina residents who attended law school had to register with the state within six months of beginning their studies in order to become eligible to take the state bar exam. The only way for African Americans to become eligible to take the North Carolina bar was to prove they were "exceptional and meritorious," or practice law in another state for five years. Alexander enlisted the aid of Professor Richard Powell, one of her law professors who taught property law at Columbia and during the summer taught at the University of North Carolina (UNC) law school. He advised her that the law was a segregation statute—North Carolina did not want black lawyers in the state.<sup>89</sup> Powell, however, along with the Dean of the UNC Law School, Robert Wettach, met with the law faculty at UNC, who designated her as "exceptionally meritorious" so she could practice in North Carolina. Other Columbia law school professors and Dean Smith submitted affidavits and attempted to contact the North Carolina Bar on Alexander's behalf, but with no response from the state, Alexander began studying for

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<sup>88</sup> "An Act to Provide Graduate and Professional Courses for the Negroes of North Carolina," H.B. 18, Chapter 65, *Public Laws and Resolutions Passed by the General Assembly at its Extra Session of 1938 and at its Regular Session of 1939* (Raleigh: State of North Carolina, 1939), 88.

<sup>89</sup> Alexander Interview, June 16, 1977, Box 5, Folder 10, Alexander Collection. Alexander claims in interviews that the state of North Carolina would pay for African Americans to attend law school out of state. At this time, however, I have not found the specific statute stating African Americans must be exceptionally meritorious: Also see Alexander Interview, 25, Southern Historical Collection.

the New York Bar exam. New York offered the bar exam three times a year, while North Carolina only offered it once. She still proceeded with her application to take the North Carolina bar, which prompted her hometown newspaper, *The Greensboro Record*, to publish a story in July 1945, under the heading, “Negro Woman Applies to Take Bar.” With public attention on her effort, Alexander continued to press the North Carolina bar and received word of her eligibility in 1945.<sup>90</sup>

After receiving word of her eligibility, Alexander found herself with yet another barrier to overcome. She woke up one Saturday morning in July 1945 with plans to study. She and her husband had purchased their first house in Greensboro, which had a partial basement for a heater room. She described in 1977 what occurred next: “I went down to turn on the heater to heat the water so I could take a bath. The furnace was off. I went back to sleep . . . The heater had been on maybe an hour and a half or two hours.” They had just insulated the house and the batting was all down in the little 9 x 10 basement. When Alexander went back down and turned the heater off, a slow gas leak caused an explosion and trapped Alexander in the basement. She said, “It was butane gas, five times as hot as city gas. It worked the hell out of my legs, second and third-degree burns. I was burned, as my late aunt said, ‘from amazing grace to floating opportunity.’” Tony heard the blast and ran down to his wife. He went back to the phone where he was speaking with another doctor and told him, “Elreta’s been burned very

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<sup>90</sup> Alexander Interview, May 20, 2017, Box 5, Folder 9, Alexander Collection; Patricia Timmons-Goodson, “Darlin’, The Truth Shall Set You Free,” *Elon Law Review* 4, no. 1 (2012), 158.

badly . . . Get over here as quick as you can and call the hospital.”<sup>91</sup> Alexander’s injuries left her bedridden for weeks.

Tony Alexander took time off and treated his wife’s burns. The difficult situation, however, created tense moments in the Alexander house. Elreta’s sister, Etta, frequently argued with Tony over what she viewed as rough treatment of her sister at the hands of her husband. The week after Alexander’s accident, she received a letter from the North Carolina Board of Examiners that she had been deemed “exceptionally meritorious” and she could take the exam. But by the time the bar exam was given, Alexander was still too injured to take it. She cried and cried and was consoled by her father, who said, “Baby, God is trying to teach you a lesson. You can’t walk, so you have to be still and know. In five years, you’ll understand.” After recovering enough to walk and travel again, Alexander returned to New York and passed the New York bar exam in October 1945. She then took a position in Harlem at the black law firm of Dyer and Stevens, which she secured through family connections.<sup>92</sup>

Alexander’s first job as an attorney was unpaid, but introduced her to activism in the Harlem community. Hope Stevens, a Harlem legal pioneer and partner in the firm, was one of Alexander’s mentors. Originally from the Caribbean island of St. Kitts-Nevis, Stevens emigrated to New York during the Harlem Renaissance in 1924. After graduating from City College in 1933 and Brooklyn Law School in 1936, he represented the former British colony in its fight for self-determination. In 1941, Stevens served as

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<sup>91</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

<sup>92</sup> *Ibid.*

president of the Manhattan chapter of the National Negro Congress, and helped negotiate an agreement with private bus companies in Harlem to hire black bus drivers. He was also one of the black lawyers and businessmen in Harlem who created the United Mutual Life Insurance Company, and in 1948, he helped found the Carver Federal Savings and Loan Association, which “set an example for other banks in lending money to Negroes to purchase property.”<sup>93</sup> Together, Stevens and Dyer would give Alexander a crash course on how to be a trial attorney.

Alexander’s early legal experience came with some success and some embarrassing mishaps. Her first duty at Dyer and Stevens was to go down to Chamber Street to answer the calendar, which established what time and what location each case would be tried. All she had to do was respond with “Ready” or “For the Motion” when the firm’s cases came up so they would be assigned to the proper division. When her time came, Alexander said she opened her mouth, but nothing came out. Fortunately, Joe Dyer, feeling she might get nervous, was there to call “Ready.”<sup>94</sup> Alexander was able to preserve some of her dignity and keep working. It would not be long before Alexander would find her voice.

Alexander also quickly gained experience working on high-profile cases. Having done the research for Stevens in a lawsuit against the Delaware Lackawanna Railroad, in which Stevens represented porters and waiters in a salary dispute, Alexander prepared the

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<sup>93</sup> Ronald Smothers, “Hope Stevens, 77, Harlem Leader, Lawyer, and Businessman, is Dead,” *The New York Times*, June 25, 1982, <http://www.nytimes.com/1982/06/25/obituaries/hope-stevens-77-harlem-leader-lawyer-and-businessman-is-dead.html>, accessed May 30, 2016; Joseph H. Holland, *From Harlem with Love: An Ivy Leaguer’s Inner City Odyssey: A Memoir* (New York: Lantern Books, 2012).

<sup>94</sup> Alexander Interview, June 16, 1977, Box 5, Folder 10, Alexander Collection.

appellate brief in the case to be argued before the United States Court of Appeals for the Second Circuit. By the time of the hearing, however, Stevens was still in the Caribbean representing another client. The firm could not afford to have the case thrown out, but Alexander was not yet able to appear before the court. Even though she had passed the New York Bar exam, she had not yet received her license. She contacted Carmel Prasker, a former Columbia Law School classmate, who helped Alexander get the court's permission to proceed. Despite her inexperience and five attorneys representing the Delaware Lackawanna Railroad, Alexander won the case. Her presence was memorable to the judges but not because of her win or her skills as a litigator. Alexander had bought a new suit to argue the case, complete with a brown hat with a feather. As she made her argument, the feather waved at the justices, who were apparently amused by the young attorney's outfit. While the trial marked the first of many wins, it also marked the first time Alexander would be remembered for her fashion sense.<sup>95</sup>

Alexander continued to hone her trial experience. In a landlord-tenant case, she said she was so nervous she bumbled her entire argument, and left her boss, Hope Stevens, embarrassed, the judge laughing behind his hands, and the jury totally confused. Alexander, however, won the case, in which she represented a landlord suing a tenant for "possession of contraband." After the trial, the judge asked Alexander to approach the bench and said, "Little lady, you have a good stance before the jury. Don't be discouraged. Just keep on. Keep on trying cases."<sup>96</sup> Alexander took the judge's words

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<sup>95</sup> Alexander Interview, 31, Southern Historical Collection; Timmons-Goodson, "Darlin', The Truth Shall Set You Free."

<sup>96</sup> Alexander Interview, 31, Southern Historical Collection.

to heart and kept navigating her way through the legal system as a young attorney.

Alexander continued to argue assault cases, DUIs, and divorce cases. She won some and lost some, but she gained valuable experience and honed her trial technique.

While Alexander worked in Harlem, she was still determined to practice law in her home state. In the spring of 1946, she returned to Raleigh, North Carolina to apply to take the bar exam. The secretary who gave her the application said, “Them damn Yankees got too upset about you. We’re damn sick about them damn Yankees trying to run our business down here.”<sup>97</sup> Just because Alexander found acceptance as a lawyer in New York did not mean she would find the same acceptance in North Carolina. The secretary told Alexander she had to be a resident of North Carolina for twelve months before taking the exam and was not allowed to file because she had been practicing in New York. While waiting to reestablish North Carolina residency, Alexander continued to work in Harlem with Dyer and Stevens, but received no salary other than the costs of traveling back and forth so as not to compromise her residency.<sup>98</sup>

The struggle to take the North Carolina Bar at times left Alexander discouraged. She lamented the fact that in North Carolina, she did not have any “big white people” to speak for her. One evening in 1947, Alexander sat on the porch of her parents’ home discussing her options with her father, Reverend Melton. As they talked, Fannie White walked past the house. White was a former parishioner of Melton’s church and the long-time cook for Pierce Rucker, a prominent businessman in Greensboro and chairman of

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<sup>97</sup> Alexander Interview, 29, Southern Historical Collection.

<sup>98</sup> Timmons-Goodson, “Darlin’, The Truth Shall Set You Free.”

the North Carolina Democratic Party. Melton stopped White and asked her to put in a good word with Mr. Rucker on behalf of his daughter. White mentioned that North Carolina Governor Gregg Cherry would be dining with the Ruckers the following evening, and she would bring it up. Two days later Mr. Rucker asked to meet with Alexander. He told her to apply for the bar again, without emphasizing her membership in the New York Bar, and assured her that she should not have any more problems. Alexander reapplied for the North Carolina bar, passed, and was accepted, and became the first African-American woman to practice law in the state of North Carolina.<sup>99</sup>

For any African American—male or female—it took a tremendous amount of perseverance and networking to be accepted in the North Carolina bar. In many cases black applicants to southern bars had to have the recommendation of practicing attorneys, who were typically white men hesitant to recommend an African American. Many of these men entered the profession through an informal network of camaraderie, of which African Americans—let alone African-American women—were not privy.<sup>100</sup> Many black lawyers in the South had difficulty taking or passing the bar. For example, the Georgia bar exam became known as the “graveyard for the aspirations of many blacks.” African Americans who graduated from the most elite law schools would frequently take—and

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<sup>99</sup> This story is recalled by Pierce Rucker’s daughter, Mary Lewis Rucker Edmunds in her book, *Recollections of Greensboro* (Greensboro: Mary Lewis Rucker Edmunds, 1993). Alexander recalls the same story almost identically in her oral interviews. Ruth Whitehead Whaley, a North Carolina native, was the first African-American woman to pass the North Carolina Bar, after becoming the first black woman to graduate from Fordham Law in 1924. Whitehead, however, never practiced in North Carolina, establishing her career in New York.

<sup>100</sup> David Kenneth Pye, “Legal Subversives: African American Lawyers in the Jim Crow South” (Ph.D. dissertation, University of California, San Diego, 2010).

fail—the Georgia bar.<sup>101</sup> For Alexander, it took a year of driving between New York and North Carolina on weekends to establish her North Carolina residency. But in 1947, Alexander was finally able to practice law in her home state. Even after she passed the North Carolina bar, Ed Cannon, the executive director of the State Bar, apparently watched Alexander to make sure she did not take on civil rights cases.<sup>102</sup> But being the first African-American woman to join the North Carolina Bar was no small feat and obviously one in which Alexander took pride. Almost fifty years later Alexander still had the *Greensboro Record* clipping reporting her accomplishment and recalled in detail the difficulty she had in reaching that achievement.<sup>103</sup>

While a significant achievement, Alexander acknowledged the fact that it took Fannie White using her Uncle Tom role, and because Mr. Rucker thought of her as “an educated Aunt Jane who would come home and keep the black folks in their place,” that she was able to take the exam. Alexander still had to navigate the complexities of Jim Crow society in order to join the bar. Alexander also relied on the “vouching system” that Jim Crow society required for many African Americans to get ahead professionally or socially. Black individuals often had to have a white patron who could testify to their integrity and honesty.<sup>104</sup> This was particularly true for voting rights, as some southern

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<sup>101</sup> Davis, Abraham L., “The Role of Black College and Black Law schools in the Training of Black Lawyers and Judges: 1960–1980,” *The Journal of Negro History* 70, no. ½ (Winter-Spring 1985): 24–34.

<sup>102</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

<sup>103</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection; Alexander Interview, 26, Southern Historical Collection.

<sup>104</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection; See Michelle Boyd, *Jim Crow Nostalgia: Reconstructing Race in Bronzeville* (Minneapolis: University of Minnesota Press, 2008). Boyd discusses in her first chapter political patronage and states that many black elites were beholden to their white patrons.

states would not allow an African American to even take a literacy test to vote unless they an already registered voter would vouch for them. Few southern whites, however, would vouch for a potential black voter.<sup>105</sup>

After becoming licensed Alexander set up her law practice in Greensboro, where her husband practiced medicine. In addition to being in her hometown, Greensboro was a town that often attracted ambitious young African Americans. North Carolina had long been thought of as the most progressive state in the South, and the status of African Americans in Greensboro exceeded that of those in other North Carolina cities. By the 1950s, African Americans in Greensboro had a higher median education than they did in other North Carolina cities, largely due to schools such as Bennett College and Alexander's alma mater, North Carolina A&T.<sup>106</sup> In 1951, Dr. William Hampton became the first African American to serve on the Greensboro City Council, and he also served as president of the Greensboro Citizens Association, an organization of African-American leaders who wanted to get rid of "those political parasites . . . who were selling the vote."<sup>107</sup> Along with black churches and black community organizations, Greensboro's black citizens took great pride in their community.<sup>108</sup>

Black professionals, however, still could not gain acceptance from many white organizations. According to her former law partner, Alexander was denied membership in the Greensboro bar Association when she gained entry to the North Carolina bar in

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<sup>105</sup> "The Struggle for Civil Rights," LearnNC.org, <http://www.learnnc.org/lp/editions/nchist-postwar/6031>, accessed May 18, 2017.

<sup>106</sup> Chafe, *Civilities and Civil Rights*, 17.

<sup>107</sup> *Ibid.*, 26.

<sup>108</sup> *Ibid.*, 28.

1947. In the mid-1950s, Welch Jordan, Alexander's personal attorney, informed her that the Greensboro bar was ready to accept her. "I'm not ready to accept them . . . but I've made it without them. I don't need them." She went on to prove that indeed, she did not need the Greensboro bar. It was an organization she refused to join for the rest of her career.<sup>109</sup>

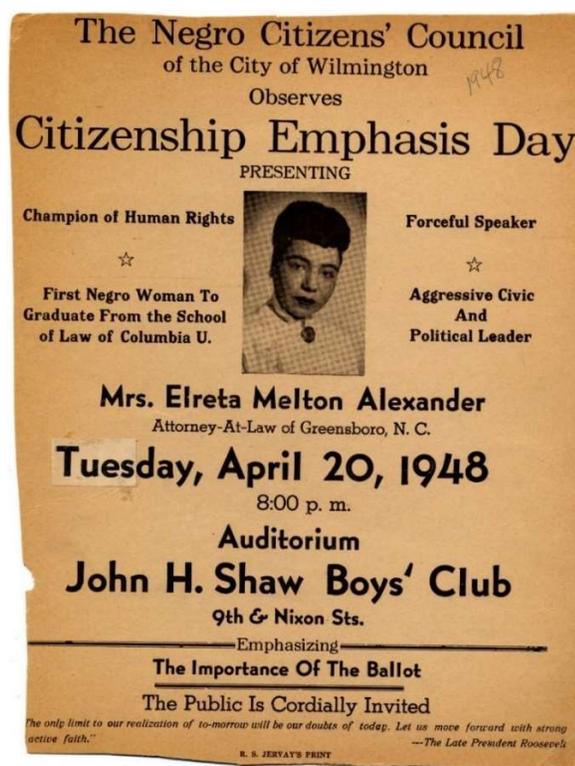


Figure 2. Alexander Quickly Became an In-demand Speaker across North Carolina, as Demonstrated in This Flyer Advertising Her Visit to Wilmington, North Carolina. Elreta Alexander Collection, MSS 223, Martha Blakeney Hodges Special Collections and University Archives, Jackson Library, The University of North Carolina at Greensboro.

<sup>109</sup> Henry Frye became the first black attorney accepted to the Greensboro Bar Association in 1963. Conversation with Jerry Pell, May 29, 2014, notes in possession of the author; Alexander Interview, July 13, 2017, Box 5, Folder 11, Alexander Collection.

From the inception of her law practice, Alexander began to make a mark in the Greensboro community as the only African-American female attorney in town. She also started to become an in-demand speaker in the African-American communities around the state, giving encouraging talks on family, citizenship, and self-reliance.<sup>110</sup> Her new status as an inspiring woman helped Alexander transition from nervous law student to confident attorney. The fact that the black community wanted to hear her story changed how Alexander saw herself. The speeches also cultivated her courtroom style, which became a hallmark of her advocacy. “I had many speaking engagements soon after I became a lawyer. Most of the invitations, I believe, were made because of the novelty of a Negro woman lawyer. Most of the groups were Negro, and they wanted to give hope to the people in their church, or school. . . . I developed a style and after years became an adept public speaker; but the early invitations had nothing to do with my ability as a speaker . . . I was a bit stiff.”<sup>111</sup> As Alexander found her voice, the increasingly tumultuous civil rights movement gave her a chance to help Greensboro’s black citizens in and out of the courtroom.

In the 1950s the turmoil over school desegregation gave black leaders in Greensboro a chance to be heard. The June 18, 1955, edition of the *Greensboro Record* featured Alexander’s views on school integration one year after the *Brown vs. Board of Education* decision was handed down. Alexander stated, “I believe that we, as good citizens, will accept the law and earnestly see to comply therewith,” and she suggested

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<sup>110</sup> “News of Interested to Colored People,” *The High Point Enterprise*, May 11, 1952, 9A; Negro Citizen’s Council Flyer, 1948, Box 5, Folder 18, Alexander Collection.

<sup>111</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

formulating interscholastic teacher-student exchanges and integrating parent-teacher associations, adding that “any practicable program must be based on achieving understanding leading to mutual respect.” Alexander was very active during the school integration period in Greensboro, particularly in the initial states during the 1950s. She worked to organize parents and make the transition for students as easy as possible.<sup>112</sup> Although the rhetoric around Greensboro’s attempts to integrate schools seemed more progressive than many other southern cities, it actually became one of the last southern cities to integrate. Alexander and fellow advocates faced opposition from the Guilford County School Board and political leaders in Raleigh. While school board superintendent Benjamin Smith was eager to start the integration process, others felt the *Brown* decision simply meant segregation would no longer be strictly enforced.<sup>113</sup> Meanwhile, the state legislature enacted the Pearsall Plan, a local-option clause allowing school districts to close schools where integration occurred while granting tuition vouchers to white students to attend private schools. Although some limited desegregation occurred in Greensboro schools in 1957, like most of the South, they were not fully integrated until the early 1970s.<sup>114</sup>

Alexander was also personally dedicated to overcoming the barriers of segregation. Greensboro was a heavily segregated city in the 1950s, with African-American citizens expected to live and work in the southeast quadrant of the city. Alexander’s first office was in east Greensboro. She recalled that “anytime I’d go to

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<sup>112</sup> Newspaper Clipping, Box 3, Folder 2, Alexander Collection; Henry Frye Interview.

<sup>113</sup> Chafe, *Civilities and Civil Rights*, 44–45.

<sup>114</sup> *Ibid.*, 53, 249.

speak anyplace . . . and I didn't know where I was going, I'd look for the railroad tracks. If you'd go south and east of the railroad tracks, there you'd find the brothers." She was determined, however, to make her presence known throughout the entire city. "I was determined that I was going to move west of the railroad tracks." And in 1957, she did just that. Alexander was able to rent a house from some friends on East Gaston Street near downtown Greensboro. The house had been converted to office space, and also provided Alexander with an apartment as she was "half separated" from her husband at the time.<sup>115</sup>

Alexander also showed her views on segregation through performance, which became her unique form of activism. Performance has long been used as a method of social activism. Performance was used following World War I and during the Russian Revolution, as well as in Weimar Germany and in the U.S.S.R. as a way to support communism. Called agit-prop (agitation and propaganda) plays, these performances were often conducted by ordinary people on the streets or at political rallies. Alexander used performance in legal settings as a method to foster social change. This method of activism came easily for Alexander, as she always considered herself a "showman," and she stated that "it always seemed kind of stupid to me for people to treat people as second-class citizens and expect a first-class performance."<sup>116</sup> Not only did Alexander

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<sup>115</sup> Alexander Interview, October 23, 1977, Box 5, Folder 12, Alexander Collection. Gaston Street is now Friendly Avenue.

<sup>116</sup> Dan Friedman and Lois Holzman, "Performing the World: The Emergence of Performance Activism" in *Performance Studies in Motion: International Perspectives and Practices in the Twenty-First Century*, Atay Citory, et al. eds. (London: Bloomsbury, 2014); Alexander Interview, 88, Southern Historical Collection.

give a first-class performance, but she also used that performance to demonstrate that she was a first-class citizen.

In the 1950s, many of the courtrooms where Alexander tried her cases were segregated. On the days when she appeared in a segregated courtroom, Alexander would “wear a mink coat into the courtroom and instead of sitting with whites, I would sit behind the bar next to the dirtiest, blackest, Negro working man . . . it would upset the court.” She was never held in contempt of court, but she was told several times by the judges to sit inside the bar with the other attorneys. Alexander responded, “If my people have to sit on one side, I want to be with my people.” Alexander used performance to point out the hypocrisy and injustices of segregation. Alexander’s performance extended to water fountains as well. She would approach white judges, saying she wanted to “see what the difference is in this white water and this colored water.”<sup>117</sup> Alexander was never penalized for breaking the customs of segregation, but she surely shocked whites in power with her behavior.

Alexander’s performance particularly called attention to the attitudes and behaviors of white, male attorneys in North Carolina. While male lawyers respectfully referred to each other as “Mr.” or “Attorney,” most male colleagues simply referred to Alexander as “Elreta.” When trying a case once in eastern North Carolina, the other attorney simply referred to her as “Alexander.” She responded by saying, “If you want to communicate with me, sir, if you’ll just write it on a piece of paper, I’ll answer you on a piece of paper. . . . Other than that, if you’ll just grunt like a pig, then I’ll respond. But if

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<sup>117</sup> Alexander Interview, July 13, 19977, Box 5, Folder 11, Alexander Collection.

you call me anything, you call me ‘Mrs. Alexander’ or ‘Lawyer Alexander.’”<sup>118</sup>

Alexander turned demanding respect into a creatively articulated performance and used it to change the attitudes of individuals in North Carolina.

Alexander was not the only African-American female attorney who dealt with disrespect. When Constance Baker Motley served as counsel for James Meredith in his attempt to enroll at the University of Mississippi, local newspapers in Mississippi referred to her as “the Motley woman.” In the courtroom, “opposition lawyers called her either ‘Constance’ or ‘Motley.’” But like Alexander, Motley did not let discrimination go without pointing out its absurdity. In one instance, Motley attempted to shake hands with Dugas Shands, the assistant attorney general of Mississippi. Extending her hand, Shands did not reciprocate, prompting Motley to say, “Oh, that’s right, Mr. Shands. You don’t shake hands with Negroes, do you?”<sup>119</sup> As African-American women in a white male-dominated profession, women like Alexander and Motley had to prove that their race did not hamper their ability and intelligence. They set out to demonstrate they were more able and more intelligent than most of the white men in the field.<sup>120</sup>

In 1950, Alexander made that point quite clear in one of her early cases. Her clients petitioned for the use of Elizabeth Park Golf Course by African-American residents and sued the city of Greensboro. John Hughes, a white city council member, stated that he did not want any “Nigra men out there” while his wife played golf. In her

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<sup>118</sup> Virginia Summey, “Redefining Activism,” *The North Carolina Historical Review* 90, no. 3 (July 2013): 237–58. Portions of this dissertation were previously published in the *North Carolina Historical Review*

<sup>119</sup> Peggy Lamson, *Few Are Chosen: American Women in Political Life Today* (Boston: Houghton Mifflin Company, 1968), 127.

<sup>120</sup> Summey, “Redefining Activism,” 243.

determination to prove that brains were not color coded, Alexander responded, “Isn’t your wife a secretary? [I am] . . . a lawyer, a graduate of one of the finest schools in the world. . . . I don’t believe we have anything to communicate about. We wouldn’t be on the same level. . . . The same thing with these men. Can you think of any reason why these men would want to be fresh with your wife when you’ve got a woman like Elreta Alexander here? In my race, we got any kind they want to pick. From Elreta Alexander on up and on down.” The Elizabeth Park Golf Course remained segregated, despite Alexander’s best attempt to dispel the fears of white men. Instead, the city of Greensboro built a separate golf course for African Americans, for which Alexander wrote the charter. While she did not win the case for integration, she did take credit for setting up the first African-American golf course in Greensboro.<sup>121</sup>

In her budding law career, however, most of Alexander’s cases did not involve civil rights issues. Most of her cases dealt with issues between renters and landlords, liquor sales, driving infractions, and small criminal cases, although she still stood up for underprivileged African Americans in Greensboro. One of her first cases upon returning to Greensboro involved prosecuting a husband for non-support of his wife and child. The husband sold ice and coal from his truck and made very little money, and as Alexander said, “At the time money was still scarce in this area even though the war was just over.” Alexander was hired to prosecute the case against the husband and won; however, at the

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<sup>121</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection. A similar account of the golf course incident is discussed in Jess Usher’s article on African-American golfers in the North Carolina Piedmont. In his account, the white golf course was Gillespie Park Golf Course, and the course built for African Americans was called Nocho Park. Nocho Park closed in 1955 and Gillespie shut down shortly thereafter. See Jess Usher, “The Golfers’: African American Golfers of the North Carolina Piedmont and the Struggle for Access,” *The North Carolina Historical Review*, 87, no. 2 (April 2010): 158–93.

time, the rate of child support was five dollars for an African-American child, while it was ten dollars for a white child. She asked the judge to “consider the fact that milk and baby food, diapers, [all cost the same] to a Negro mother as it did to a white mother.” She “wanted [the] court to go on record for the rights of children.” The judge agreed, and from then on allotments were based on the ability of the father to pay, regardless of race.<sup>122</sup> Alexander only participated in the civil rights movement behind the scenes; she believed that “every case to me was a civil rights case; if I’d been a ‘civil rights lawyer’ I couldn’t have done anything else.”<sup>123</sup> Even if every case did not result in integration or change discriminatory laws, Alexander succeeded if she improved the lives of her clients.

By 1956 there were other African-American attorneys in Greensboro: Herbert Parks, who was Alexander’s associate; Major S. High; and J. Kenneth Lee.<sup>124</sup> Being the only woman, and one of the few female trial lawyers in the state, Alexander began to become a well-respected and in-demand Greensboro figure. She became a popular public speaker throughout North Carolina. She received invitations to speak from the Women’s Baptist Home and Foreign Ministry Convention, the New Homemakers of American National Meeting in Washington, D.C., and various churches around North Carolina.<sup>125</sup> Alexander also began to make news across the state. The *High Point Enterprise* listed one of her speaking events under their “News of Interest to Colored People” section.<sup>126</sup> In

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<sup>122</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

<sup>123</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection. At this time I have been unable to find the statutory changes to North Carolina law.

<sup>124</sup> Howard E. Covington, *Henry Frye: North Carolina’s First African American Chief Justice* (Jefferson, NC: McFarland & Company Inc., 2013), 47.

<sup>125</sup> Correspondence, Box 1, Folder 2, Alexander Collection.

<sup>126</sup> High Point Enterprise, “Attorney Speaks Here Today,” Sunday, May 11, 1952, 9A.

1957, a Winton, North Carolina, headline read, “Negro Woman Lawyer At Hertford Court.” Alexander represented the defendant in a case over damages in a car accident and according to the newspaper, “Negro lawyers have been rare in appearance in Hertford Court and this is the first woman lawyer of either race to appear.” The newspaper also noted that Alexander, “appeared in a black dress, with high spike heels and with a tan briefcase.”<sup>127</sup> During this time Alexander began to become known for her fashion sense. Three years after the Winton newspaper noted her outfit, on March 18, 1960, she was selected as “one of the better dressed women” in her part of the country by the *Pittsburgh Courier*.<sup>128</sup>

Appearance was an important component of Alexander’s public persona. Being the only African-American female attorney in her area, her appearance drew attention to, and sometimes distracted from, her skill as a litigator. As a middle-class black woman, her style drew attention to her middle-class status, which could exacerbate class tensions within the African-American community. On the other hand, when entering a white-dominated profession, a certain amount of conformity with white standards of beauty was necessary.<sup>129</sup> As historian Robin D. G. Kelley as claimed, clothes and appearance “carried a great deal of social meaning and were often signifiers of power (or lack thereof).”<sup>130</sup> For Alexander, and for other black, professional women, clothing could also be a powerful political statement. The fact that Alexander bought her clothes at upscale

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<sup>127</sup> Newspaper Clippings, Box 3, Folder 2, Alexander Collection.

<sup>128</sup> Correspondence, Box 1, Folder 4, Alexander Collection.

<sup>129</sup> Susannah Walker, *Style and Status: Selling Beauty of African American Women, 1920–1975* (Lexington: University of Kentucky Press, 2007), 3.

<sup>130</sup> Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1994), 64.

retailers such as Lord & Taylor signified that African Americans could be affluent and sophisticated but also helped dispel common stereotypes about black women regarding sexually licentiousness and their capabilities beyond domestic wage work.<sup>131</sup> A stylish, well-dressed black woman “personified racial uplift and racial progress.” Alexander’s wardrobe was a part of the politics of respectability that had been ingrained in her as a child.<sup>132</sup>

Alexander also knew how to have fun with fashion. Not only were Alexander’s outfits well-coordinated, but she made use of her accessories in the courtroom. Sometimes wearing large hats, she used her hatpin to distract jurors. Taking her cue from Clarence Darrow, who placed a fine wire in his cigars to distract jurors with the length of the ash, Alexander would take out her hatpin and twirl it between her fingers. She would carefully twirl the pin close to the defendants’ head, which distracted the jury from the prosecutor’s arguments. Alexander stated that, “Style makes people feel important, to you, to me, and to other people too.”<sup>133</sup> Alexander’s style bolstered her sense of power in the courtroom.

Alexander associated with other stylish, professional women in her participation in club work, particularly with The Links—an organization of black professional women. Founded in Philadelphia in 1946 by Margaret Hawkins and Sarah Scott, The Links focused on “racial uplift for socially disadvantaged members of their race.” The founders

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<sup>131</sup> Correspondence from Lord & Taylor, Box 1, Folder 4, Alexander Collection.

<sup>132</sup> Kelley, *Race Rebels*, 50; Blain Roberts, *Pageants, Parlors, and Pretty Women: Race and Beauty in the Twentieth-Century South* (Chapel Hill: The University of North Carolina Press, 2014), 8, 11; Walker, *Style and Status*, 6–7.

<sup>133</sup> Alexander Interview, 19, Southern Historical Collection; Conversation with Gerald Pell, May 26, 2014, notes in possession of the author.

embraced the DuBoisian concepts of socially responsible individualism that Alexander had grown up with—the belief that with privilege came the responsibility to help others. Often accused of elitism, members of The Links generally came from the black middle and upper class, which allowed the organization to provide substantial support to organizations such as the NAACP and the United Negro College Fund, in addition to providing educational opportunities for black youth. Membership was through invitation only, to women who had a record of service in the community. Black women with distinguished records of service were her fellow Links members, such as Coretta Scott King, who helped charter the Montgomery, Alabama, chapter of The Links in 1959. Alexander described the Greensboro Chapter of The Links as “not a segregated group, although only one or two white women were members; they were married to black men. The women in the Links were overachievers, or else their husbands were.”<sup>134</sup> Alexander herself became an overachiever within The Links, serving on committees and giving speeches on both the local and national level on behalf of the organization.<sup>135</sup>

Alexander was busy not only in the community and with her thriving law practice, but also with her responsibilities as a mother. Her only son, Girardeau Alexander, III, was born on October 4, 1950, when Alexander was thirty-one. She doted on her only

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<sup>134</sup> Kijua Sanders-McMurtry and Nia Woods Haydel, “Linking Friendship and Service Education and Philanthropy among the Black Elite, 1946–1960,” in *The Educational Work of Women’s Organizations, 1890–1960*, Anne Meis Knupfer and Christine A. Woyshner, eds. (New York: Palgrave MacMillian, 2008), 179–92; Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection. See also: Marjorie H. Parker, *The History of The Links, Incorporated* (Washington, DC: National Headquarters of The Links, Incorporated, 1982); Shirley A. Jackson, “I’ve Got All My Sisters With Me: Black Women’s Organizations in the Twenty-First Century,” in *Black Greek Letter Organizations in the Twenty-First Century: Our Fight Has Just Begun*, Gregory S. Parked, ed. (Lexington: The University of Kentucky Press, 2008), 240–41.

<sup>135</sup> Newspaper Clippings, Box 1, Folders 4-6, Alexander Collection.

child, buying him expensive clothes and making sure he always received excellent care when she worked. Alexander recalled that “He wore the little sailor collars and Eton collars and all these things. I . . . wanted to make him Little Lord Fauntleroy: . . . He never crawled. I was working and he had so many people care for him that one day he got up and started running.”<sup>136</sup> Like his mother, Girardeau was an academically gifted child, which his primary school teachers describing him as “more advanced than the average student his age.” Elreta and Girardeau Alexander formed a close parent/child relationship, and Elreta worked to shield Girardeau from his parent’s turbulent relationship. For Elreta, that meant applying to elite boarding schools in the North on Girardeau’s behalf, including Groton in Massachusetts and the Tilton School in New Hampshire.<sup>137</sup> Girardeau eventually went to Cornwall Academy in Great Barrington, Massachusetts.<sup>138</sup> Elreta was determined that her child would receive the best of everything.

With Alexander’s attention focused on her career and her son, she became less concerned about her husband’s philandering and more worried about the safety of herself and her son. Tony continued to carry on affairs with various women in Greensboro and his increasing dependence on alcohol often caused violent outbursts, prompting Alexander to leave the family home with Girardeau for weeks at a time. As Alexander later remembered, “I was definitely afraid Tony would try to hurt me. . . . You have no idea what it’s like to be tortured day and night, for the phone to ring at all hours; you’re

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<sup>136</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>137</sup> Correspondence, Box 1, Folder 4, Alexander Collection.

<sup>138</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

scared for it to ring, you're scared for it not to ring. No rest, no anything.”<sup>139</sup> Despite the abuse, Alexander remained with Tony over two decades. In a letter to Tony dated July 9, 1950, Alexander listed her grievances over their first twelve years of marriage. She cites the emotional abuse that took a toll on their relationship. Pregnant with Girardeau at the time, she wrote: “When you told me in the wee house this morning—as you have so many times in the past—that you were tired . . . that you loved me but loved another better—that continue under the yoke of our union was unbearable . . .” According to Alexander, her husband stayed out until four and five o'clock in the morning, engaged in several extra-marital affairs, and also became physically and verbally abusive. Elreta recalled that Tony “nagged me, cursed me, in the presence of all the doctors and their wives.” But Elreta also explained the reasons why she stayed with her husband: “I didn't leave you for three reasons—Pride in my family—Pride in my race—and hating the social repercussions—and fear to bodily harm and death from you.”<sup>140</sup> These three reasons compelled many abused African-American women to stay in destructive marriages. Not only were divorces difficult to obtain, but they often created a stigma that affected the divorced woman and her family. Facing impending motherhood, and at a time when single black mothers were increasingly vilified, Elreta was actively trying to better her race.<sup>141</sup>

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<sup>139</sup> Alexander Interview, October 23, 1977, Box 5, Folder 12, Alexander Collection.

<sup>140</sup> Copy of letter sent to Girardeau Alexander, Box 1, Folder 1, Alexander Collection.

<sup>141</sup> Lisa Levenstein, *A Movement Without Marches: African American Women and the Politics of Poverty in Postwar Philadelphia* (Chapel Hill: The University of North Carolina Press, 2009), 54.

Many African-American women faced similar tribulations as Alexander. After African-American educator Septima Poinsette married a sailor, Nerie Clark, she found out he had previously been married and divorced. She was shocked. When her husband asked her to leave, Clark feared returning to her native Charleston. She made an unpopular decision by marrying a sailor, he had been deceptive, and the marriage had failed.<sup>142</sup> While Alexander did not marry an unsuitable man as Clark did, the failure of a marriage, and the subsequent scrutiny on the family, was more pressure than she was willing to put on her family in the 1950s and 1960s.

During the first part of the twentieth century, African-American women took great strides to avoid the appearance of any sexual promiscuity, and in Alexander's case, a divorce would have brought unwanted questions about sex outside of the marriage. Having been subjected to unwanted sexual advances on the part of white men since slavery, black women wanted to dispel the "Jezebel" stereotype: the sexual black woman who felt "virtue was something that could be traded for food."<sup>143</sup> For example, Septima Clark dealt with her mounting marital issues by upholding "the codes of silence embraced by black women as a defense against stereotypes of their sexual licentiousness."<sup>144</sup> As an accomplished young, African-American woman, Alexander had to balance pride in her race and in her gender. By remaining in a dysfunctional marriage, Alexander avoided stereotypes placed on black women. Additionally, continued

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<sup>142</sup> Katherine Mellen Charron, *Freedom's Teacher: The Life of Septima Clark* (Chapel Hill: The University of North Carolina Press, 2009), 108. Chapter three of *Freedom's Teacher* details Clark's marriage and the pressure she felt from her family and community in her marriage.

<sup>143</sup> Deborah Gray White, *Ar'n't I a Woman: Female Slaves in the Plantation South* (New York: W.W. Norton & Company, 1999 edition), 44.

<sup>144</sup> Charron, *Freedom's Teacher*, 83.

oppression experienced by African-American families and emphasis on racial uplift likely contributed to Alexander's decision to remain in her marriage. The stigma of divorce would have added another challenge to the already difficult life of an African American living during Jim Crow.

In addition, at the time, social repercussions accompanied divorce regardless of race. Divorce was rare and it was not until the 1950s that marital counseling became a popular option for couples experiencing difficulties.<sup>145</sup> Domestic violence, such as Alexander experienced, transcended race and class. Most women, however, refused to admit they were victims of abuse at the hands of their husbands.<sup>146</sup> In many cases, blame was placed on the woman for her own abuse, as it was seen as the woman's responsibility to keep her husband happy.<sup>147</sup> A young woman such as Alexander, attempting to enter a white, male-dominated profession, could show little weakness professionally, which meant keeping the tribulations of her personal life hidden. Unmarried women in the 1940s and 1950s were considered to be deviants, as marriage and motherhood were the ultimate aspirations of most American women. To initiate a divorce from her husband, Alexander likely would have been seen as immoral or selfish, which was yet another stigma Alexander could not have afforded as she embarked on her legal career.<sup>148</sup> While her legal career proved to be increasingly lucrative, Alexander also now had a child to

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<sup>145</sup> Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Penguin Books, 2006 edition), 9.

<sup>146</sup> *Ibid.*, 186.

<sup>147</sup> Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston 1880–1960* (New York: Viking, 1988), 23.

<sup>148</sup> Rosen, *World Split Open*, 13.

consider. If faced with a possible loss of clients, divorce might have also been an economic risk she was unwilling to take.

The first three reasons Alexander gave for staying in her marriage—pride in her family, pride in her race, and pride in her social status, were all important reasons as to why she stayed in a bad marriage. The most important reason she stayed in an abusive marriage, however, was fear of bodily harm or death. She had valid reasons to be afraid of Tony. When drunk, he could be extremely violent. Shortly after her burn trauma, while still bedridden, Tony realized she had developed an infection. In an angry rage, he dumped her bedpan all over her bed.<sup>149</sup> In addition, he physically abused her and threatened her life. Once, when Elreta caught Tony with another woman, Tony grabbed his wife and dragged her across the street, screaming, “Goddammit, I’m going to get my gun and kill you!”<sup>150</sup> She eventually resorted to carrying her own gun in her purse at all times.<sup>151</sup> Alexander, like many women, remained with her husband because the possible consequences of leaving were too risky.

While Alexander did not leave her husband altogether, she did make attempts to physically distance herself from him. In 1958, she sent Girardeau to summer camp in Warham, Massachusetts, and rented a home for six weeks in nearby Cape Cod. As an upper-class black woman, Alexander claimed she received so much attention on her trip that she returned to Greensboro more exhausted than when she left. Upon returning home, Alexander decided that a career in international law would be a good excuse to

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<sup>149</sup> Alexander Interview, May 20, 1977, Box 5, Folder 9, Alexander Collection.

<sup>150</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection.

<sup>151</sup> Conversation with Gerald Pell, May 29, 2014.

leave the country with her son. In 1959, she applied to and received a fellowship to study international law in Geneva, Switzerland. In December of 1960, Alexander and Girardeau left for Europe, vacationing in Spain, Italy, and the Middle East before going to Switzerland.<sup>152</sup>

For Alexander, the stress of her career, and the state of race relations in the United States, as well as the difficulties of her marriage, made her want to leave the country. She later remembered that although many of her clients and close friends were white, “by the same token Girardeau was getting to the age when he would have to realize he would always be a Negro, and that meant he would be a second-class citizen all his life.” Life in a different country meant avoiding the “great pangs of discrimination, having to spend twice as much money to keep from being discriminated against, nowhere to eat downtown, you had to stand up—your dignity was assailed.” As a prominent attorney, Alexander also worried about her reputation in Greensboro. Keenly aware of her status in the black community, she worried the turmoil surrounding her marriage would hurt her reputation, and in turn, her relationship with the black community. So, she tried “to put an ocean between Tony and me.” Unfortunately, family circumstances kept her and Girardeau close to Tony.

After arriving home from their trip to Europe and the Middle East, Alexander and her son began to make the financial arrangements to move to Switzerland for the duration of the international law course, which would take about three years. Circumstances, however, delayed this plan permanently. The city of Greensboro began proceedings to

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<sup>152</sup> Alexander Interview, October 23, 1977, Box 5, Folder 12, Alexander Collection.

acquire property to construct Lindsay Street, east of downtown, which included her parents' home and Tony's office. Elreta received an extension from the school in Geneva to attend at a later date; however, her family did not settle with the city until the end of 1963, at which point her parents' home was torn down to make way for the new street. While the Melton's new house was being built, Alexander's mother, Alain, went into cardiac arrest. Tony was able to save her, but Alexander knew that she could not leave the country for three years.<sup>153</sup>

Despite the disappointment and turmoil in her personal life, Alexander continued to achieve success in her professional life in Greensboro. The distance she was able to put between herself and Tony allowed Elreta to focus on her career. The hard work paid off for Alexander. Despite her hectic schedule and tumultuous personal life, she continued to be an in-demand speaker. She delivered many speeches to student groups, encouraging the next generation of young, black leaders to embrace social responsibility and use their education to uplift their race. She frequently spoke at her alma mater, Dudley High School, alongside men such as Vance Chavis and John Tarpley, who were both instrumental in her education in Greensboro.<sup>154</sup> In 1958, she was given an outstanding alumnus award by her alma mater, North Carolina A&T State University, and in 1961, she was added to the "Who's Who of American Women" list.<sup>155</sup> Career success was also accompanied by financial security. By the early 1960s, Alexander was a successful attorney, and her husband was a successful surgeon. They were able to

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<sup>153</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>154</sup> "High School Activities," *The Chicago Defender*, March 19, 1960, 17.

<sup>155</sup> *Daily Defender*, March 12, 1958, 5; "Twelve Local Names Added to Who's Who in Women," *Greensboro Daily News*, July 30, 1961, B9.

afford a nice country home and a housekeeper, even though these luxuries became pawns in their increasingly tumultuous and violent relationship. Their success and money, however, did not make the Alexanders impervious to racial discrimination, as Greensboro increasingly became the focus of the civil rights movement.

On February 1, 1960, four male students from North Carolina A&T, Alexander's alma mater, sat down at the Woolworth's lunch counter in downtown Greensboro after purchasing small items in the store. They were not served food nor did they expect to be served. But until the store closed that evening, the four men sat. Inspired by the actions of the A&T four, the sit-in movement took hold among African-American students in North Carolina and throughout the South. In Greensboro, negotiations between the city, white business leaders, and African-American leaders over desegregation created a tense environment. Negotiations frequently broke down which led to increases in the numbers of black students sitting-in at lunch counters in protest. Picketers representing those in favor or against segregation were frequently seen with their signs marching up and down Elm Street. Greensboro, which had been known for its racial progressiveness, suddenly did not seem so progressive to the rest of the nation.<sup>156</sup>

Seventeen years after the first sit-in, Alexander staked her claim to the historical moment. According to her account, prior to the first sit-in, one of the four men called her office asking "what would happen if they went into one of the eating establishments where Negroes were not allowed to sit: . . . The fellows were having a rap session,

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<sup>156</sup> Chafe, *Civilities and Civil Rights*, 102. Chapters three and four of Chafe's book detail the desegregation meetings in Greensboro after the Woolworth's sit-in.

because I could hear them arguing over what to do on the phone.” She told them that she could not predict the outcome, but in her legal opinion, the United States Supreme Court would ultimately declare the segregated lunch counter unconstitutional. She also advised them that the easier route would be to collect a little money and file a civil lawsuit. The four men did not take Alexander’s advice. The next thing she knew the sit-ins began and the City of Greensboro went wild. African-American professionals, however, stood with the young men and marched up and down Elm Street in downtown Greensboro in front of the Woolworth’s. While Alexander might have had a small role in the sit-in, she did not march with other black professionals because her young son, Girardeau, was frightened by the events and rising community tension. She did, however, support the black professionals of Greensboro who stood by the students.<sup>157</sup>

Even though Alexander was not a demonstrator, Alexander did not completely sit on the sidelines. Those who knew Alexander never questioned her stance on civil rights. A week after the sit-ins, she received a letter from Arnold S. Lott with the Department of the Navy stating “My wife and I have been following with great interest the boycott of the local stores there in Greensboro. I thought you might like to know that my daughter, Marilyn, was one of the three students from Women’s College named in the press for having supported the boycott. . . . They’re both on your side, as we are.” But Alexander also made sure the whole city knew her position. On April 7, 1960, she wrote a letter to an editor in poetic prose writing “So here’s a little ditty/ To my fair city/ Where a man’s no fool/ ‘Til he wants a stool.” Alexander also worked closely with Cleo M. McCoy, the

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<sup>157</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

Director of Religious Activities at North Carolina A&T. In a letter to Poindexter Orr, Chairman of the Social Action Council at the Congregational Church of Park Manor in Chicago, McCoy stated “I am sure that you will not be surprised to learn that your friend, Mrs. Elreta Alexander, is making a marvelous contribution as a leader across racial lines during this immediate period of social stress. Of course, this situation did not have to develop to bring out her capacity for clear vision and fruitful expression of ideas. She occupies an enviable position in the legal profession as well as the civic life of the state.” Because of his friendship with Alexander, Orr donated one hundred dollars to support the sit-in efforts. Using her professional status, Alexander found ways to advocate on behalf of civil rights.<sup>158</sup>

While black students in Greensboro fought to integrate public spaces, black professionals also fought for full work rights. Black professionals were often denied membership in professional societies. In addition to Elreta being denied membership to the Greensboro bar, in 1960 Dr. Tony Alexander was denied full membership in the Guilford County Medical Society, along with thirteen other African-American surgeons from Greensboro and High Point. He eventually withdrew his bid, calling the organization “Un-American.”<sup>159</sup> In 1962, Dr. Alexander was involved in a discrimination lawsuit against Moses Cone and Wesley Long Hospitals, the “white” hospitals in Greensboro, over their hiring policies.<sup>160</sup> When Moses Cone Hospital opened in 1953, its

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<sup>158</sup> Correspondence, Box 1, Folder 4, Alexander Collection. It is not clear as to which editor Alexander sent her poem.

<sup>159</sup> “Negro Doctor Withdraws Bid for Medical Society,” *The Greensboro Record*, Monday, October 24, 1960, B1.

<sup>160</sup> “Greensboro, North Carolina, Group Files Historic Suit Against Hospital Exclusion,” *Integration Battlefield* 54, no. 2, p. 259, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2642370/pdf/jnma00684->

administrator, Dr. Joseph Lichty, told the American Friends Service Committee (AFSC), an organization that promoted merit employment and the hiring of qualified African Americans for positions normally reserved for whites, that he wanted to have a completely integrated hospital with black and white doctors, nurses, and patients. However, when the hospital took some tentative steps towards a desegregated patient population, the white elite in Greensboro protested to the board of trustees and the hospital director. Applications by black doctors to come to Cone were turned down, and the hospital ultimately only hired one black technician.<sup>161</sup> Dentist George Simkins, Dr. Alexander, and nine other doctors filed suit on behalf of themselves and black patients, “alleging that the defendants have discriminated against them because of their race, in violation of the Fifth and Fourteenth Amendments to the United States Constitution.” Both hospitals had received approximately \$3.2 million in federal and state monies under the 1946 Hill-Burton Hospital Survey and Construction Act, which the plaintiffs argued made them subject to equal protection under the Constitution. On December 5, 1962, the Middle District Court of North Carolina ruled against the plaintiffs. In a move that shocked both the plaintiffs and the defendants, Attorney General Robert F. Kennedy appealed as a friend of the court, and the case went to the Fourth Circuit Court of Appeals, where the plaintiffs won in a three-to-two decision. Because of the use of federal funds in the construction of the hospitals, the Equal Protection Clause of the Fourteenth Amendment was applied for the first time to a private entity to ban racial

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0131a.pdf. Also see David Barton Smith, *Health Care Divided: Race and Healing a Nation*, (Ann Arbor, University of Michigan Press, 1999), 83. Chapter three of Smith’s book details Greensboro’s hospital integration issues.

<sup>161</sup> Chafe, *Civilities and Civil Rights*, 36.

discrimination.<sup>162</sup> Tony and Elreta shared a similar social conscience, and both used their professional standings to promote racial equality, which despite a tumultuous relationship, likely helped maintain the bond and admiration they shared early in their relationship.

Outside of professional associations, Alexander also faced de facto segregation with her speaking engagements. The first statewide integrated group she spoke to was the North Carolina Nurses Association; she talked about law and the nursing profession. According to Alexander, the arrangement was that black nurses would only join after dinner, and they would enter through a side door. Alexander stated that she would not enter through the back door; she would stand in the window first. She recalled, “I was determined I wouldn’t embarrass any of my friends, but I would not go in that back door. I’d stand in the window first and give my speech. I do not go in anybody’s back door, AS A RULE.” Despite being nervous, Alexander arrived at the Irving Park Delicatessen, walked right in the front door, and went to the speaker’s table. During her speech Alexander made sure the Nurses’ Association knew their “speaker does not choose to use the back door to come and teach.” According to Alexander, her statement received more complaints from other African Americans than it did from whites, as many black waiters stated that, “that woman don’t have no better sense than to go in the front door.”<sup>163</sup>

Alexander’s actions sometimes upset individuals of all races.

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<sup>162</sup> Barton, *Health Care Divided*, 106–7; *Simkins v. Moses H. Cone Memorial Hospital*, 211 F. Supp. 628 (M.D.N.C. 12/5/1962); Karen Kruse Thomas, “Simpkins v. Cone,” <http://ncpedia.org/simpkins-v-cone>, accessed July 26, 2016.

<sup>163</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Collection. Alexander recalls this event in her oral history but does not provide a date. The Irving Park Delicatessen was purchased from its original owners in 1962.

By the mid-1960s, Elreta Alexander was an established attorney in Greensboro, North Carolina. After embracing her blackness at Columbia University, she honed her unique form of activism as the Civil Rights Movement began to arrive in Greensboro. Through performance and everyday acts of resistance, she refined her method of activism and used her career as a platform in which to create change for African Americans within the law. Alexander's career would soon expand beyond golf courses and child support cases. The summer of 1964 would change the trajectory of Alexander's career, as an interracial rape forced her to confront head on the racial injustices in the southern criminal justice system.

## CHAPTER IV

### CHARLES D. YOES V. THE STATE OF NORTH CAROLINA

Near Penny Road in High Point, North Carolina, an old, rundown mansion known as Horney Place became a locale for young people to hang out and drink. On the afternoon of June 21, 1964, four African-American men went to Horney Place to have some fun, drink some beers, and do some target shooting. Two of the four young men, one of which was Charles Yoes, had their girlfriends with them. Beyond Horney Place was an area in the woods known as “lover’s lane,” and on that evening, twenty-year-old Mary Lue Marion and her married boyfriend, Mick Wilson, were sitting in his car. Yoes and the three other young men, all drunk, decided to play a prank on the white couple. Running down to the car with a rifle, they banged on the car, telling the couple they were with the sheriff’s department. The incident moved beyond a mere prank when the men beat Wilson and allegedly raped Marion. The two girlfriends then stole Marion’s purse. After the incident Yoes fled to Norfolk, Virginia. The two young women who stole the purse, however, became scared and turned in the entire group to the police. Yoes was apprehended in Virginia on July 3 and brought back to North Carolina. The four men, Leroy Davis, Julian Hairston, Willie Hale, and Charles Yoes, were all charged with “successive rapes of the same woman in Guilford County.”<sup>1</sup>

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<sup>1</sup> Judge Elreta Alexander Ralston, interview by Anna Barbara Perez, February 18, 1993, and March 4, 1993, Interview number J-0018 in the Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, The University of North Carolina at Chapel Hill, <http://dc.lib.unc.edu/u/?sohp,1262>; State of North Carolina v. Charles Yoes and Willie Hale, Jr. (Alias

Eighteen miles away from the crime scene, Elreta Alexander had just returned to work following a Links conference in Nassau, Bahamas, when Charles Yoes's mother came to see her. Distraught, Mrs. Yoes had been unable to find another attorney willing to take her son's case and asked Alexander to represent him at the preliminary hearing concerning his rape charge. Initially, Alexander was reluctant to take the case. "[I] didn't want to get involved in anything this complicated," she later said. After looking at the evidence, however, Alexander felt that Charles Yoes was not one of the rapists, but was guilty of accessory after the fact. The Yoes family suffered from financial hardship, so Alexander agreed to represent Yoes at the preliminary hearing for a flat fee. It was the only money Alexander ever accepted from the Yoes family. The ensuing trial brought out the worst types of segregationist behavior and changed the trajectory of Alexander's career, prompting her to run for district court judge to address the inequities she faced in the Guilford County judicial system. Seventeenth century legal scholar Matthew Hale wrote, "Rape is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent."<sup>2</sup> For Alexander, this rape case was difficult to defend; however, it brought out her commitment to civil rights as she addressed disparities in sentencing, bias in the jury selection process, and racial injustices in the judicial system.

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Willie Haile, Jr.) and Leroy David, Petitioners v. State of North Carolina. Supreme Court of North Carolina, 271 N.C. 616; 157 S.E.2d 386; 1967 N.C. Lexis 1259, November 1, 1967, Filed.

<sup>2</sup> Elreta Alexander Interview by Greta Tilley, November 6, 1977, Box 5, Folder 13, Elreta Alexander Collection, Martha Blakeney Hodges Special Collections and University Archives, University Libraries, The University of North Carolina at Greensboro; Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975), 369.

Despite her initial misgivings about the complexity of the Yoes defense, Elreta Alexander was capable of handling such a case. By 1964 Alexander was an accomplished and pioneering attorney. In addition to her firsts in the legal field, she had established a reputation for challenging the status quo. Known for her brashness, Alexander seldom hesitated to defy the social standards set by Jim Crow. Whether it was walking through the front door of a restaurant or creating a performance to highlight the hypocrisy of segregation, Alexander was never afraid to make a statement. Though seldom physically on the “front lines” of a public protest, she nonetheless had paved the way for fellow African-American, female professionals. Her commitment to civil rights in her professional setting led Alexander to defend Yoes and to change the way jury selection occurred in Guilford County.

Her client, Charles D. Yoes, was twenty-five years old, married, and had one child. He and his family lived with his mother in Jamestown, North Carolina, approximately six miles from High Point. On the night in question, Yoes’s wife was out of town, so he took his girlfriend to spend time with his friends. The group drank large amounts of beer and Yoes had a firearm in his possession. Yoes also admitted to hitting Mick Wilson and Alexander believed he also robbed Wilson, probably after he was beaten unconscious. Alexander and her co-counsels, Walter Johnson, Jr. and Julius Chambers, knew they could not defend Yoes’s involvement in the crime, even though he had no prior criminal record. So, in addition to arguing that he was not one of the rapists,

they sought to lessen his sentence by focusing on the prevailing discrepancies in sentencing and jury selection based on race in the South.<sup>3</sup>

As Alexander prepared for her defense of Yoes, racial tensions in Greensboro, North Carolina, reached a boiling point. Just three years after the 1961 Woolworth's sit-in, Greensboro, the Guilford County seat, was ground zero in the North Carolina Civil Rights Movement, a movement further fueled by the Civil Rights Act of 1964, signed in early July by President Lyndon B. Johnson. The act, which banned segregation in public places and instituted equal employment opportunity measures, was itself born from the violent background of confrontations between nonviolent black demonstrators and white law enforcement, which resulted in injury and death for many African Americans across the South. The 1964 act not only handed the South to the Republican Party for generations to come, but as Alexander prepared for trial, it led to increased violence and demonstrations.<sup>4</sup> According to Alexander, "The papers were full of racial news. . . . People could see every Negro jumping into every white woman's bedroom."<sup>5</sup> Fears of black, male sexuality were still strong in the South. The "Southern rape complex," defined by the idea of the black man as a sexual predator preying on virginal white women, did not die with the decline of ritualized mob lynching. The complex had long been used by white men as a means of racial and sexual suppression. With the increase

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<sup>3</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Cases #613-659, Box 15, North Carolina States Archives, Raleigh, North Carolina; Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>4</sup> Robert D. Loevy, ed., *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (Albany: State University of New York Press, 1997). Loevy provides a comprehensive analysis of the Civil Rights Act of 1964 including the events leading up to the bill, legislative tactics to ensure its passage, and its aftermath.

<sup>5</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

of racial integration in schools and public facilities, fears of the black rapist lusting after innocent white women were renewed with vigor.<sup>6</sup>

Expectations of propriety along racial lines were slow to leave the South. In the post-Reconstruction era of the late nineteenth and early twentieth centuries, a white woman's accusation of rape could mean brutal lynching without a trial for an African-American man. The lynching process included public beatings, torture, being burned alive at the stake, beheadings, and forms of macabre sexual mutilations, primarily castration, by angry, white mobs. While less than a quarter of lynching victims were actually accused of rape, a black man did not have to actually engage in sexual acts to be perceived as a sexual threat to white women.<sup>7</sup> Simply looking a white woman in the eye or making a friendly comment could put the safety of an African-American man in jeopardy. If a black man spent any time near a white female, it was assumed he would try to sexually molest her. White women, who were treated as objects in the white man's quest to maintain racial dominance, could briefly experience a sense of control, as they could determine the fate of a black man's life with the point of a finger. In 1952 in Yanceyville, North Carolina, approximately forty miles northeast of Greensboro, Mack Ingram simply looked at a white woman and was charged with attempted rape. He

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<sup>6</sup> Jacquelyn Dowd Hall, "The Mind That Burns in Each Body: Women, Rape, and Racial Violence," *Southern Exposure* 12, no. 6 (Nov-Dec, 1984), 61-71. In this article Hall examines the connection between the Southern Rape Complex and lynching in the South as a means of asserting white dominance.

<sup>7</sup> For specific instances of rape-related lynching see Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997). Also see Hall, "The Mind That Burns in Each Body," *Southern Exposure*.

ultimately received a six-month sentence for assault, even with sworn testimony that he was never even close enough to touch the woman.<sup>8</sup>

The supposed threat of sexual violence by black men against white women was a key component behind the logic of segregation. Alexander claimed that the Guilford County sheriff, Clayton Jones, attempted to take advantage of white fears of black sexuality, and perhaps to boost the importance of his own role in the case. “To give the public image that this was a high-flown trial and that somebody was going to lynch those boys . . . Sheriff Jones had sheriff’s cars riding around and deputies marching in goose-step from the old courthouse to Elm and the Mayfair cafeteria. . . . This went on every day to heighten the passion of the people.” Even if Yoes and his codefendants were in no real danger of being lynched, it was easy to play on the fears of segregationist whites.<sup>9</sup>

Stereotypes regarding race and sexuality had been reinforced since slavery. Black women had long been the victims of rape by white men. During slavery white men could demonstrate their power over black men by raping their wives. Any children fathered by a white master subsequently became another piece of property. In the antebellum South, however, class often trumped race, with many slave owners believing their slaves over the accusations of rape by poor white women, or preferring to deal with the punishment of slaves themselves. After slavery though, the traditional southern class hierarchy fell apart. All white women, regardless of class, were protected from black men and seen as

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<sup>8</sup> Lisa Lindquist Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900–1960* (Chapel Hill: The University of North Carolina Press, 2004), 213; Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2009), 172.

<sup>9</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

symbols of white supremacy.<sup>10</sup> The rape of black women by white men after slavery was simply considered a “moral lapse” and better ignored, while the rape of a white woman by a black man was a “hideous crime punishable with death by law or lynching.”<sup>11</sup> After slavery black women occupied the lowest rung in the social hierarchy. Even if they made it clear they were no longer under any obligation to fulfill the white man’s sexual desires, they were still violently raped and cast as loose women.<sup>12</sup> The rape of a white woman by an African-American man, however, was viewed as an affront to white superiority and masculinity, and the issue served as a rallying cry for conservative, male Southerners, as yet another reason to deny suffrage and equal rights to black men.<sup>13</sup> If black men could vote and participate in politics, then they could also obtain forgiveness or leniency from fellow black politicians or sympathizing liberals for their supposed crimes against white women, inciting more violence.<sup>14</sup> Emancipation of slaves, and ensuing calls for political rights, led to increased violence and exploitation in an effort to maintain white supremacy. This over-sexualized stereotype of the African-American men continued to be reinforced well into the twentieth century. Movies such as *Birth of a Nation* (1915), depicted African-American men as brutal sexual predators while the sexual violence endured by African-American women for centuries was ignored. This depiction

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<sup>10</sup> Kristina DuRocher, *Raising Racists: The Socialization of White Children in the Jim Crow South* (Lexington: The University Press of Kentucky, 2011), 133–134, Lisa Lindquist Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900–1960* (Chapel Hill: The University of North Carolina Press, 2004), 7.

<sup>11</sup> Hall, “The Mind That Burns in Each Body,” *Southern Exposure*

<sup>12</sup> Rosen, *Terror in the Heart of Freedom*, 72.

<sup>13</sup> *Ibid.*, 173.

<sup>14</sup> *Ibid.*, 195.

supported a stereotype about black men that lasted well beyond the 1960s, and promoted the idea that was the virtue of white women that had to be protected.

Lynching was a common punishment for black men accused of raping a white woman, an action also motivated by a fear of miscegenation. After World War II, however, lynching subsided in the South, as both white and black southern men fought together overseas and the world became aware of the racial atrocities occurring in Europe.<sup>15</sup> The stigma of miscegenation, however, did not subside. By the 1960s, a white woman's accusation of rape would lead to a trial for an African-American man but not necessarily a fair trial. All-white juries and judges often led to skewed trials when African-American men were the accused. Pervasive racism continued to distort the issue of sexual violence, as black men were punished more harshly for a crime than whites.<sup>16</sup> Increased racial integration led to fears of increased miscegenation, which would lead to increased mixed-race individuals and threatened notions of white superiority that white Southerners clung to desperately.<sup>17</sup> Fears of miscegenation, and feeling as though the federal government imposed integration on them against their will, prompted white Southerners to do everything in their power to maintain their segregated way of life, which indirectly led to a heated trial for Alexander. She later said, "It was right at the heat of civil rights passion, and it's the worst trial I've ever been involved with." Defending a black man accused of raping a white woman was a risky career move for Alexander. Her law practice was very profitable, as she served a mixed-race clientele.

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<sup>15</sup> DuRocher, *Raising Racists*, 11.

<sup>16</sup> Hall, "The Mind That Burns in Each Body."

<sup>17</sup> Pamela E. Barnett, *Dangerous Desire: Literature of Sexual Freedom and Sexual Violence Since the Sixties* (New York: Routledge, 2004), xxix.

Alexander's own secretary commented that, "If those boys did that, they ought to be hanged."<sup>18</sup> The stakes were high for Alexander's career, and she faced a possible exodus of clients if Yoes indeed proved to be a rapist.

Recognizing the high risk factor, Alexander went into the preliminary hearing determined to poke holes in the prosecution's argument. The three-hour preliminary hearing, starting on July 13, 1964, however, was not favorable for the defense. The testimony of Guilford County Sheriff's deputy D. S. Lee was particularly damning. Lee testified that Yoes led them to where he disposed of a .22 rifle that was recovered near the scene. He also testified that the four men and two women, Janice Dockerty and Alberta Lyles, consumed two pints of whiskey during the day and purchased beer on the way to Horney Place. The group allegedly only left Horney Place to purchase more beer, and Yoes left once to retrieve a rifle for target practice. Yoes had testified that he had killed a blacksnake with the rifle. Lee's testimony, however, stated that during the investigation police found seven empty beer cans, one full can, three .22 shells, and no dead blacksnake, indicating that Yoes lied about his use of the rifle and establishing doubt about his credibility.<sup>19</sup>

During the preliminary hearing Mary Lue Marion's testimony cast doubt on Yoes's culpability though. Alexander recorded Marion's testimony, in which she testified only two of the four men touched her. She also was unable to identify Charles Yoes as one of her attackers, an important statement for Alexander to have on tape. One

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<sup>18</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>19</sup> "Four Ordered for Trial on Charges of Rape," *The High Point Enterprise*, July 14, 1964, B1.

of the two men, Marion claimed, raped her twice after dragging Wilson out of the car and badly beating him. She said after the attack the men threw Wilson back in the car, leaving him for dead while she stumbled up the road to the nearest house and called the police. Additionally, Wilson testified he was unable to identify the men who beat him because he had been knocked unconscious.<sup>20</sup> Dockerty and Lyles also testified that their boyfriends, one of whom was Yoes, never approached the crime scene. Despite the conflicting evidence, the grand jury returned bills of indictment against the four men on August 17, 1964.

After the preliminary hearing, the prosecuting attorney, Solicitor Lonnie Herbin, was “determined the boys were going to sniff a little gas.” Convinced Yoes faced an unfair trial for a crime for which he was only an accessory, Alexander decided to stay on the case, hoping it would not last too long. She said that “seeing that the boy was going to be railroaded and the feelings were so high, they talked me into it.”<sup>21</sup> As the case dragged on though, she became determined to change racial injustices she saw in Guilford County’s court system.

Alexander knew that if her client was convicted for rape, he would undoubtedly face a harsher punishment than if he were white, or if he were convicted of raping a black woman. Yoes potentially faced the death penalty for his role in the crime, a punishment more commonly used for African-American men convicted of rape. White men accused of rape were rarely executed. Between 1930 and 1957, the State of North Carolina

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<sup>20</sup> Don Follmer, “Rape Defendants Given Life Terms,” *The High Point Enterprise*, December 19, 1964, 12.

<sup>21</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

executed forty African-American men, compared to four white men, convicted of rape.<sup>22</sup> Race-based inequality in the judicial system was not only a problem in North Carolina. Throughout the South and the rest of the country, African Americans found a system of justice separate from that of whites and came to expect, and even accept, the discrimination they faced in all facets of the justice system.<sup>23</sup> There were few alternatives available for African-American defendants. Accused in a white-dominated system, and being largely represented by white attorneys, African Americans were forced to accept the fact that they would receive harsher punishments for their alleged crimes. Between 1945 and 1965, eleven southern states executed 13 percent of all convicted black rapists. Additionally, African-American men were seven times more likely to receive the maximum penalty than white men, and if convicted of raping a white woman, a black man was eighteen times more likely to be executed than if he raped a black woman, or if a white man raped a white woman.<sup>24</sup> With these odds, it was imperative for Alexander to have a racially-diverse jury during the trial. Alexander was not willing to accept the status quo, nor was she willing to abandon Yoes to the system of southern justice. Having tried many cases in Guilford County, Alexander surely noticed the lack of African Americans on juries. So for the sake of Charles Yoes, who she believed to be innocent, Alexander decided to explore the county's jury selection procedures.

Alexander had a solid defense plan, but there were several factors at play which made her job difficult. The trial was moved from High Point to Greensboro on

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<sup>22</sup> Jack Greenburg, *Race Relations and American Law* (New York: Columbia University Press, 1959), 336.

<sup>23</sup> John Hope Franklin and Genna Rae McNeil, eds., *African Americans and the Living Constitution* (Washington: Smithsonian Institution Press, 1995), 237–8.

<sup>24</sup> Brownmiller, *Against Our Will*, 215.

September 25, 1964, and each of the four men faced two charges of armed robbery and one charge of rape. While she had only received payment from Yoes's mother, Alexander led the defense for all four men. Alexander claimed that the court appointed attorneys for the other defendants were ill-prepared: "They came into court that first day with a clean yellow pad, not one bit of preparation. They'd never tried a capital case, or even a serious felony." Herbin also arranged for Alexander to cross-examine witnesses last, "so the other fellows could mess it up." Additionally, none of the defendants took the stand on their own behalf, and the defense largely relied on cross-examinations of the state's witnesses. In the minds of the court-appointed defense attorneys, there seems to have been little doubt regarding guilt. In the midst of the chaos, Alexander's mother, Alain Melton, died on September 30, 1964, at the age of seventy. Alexander channeled her energy into her work, and despite the odds against the defendants, she still vigorously defended Charles Yoes and the other three defendants, attempting to lessen their sentence if she could not establish their innocence.

On October 27, 1964, Alexander gave notice of intention to challenge the constitutionality of the state's criminal assault statute and issued subpoenas to Superior Court clerks in seven nearby counties asking for court records of rape cases over the previous ten years to prove that black men received harsher punishments.<sup>25</sup> Specifically, Alexander requested the name, age, and race of each person charged with the offense of rape in each county's Superior Court. She also wanted the details of each case; the

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<sup>25</sup> Charles Price, "Constitutionality To Be Challenged of State's Criminal Assault Statute," *The Greensboro Record*, October 27, 1964, B1.

verdicts; the sentences imposed; whether the sentence was appealed, and if so, the appellate court's disposition; and if the death sentence was imposed and carried out, or commuted by executive action. In addition, she requested the name, age, and race of the victim in each case. Solicitor Herbin asked for a recall of the subpoenas, which Judge Robert M. Gambill, the presiding Superior Court Judge, granted, stating he did not want to "bring all those records in here." When Alexander asked the judge what legal right Herbin had to recall the subpoenas, Gambill stated, "The Court will assume the solicitor is acting in good faith."<sup>26</sup> Alexander was unable to make her case for Judge Gambill, as he would only allow evidence of discrimination pertinent to this particular case. This incident was the first of many times Alexander would face resistance from Judge Robert Gambill.

The trial was scheduled to begin on October 28, 1964, but the illness of a key witness delayed the trial. Janice Dockerty, one of the women accompanying the four men, was a key witness for the defense. Dockerty and Alberta Lyles, who accompanied Yoes on June 21 and were charged with armed robbery for their role in the incident, had their prayer for judgement continued pending the outcome of the trial of the four men. As Dockerty recovered from a sudden surgery, the two sides took time to further prepare their arguments.<sup>27</sup>

On November 30, 1964, Solicitor Herbin filed a motion to consolidate the trials of the four men. On the same day, Alexander filed a motion for a separate trial for Yoes,

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<sup>26</sup> "Subpoenas Ordered Recalled," *Greensboro Daily News*, Thursday, October 29, 1964, B1.

<sup>27</sup> "Hunted Pair Identified by Officers," *Greensboro Daily News*, June 26, 1964, A20; "Trial Delayed by Illness of Witness," *Greensboro Daily News*, October 28, 1964, B10.

arguing that the indictments against each defendant were “separately drawn and returned by the Grand Jury as independent Bills of Indictment,” that “the State has obtained certain admissions from the other defendants,” and that evidence “admissible in a consolidated trial would be inadmissible in a separate trial of this defendant.” Judge Gambill denied Alexander’s motion. Gambill’s denial meant that instead of judging each man individually for their role in the crime, they were tried as a unit. If one man was proven to be a rapist, they would all be convicted and face the same punishment. Even though the four defendants were all being tried at once, the defense strategy continued to be based on prevalent racist bias in the court system where black men, particularly in cases where the rape of a white woman occurred, were treated unfairly. Knowing two of the men were likely guilty of raping Marion, Alexander had to try and lessen the punishments of all the defendants in order to spare Yoes’s life.<sup>28</sup>

On November 30, the same day Judge Gambill refused to give the defendants their own trial, Alexander filed a motion to quash the bill of indictment on behalf of Yoes on the basis that the grand jury, selected to examine the legitimacy of the accusation of rape and robbery before the trial, was “illegally constituted and composed” and denied Yoes his right to due process and equal protection due to the lack of black citizens on the jury. The motion stated that “a much smaller percentage of Negroes are, and have been on the Grand Jury than is the percentage of adult Negro population of the County duly qualified for such service.” Alexander claimed that the grand jury, who passed a True

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<sup>28</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Cases # 613-659, Box 15; “Arguments, Motions Slow Trial,” *Greensboro Daily News*, December 1, 1964, B1.

Bill to indict Yoes, was illegally comprised, “rendering said bill of indictment null and void,” and in violation of Yoes’s rights under Article I, Section 17 of the North Carolina Constitution and under the equal protection clause of the Fourteenth Amendment of the United States Constitution.<sup>29</sup> Alexander also contested the constitutionality of North Carolina’s rape statute by claiming that its enforcement and punishment was discriminatory against black men. She stated that punishment had proven “unjust, cruel and inhumane,” particularly when African Americans were involved.<sup>30</sup> The motion claimed the statute allowing the death penalty in rape cases is “unconstitutional as applied,” as it had been “discriminatorily enforced against Negro defendants and particularly against Negro defendants charged with offenses against white women.”<sup>31</sup> In her motion to quash the conviction, Alexander included the following statistics to establish the disproportionate response to black versus white crime:

Since 1930, 47 persons have been executed for the crime of rape in this State of which number 40 were Negroes, 2 were Indians and 5 were white men; that all of these persons were executed for having raped white women; that in those cases involving white defendants there were aggravating circumstances such as the extreme youth of the victim or the use of violence causing extreme injury or death; that the Negro population in the State of North Carolina and Guilford County during the past 35 years has always been less than 26% and has never approached 90%, which the death sentence carried out on Negro males approximates 90% of such penalties exacted for the crime of rape, that for every white male suffering the death penalty for rape, some 8 Negroes have been

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<sup>29</sup> Article 1, Section 17 of the North Carolina Constitution in 1964 stated that “no person ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.”

<sup>30</sup> General statutes of North Carolina, 1951, §14-21. The statutes stated that regarding punishment for rape “Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death: Provided, if the jury shall so recommend at the time of rendering its verdict in open court, the punishment shall be imprisonment for life in the State’s prison, and the court shall so instruct the jury.” The statute not amended until 1973.

<sup>31</sup> Superior Court Transcript, Supreme Court Original cases, Fall 1967, Box 15.

executed which make the ratio in proportion to the adult male population of white males to Negro males approximately 24 Negro lives taken for rape to every 1 white male so convicted.<sup>32</sup>

Alexander and the rest of the defense team argued that not only was the response to crime different based on race, but that race was also a discriminatory factor in jury selection.

Alexander also questioned the procedure in the jury selection process because it allowed for “systematic exclusion of qualified jurors.” Using jury selection as a defense tactic was difficult since the grand jury selection process in Guilford County was a convoluted and antiquated procedure. Each person who paid property or poll taxes in each of Guilford County’s eighteen townships had their names placed on a card, followed by a code number. Court documents state that the code numbers were used for statistical studies. If the code started with a number one, the county resident was white; if it started with a two, the resident was black. Other numbers designated the school or fire district the resident resided in, whether they were in the military, and the last four numbers of their social security number. The cards used for tax bills were also used for jury selection, lending the jury selection process to bias based on key demographics.<sup>33</sup>

Once the tax records were prepared, the county commissioners instructed names to be added from phone books and city directories before the list was prepared for jury selection in order to include individuals who were not property owners. The sheriff’s department then examined the list and removed people who had died, who had been

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<sup>32</sup> Superior Court Transcript, Supreme Court Original cases, Fall 1967, Box 15.

<sup>33</sup> State of North Carolina v. Charles Yoes and Willie Hale, Jr. (Alias Willie Haile, Jr.) and Leroy David, Petitioners v. State of North Carolina, Supreme Court of North Carolina.

convicted of a crime, or who the sheriff felt was not mentally competent to serve on a jury. The list was then cut into pieces, with one individual's name and code on each piece; the pieces were then placed into a two-sided box. One side of the box had the names of jurors who could be used; the other had the names of jurors who could not be used, which would include convicted criminals, those who had recently served jury duty, and according to Alexander, African Americans. Jurors were then selected in front of the county commissioners by a child, who picked names out of the side of the box with the names that could be used. The box of names was kept in the county commissioner's office, with one key in possession of the sheriff and another in possession of the chairman of the county commissioners. This process was repeated every two years and had last occurred in 1963, over a year before the pre-trial hearing.<sup>34</sup>

The Guilford County Superior Court appeared to be complying with the state laws regarding jury selection. The state stipulated that jury lists were to be compiled from lists of "taxpayers of good character." The procedure used in the grand and petit jury selection of the Yoes case had been in place since 1905.<sup>35</sup> The statute stated, "The commissioners at their regular meeting on the first Monday in July in the year nineteen hundred and five, and every two years thereafter, shall cause the names on their jury list to be copied on small scrolls of paper of equal size and put into a box procured for that purpose, which must have two divisions marked No. 1 and No. 2." In the grand jury

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<sup>34</sup> State of North Carolina v. Charles Yoes and Willie Hale, Jr. (Alias Willie Haile, Jr.) and Leroy David, Petitioners v. State of North Carolina. Supreme Court of North Carolina.

<sup>35</sup> A petit jury is utilized in civil and criminal cases, returning a verdict after hearing and examining evidence. A grand jury determines probable cause, deciding if the government should file formal charges against an individual. See *Black's Law Dictionary*, 9th edition.

selection process, the state statute directed that “the judges of the superior court, at the terms of their court, except those terms which are for the trial of civil cases exclusively, and special terms for which not grand jury has been ordered, shall direct the names of all persons returned as jurors to be written on scrolls of paper and put into a box or hat and drawn out by a child under ten years of age; whereof the first eighteen drawn shall be a grand jury for the court; and the residue shall serve as petit jurors for the court.”<sup>36</sup> The law did not address race, or what determined a “taxpayer of good character.”

Alexander’s assertion that African Americans were discriminated against during this process was well-founded. The codes, Alexander claimed, were knowingly used to identify race and keep African Americans off grand and petit juries. Across the South African Americans had been systematically excluded from juries. A similar rape case in Alabama, *Swain v. Alabama* (1965), revealed that no African American had ever served on a Talladega County petit jury. Proof of the discrimination, however, was often hard to verify by defense attorneys. Ensuring fairer representation meant placing more minorities on juries, making discrimination more blatant in jury selection. When minorities appeared on juries they were frequently eliminated and cited as under-qualified or used as tokens.<sup>37</sup>

During the arraignment in the case, Guilford County officials testified that race was not a factor in jury selections. Court documents state only tax officials knew the meaning of code numbers one and two. Alexander subpoenaed the chairman of the

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<sup>36</sup> General Statutes of North Carolina, 1951, §9-1, §9-2, §9-24. §9-1 and §9-2 were amended in 1967.

<sup>37</sup> “Fair Jury Selection Procedures,” *The Yale Law Journal* 75, no. 2 (December 1965): 322–34. This article examines jury selection processes in the South one year after the Yoes trial.

Guilford County Commissioners, Dale Montgomery, to bring all county records pertaining to the selection of juries.<sup>38</sup> Alexander said she put him on the stand first “because I had an idea he didn’t know any more about the selection of the grand or petit juries than a pig.”<sup>39</sup> Indeed, Montgomery testified that he knew very little about the process. He stated that the county tax department prepared the lists of possible jurors, the Clerk of Court determined who to exclude from the list, and the Sheriff’s department determined the standards of qualification for jury members. Montgomery claimed that he did not know what those qualifications were. Other county commissioners also testified that no names were left out, or added to, the box after the preparation process and there had been no exclusion of individuals from juries based on race.<sup>40</sup> When Alexander questioned county tax supervisor H. A. Wood in court as to why whites and African Americans were given distinctive codes on tax forms Wood replied, “Because it’s always been that way, I guess.”<sup>41</sup> Alexander argued that the “deputy clerk could look right in the box and see whether she was putting whites or Negroes on the jury,” if they knew what the codes meant.<sup>42</sup> Whether or not the codes were actually used in jury selections, racism and judging individuals based on race was so firmly entrenched in the southern psyche that few whites ever conceived of anything different.

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<sup>38</sup> Don Folmer, “Trial of Four for Rape Called in Greensboro Court,” *The High Point Enterprise*, Monday, November 30, 1964, B1.

<sup>39</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>40</sup> State of North Carolina v. Charles Yoes and Willie Hale, Jr. (Alias Willie Haile, Jr.) and Leroy David, Petitioners v. State of North Carolina. Supreme Court of North Carolina.

<sup>41</sup> “Tax List Distinctions Injected in Grand Jury Selection Test,” *The Greensboro Record*, December 2, 1964, Box 3, Folder 3, Alexander Collection.

<sup>42</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13 Alexander Collection.

While federal laws tried to remedy discrimination faced by African Americans, prejudice in the justice system hindered racial and gender equality throughout the country, as well as in the South. Many juror selection lists, such as tax records and voter registration lists, already underrepresented racial minorities due to exclusionary policies that historically made it difficult for African Americans to vote. Additionally, requirements that jurors meet residency requirements and have no previous criminal records, together with exemptions based on economic and personal hardship, further led to the exclusion of minority and economically disadvantaged jurors. Attorneys and court officials also relied on their own personal biases and stereotypes in their acceptance or rejection of potential jurors. White women were said to be poor jurors because they were more biased against the defendants. African Americans, on the other hand, were believed to side with the defendant. The State of North Carolina did not require a litmus test for prospective jurors, leaving county officials—all white—to determine what qualified as a “good” juror.<sup>43</sup>

In Guilford County, Alexander argued, being black did not make one a good juror in the eyes of the court. On the same day, November 30, 1964, that Alexander filed her motion to quash the bills of indictment based on the make-up of the grand jury it was denied by Judge Gambill, who ruled that “Negroes were drawn and appeared on the grand jury that indicted these defendants.” He also stated that “This matter of punishment is not to be proved with statistics . . . but is a matter of opinion,” and that

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<sup>43</sup> Hiroshi Fukurai and Richard Krooth, *Race in the Jury Box: Affirmative Action in Jury Selection* (Albany: State University of New York Press, 2003), 3, 153; Nijole Benokraitis and Joyce A. Griffin-Keene, “Prejudice and Jury Selection,” *Journal of Black Studies* 12, no. 4 (June 1982): 427–49.

evidence proving that black men received harsher punishments was “irrelevant and immaterial.”<sup>44</sup> Further, Gambill ruled that the two-sided box from which the jury is drawn was “properly constituted,” and that although codes demarcating race could be used to discriminate, there was no evidence supported by sworn testimony that county commissioners knew the meaning of the codes or that any name was left out of the jury box based on race.<sup>45</sup> According to Gambill, the guilt of the four men was not a question. The defendants were arraigned and the trial began the next day.

If the defense could not convince Judge Gambill that the grand jury was unfairly comprised, then they would make sure the petit jury during the trial would be fair. On December 2, 1964, Robert Cecil, counsel for defendant Leroy Davis, filled a motion for special venire and Alexander filled a challenge to the array, whereupon the court ordered that the jury box be brought into open court for name selection.<sup>46</sup> Judge Robert Gambill issued a venire facia—a court order instructing the sheriff to summon a specific number of competent individuals to serve as jurors. The same day, Daniel Kent, a six-year-old child, drew one hundred names from the jury box. Each potential juror was questioned by the prosecution and the defense. They were asked if they had any affiliation with any of the attorneys, how much they knew about the case, if they supported the death penalty in the case, and if they could enter the trial with an open mind. Jury selection for the trial was a long, drawn-out affair. It took two weeks for the court to review eight hundred

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<sup>44</sup> “Arguments, Motions Slow Trial,” *Greensboro Daily News*, December 18, 1964, B1.

<sup>45</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

<sup>46</sup> Superior Court Transcript, Supreme Court Original cases, Fall 1967, Box 15; “2 Alternate Jurors Still to be Chosen,” *Greensboro Daily News*, December 14, 1964, B1; “Rape Trial Jurors Take Seats Today,” *The Greensboro Record*, December 14, 1964, B1.

names before finally establishing a jury and alternates. The jury of twelve was established and sworn in on December 14, 1964. The jury consisted of ten white men, one white woman, and one black man.

Security was tight in the courtroom. Judge Robert Gambill ordered additional deputies on duty in the courtroom to help maintain order. Sheriff's deputies surrounded the defendants with their hands on their guns. Only court officials, police officers, reporters, and attorneys were allowed to come in and out of the courtroom.<sup>47</sup> Alexander started receiving threats from white men, saying "kill that bitch" in the courtroom. Her husband, Dr. Girardeau Alexander, sent a bodyguard to court with her.<sup>48</sup> As in the days of lynching, some white Southerners were ready to see the defense, and the defense attorney, hang for this crime. Fortunately, Alexander had an ally in the Sheriff's department. Deputy Hinson, one of the few African Americans on the force, told Alexander that Guilford County Sheriff Clayton Jones had ordered officers to shoot any defendant that moved—and to shoot Alexander along with them. None of the defendants moved during the trial, so much so that Charles Yoes actually fainted one day on court.<sup>49</sup> The county was apparently willing to resort to extreme measures to prove something illicit occurred between Marion and the four black men. Deputy Hinson also quietly informed Alexander that Sheriff Jones had wire-tapped the defendants' jail cells in an attempt to hear one of the defendants confess. Throughout the trial Alexander and her fellow defense attorneys communicated with their clients almost solely in writing. While

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<sup>47</sup> "Robbery, Rape Case Set Today," *Greensboro Daily News*, Tuesday, October 27, 1964, A12.

<sup>48</sup> Alexander Interview, 84, Southern Historical Collection.

<sup>49</sup> Alexander Interview, November 6, 1977, Box 5 Folder 13 Alexander Collection.

the crime Yoes and his friends were accused of was serious, the treatment they received was excessively harsh for young men whose most serious previous offense had been a traffic citation. The Sheriff's department, however, was not the only entity that seemingly had ill will towards the defense.

Judge Robert Gambill did not conceal his racial attitudes from the bench. He frequently referred to the defendants as "niggers" and allegedly would not allow evidence favorable to the defense to be considered by the jury. Gambill was, according to Alexander, "a good judge, but he could not separate his prejudice from sitting fair and impartial on this case."<sup>50</sup> Alexander also stated that he quashed her motions to sequester the witnesses, refused to change the venue of the trial, and would not allow her to introduce into evidence the recordings of testimony from the preliminary hearing. When called to his chambers, Gambill told Alexander that "this is a bad case at a bad time, and those boys are going to get the death penalty anyway. You're not doing them any favors by dragging it out."<sup>51</sup> Encountering judges like Gambill was not uncommon, especially in the South. In Mississippi, Federal District Court Judge William Harold Cox described African Americans as "chimpanzees" from the bench during a voter discrimination hearing. As in jury selections, the personal biases and beliefs of judges affected sentencing of accused individuals, especially for poor and non-white defendants.<sup>52</sup> For

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<sup>50</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13; Alexander Collection; "Convicted Rapist Petitions for Writ," *The Greensboro Record*, Wednesday, March 18, 1970, C11. Alexander stated that Judge Gambill repeatedly called the defendants "niggers" from the bench. Additionally, in 1970 Charles Yoes petitioned for a writ of habeas corpus and cited Gambill's use of the word "nigger" during trial.

<sup>51</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>52</sup> Donald Dale Jackson, *Judges: An Inside View of the Agonies and Excesses of an American Elite* (New York: Atheneum, 1974), 122, 367; "W. Harold Cox, Federal Judge in Mississippi, Dies," *The Washington Post*, February 28, 1988, <https://www.washingtonpost.com/archive/local/1988/02/28/w-harold-cox-federal->

the African-American defendants in this case, getting a fair trial would prove to be extremely difficult, regardless of the make-up of the jury.

With twelve jury members in place testimony began. On December 15, 1964, the first to testify on behalf of the prosecution was Mick Wilson. Wilson was twenty-nine-years-old and testified that at the time of the incident he was separated from his wife, Ruth. After his date with Mary Lue Marion, the duo became turned around in High Point on their way back to Greensboro. After going down a dirt road Wilson said they stopped the car to talk, around 8:30 to 9:00 pm. With the engine turned off, another car pulled up behind them. According to Wilson, “First thing I knowed two, four colored boys jumped out of the car and there was two on her side and two on mine. . . . I remember seeing two rifles—maybe there was just one—I was so scared maybe I thought they was two.” The two on Marion’s side opened the door and told her to pull up her dress. Wilson offered them money to leave the couple alone, but one of the four black men came around to his side, pointed a rifle at him, and told him to get out of the car. One of the men subsequently hit Wilson in the head with the butt of the rifle. Two allegedly beat up Wilson, while the other two raped Marion. Wilson lost consciousness and later awoke on the floorboard in the back seat of his car, with Marion nowhere to be found.

During cross-examination by the defense, Wilson stated that he was not having sex with Marion at the time of the attack, and that he had dated her for about a year prior to the incident. When the four men approached the car, Wilson testified that the two

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[judge-in-mississippi-dies/5e9bbbc1-b66d-49f4-9734-b05ddff6143e/?utm\\_term=.6ac197c683b3](http://judge-in-mississippi-dies/5e9bbbc1-b66d-49f4-9734-b05ddff6143e/?utm_term=.6ac197c683b3), accessed August 21, 2017.

were discussing marriage. Alexander repeatedly attempted to poke holes in Wilson's story, asking him how they ended up so far down a secluded dirt road while trying to find their way back to Greensboro, and implying they went to have sex in a secluded area as opposed to staying on the highway home. She also tried to highlight discrepancies between his testimony and what he testified to in the preliminary hearing, questioning his knowledge of the High Point area and to what was actually going on in the car when Yoes and his friends approached. Years later, Alexander recalled that Solicitor Herbin revealed to her that he "almost fell out of his DA's chair at the Yoes trial [when Wilson] testified he hadn't had intercourse, because he told Lonnie in his office just before he came in to testify that he had had intercourse with her without using any prophylactic."<sup>53</sup> In all likelihood, Wilson perjured himself to protect the reputation of the white, female victim in the eyes of the jury, thus reenforcing the stereotypes regarding black male sexuality and trying to prevent victim blaming by the defense.

While Alexander and Yoes were disadvantaged by the racial dynamics of the time, Alexander attempted to capitalize on the prevailing sexism that made victim blaming common in rape trials. Many times the sexual history of a woman was used to determine her credibility. Indications that the female victim was unchaste could be used to prove the probability of consent in sexual intercourse.<sup>54</sup> Such evidence was often biased against the victim. While a woman's sexual history could be put on display and called evidence, a man's sexual history, including previous criminal charges against him,

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<sup>53</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>54</sup> Amanda Konradi, *Taking the Stand: Rape Survivors and the Prosecution of Rapists* (Westport: Praeger Publishers, 2007), 8.

were rarely introduced to the jury.<sup>55</sup> In this case, the court's treatment of Mary Lue Marion was, at best, insensitive. Marion took the stand on December 16, 1964. Several times during her testimony the judge stated, "Now don't talk too fast, lady," or in order to get to the point said, "Lady, tell us what he did." Marion was also asked to recall aspects of her assault in an embarrassing manner. Marion was repeatedly asked to recall what "private parts" went where. In one instance, Solicitor Herbin asked Marion to "state whether or not they put their . . . fingers in your private parts." In another, the judge stated, "Now, lady, intercourse means a number of things. Did he put his private parts in your private parts?"<sup>56</sup> When asked about the condition of her dress after the assault, Marion stated there was a "big spot in it." She was asked to stand and indicate where on herself the spot was located, and if she knew what the spot was. When asked by the prosecuting attorney what the spot was, Marion stated that "I can't say it in front of all these people."<sup>57</sup> In 1964 Greensboro, frank discussions about sex were still taboo.

While young women such as Marion had always engaged in sexual activity, the twentieth century brought freer expressions of sexuality. Youthful attitudes towards sex often conflicted with traditional, older ideals of morality. As automobiles became a common feature in the driveway of Americans, the opportunity for sexual privacy increased as couples found themselves spending time away from the watchful eye of their parents. While more youth might have been having sex, attitudes about discussing sex in public remained largely unchanged through the mid-twentieth century. The

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<sup>55</sup> Brownmiller, *Against Our Will*, 372.

<sup>56</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

<sup>57</sup> *Ibid.*

responsibility to establish sexual limitations, however, fell on the woman. Women were still required to uphold notions of respectability, and talking openly about lewd sexual details in court would have assaulted traditional expectations of femininity. For Marion, the appearance of femininity was important, as the jury had to view her as a virginal victim ravished by the unrestrained sexual desires of black men. Frankly discussing the large semen stain on her clothes would have marred the image Marion was likely trying to portray.<sup>58</sup>

Marion also faced uncomfortable questioning from the defense, particularly Alexander. In her cross examination of Marion, Alexander attempted to cast doubt on her credibility, which was made difficult by the fact that Judge Gambill would not allow into evidence the pre-trial recordings Alexander made. Alexander had Marion repeat, for the third time, in detail the events of her evening leading up to the assault and reestablish her claim that she was not having sex with Wilson at the time of the assault. Marion claimed that Wilson only “kissed her politely” before the men approached their car.<sup>59</sup> Rapid questioning, repeating the same questions, and focusing on minute details were often tactics used by defense attorneys to confuse or embarrass victims.<sup>60</sup> Alexander herself used such tactics during the preliminary hearing and the trial, and felt she had adequately established doubt in Marion’s story. Alexander focused on small variations in

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<sup>58</sup> For examinations on changing sexual norms in the twentieth century see Beth Bailey, *From Front Porch to Back Seat: Courtship in Twentieth-Century America* (Baltimore: The Johns Hopkins University Press, 1988); Susan K. Cahn, *Sexual Reckonings: Southern Girls in a Troubled Age* (Cambridge: Harvard University Press, 2007); Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill: The University of North Carolina Press, 1995).

<sup>59</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15

<sup>60</sup> Konradi, *Taking the Stand*, 103.

Wilson and Marion's stories, reiterated Marion's testimony in questioning, and questioned her level of resistance after repeated rapes by the four men. Marion testified that her head was under the steering wheel while each man got in the car, closed the door, and raped her. Alexander and Marion were approximately the same height, about five foot four inches tall and only four inches shorter than the width of the car, which led Alexander to question how Marion could fight off her attackers in the car without receiving a scratch. Alexander also recalled that there were no tears in Marion's vaginal area, which led Alexander to believe that Marion did not resist her attackers.<sup>61</sup> Alexander pressed these issues in her cross-examination of Marion.

The tough questioning led Marion to break down in tears on the stand. Alexander herself was convinced that intercourse occurred between Marion and some of the defendants; however, she tried to determine, based on information she received, whether or not the sexual encounter was actually rape. "I couldn't prove it, but I had information that her [Marion's] boyfriend [Wilson] had been using her for prostitution," Alexander claimed. "The neighbors had been complaining about cars going down this road, and white girls meeting black boys down there. . . . I had heard that Mary Lue had been convicted of prostitution, but the courthouse records were clean." It was later revealed that Marion had been convicted of "occupying a room for immoral purposes," but the records were unable to be found during the trial. Whether Marion's previous record existed, or if it was intentionally hidden to aid the prosecution, was never established.<sup>62</sup>

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<sup>61</sup> Alexander Interview, November, 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>62</sup> *Ibid.*

If Marion had consensual sex with the two defendants, she had reason to lie about it. A white woman who had a consensual sexual relationship with a black man was considered damaged. White women sat on a pedestal of purity and goodness; exhibiting sexual freedom was the fastest way to be removed from that pedestal. While a white woman was not the legal property of white men, if she chose a relationship with a black man, it was seen as a symbolic property loss. Other whites would exhibit vindictiveness towards a white woman who took on a black man as a lover, dubbing her an outcast in white society.<sup>63</sup> If it were proven that the defendants were telling the truth about their sexual encounter with Marion, she stood to lose her reputation and any place she held in white society. Marion maintained on the stand that she was raped, testifying that after being told to pull her dress up, one of the men ordered her to take off her pants. After refusing to do so, Marion testified that “they cocked the gun so all they had to do was pull the trigger. I heard it click.”<sup>64</sup> Testifying that the rifle was pointed at her temple, Marion had no choice but to submit.

Alexander was able to poke some holes in Marion’s testimony. Two of the defendants confessed to having sex with Marion before the trial but testified Marion did not fight them. Alexander stated years later that Marion kept referring to her assailants as “they” and never identified her attackers. From the stand, however, Marion identified defendant Julian Hairston as the first man to rape her, followed by Willie Hale. She pointed out both men from the stand but did not call them out by name. After Hairston

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<sup>63</sup> Brownmiller, *Against Our Will*, 220.

<sup>64</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

and Hale allegedly raped Marion, she testified that the other two men, Yoes and Davis, also raped her. Then Hale and Hairston raped her a second time. Marion stated she had intercourse six times that evening. She testified that “they got in one at a time but they wouldn’t hardly give one time to get out before they was in there.” Alexander asked Marion if she specifically recalled defendant Yoes, to which Marion replied, “I don’t remember if the defendant Yoes was with the other three defendants when I was first called in to identify them. . . . I seen four boys and one girl there that night. I don’t remember if I told the Sheriff that I could not recognize Charles Yoes. I was scared so bad that I don’t remember.” Marion also testified that one of the girlfriends pulled her hair and tried to steal a ring she wore and pointed out Janice Dockerty from the stand. One of the girlfriends, however, testified that Marion pushed her when she tried to get her own boyfriend away from the car.<sup>65</sup> But in a southern rape trial word of the white woman still trumped the establishment of reasonable doubt or the testimony of a black man or woman. Usual presumptions assumed because the victim was white, there is no way she would have wanted to have sex with the defendants, both black men.<sup>66</sup> The whites in the community were inclined to believe Marion on the racist grounds that they would not want to believe a white woman would have consensual sex with a black man.

During Marion’s testimony Judge Gambill allowed a break for the jury. What occurred next was recorded by the court reporter:

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<sup>65</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>66</sup> Catherine A. MacKinnon, *Women’s Lives, Men’s Laws* (Cambridge: The Belknap Press of Harvard University Press, 2005), 131.

At this point in the reporter's notes the reporter was asked by each counsel for the defendant to record the fact that Sheriff Clayton Jones was seen by each to disappear out of sight having entered the jury room, being 4:20 PM; also that at 4:40 PM Sheriff Clayton Jones was next seen emerging from inside the jury room with the jurors as they returned to the jury box in open court. Reporter was also requested to record the fact that this entrance into the jury room by the Sheriff was called to the attention of the court (in the presence of the reporter) and the court made the statement, "Well, he has been sworn."<sup>67</sup>

The immediate perception was that Sheriff Jones spoke to the jurors about the case, raising issues of jury tampering. When Alexander pressed Judge Gambill about this breach of protocol, Gambill stated that Alexander would have to prove Sheriff Jones "said something bad" while with the jury. Allegedly, Jones continued to interact with the jurors, even going so far as to accompany them inside their hotel rooms to talk with them.<sup>68</sup> There was little Alexander could do, however, as Judge Gambill seemed intent that the four men would receive a guilty verdict.

In keeping with Alexander's assertion that black men received harsher punishment for their crimes, on December 16, 1964, the prosecution asked for the death penalty for the four men. Solicitor Herbin called for the jurors "to prove to the people of Guilford County you have the courage to return a verdict in behalf of the death penalty against these men." That day Guilford County Sheriff's Department Patrolman Frank Smith also testified on behalf of the prosecution, stating he found Marion "crying and apparently hysterical" and Wilson "bleeding from the mouth and arm." Dr. Almon R. Cross, the OB/GYN who examined Marion the night of the alleged rape, testified "there

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<sup>67</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

<sup>68</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection; "Convicted Rapist Petitions for Writ," *The Greensboro Record*, Wednesday, March 18, 1970, C11. Charles Yoes later accused Sheriff Jones of discussing the case with jurors during the trial.

was no doubt” Marion had engaged in sex in the hours before the incident. There was “a considerable amount of swelling” around her vagina from intercourse. Cross testified that there was a sore place on her mouth that “looked like her her lips had been pressing her teeth,” but that there were no other “abrasions, scratches, scars, or contusions.” During Solicitor Herbin’s examination, Cross recalled that “there was an unusual amount of sperm or volume of sperm from one—intercourse—that was my opinion at that time.” In Alexander’s cross-examination, however, Cross admitted that “you can’t look in a woman’s vagina and tell whether the fluid there is sperm or female fluids without looking at it under a microscope. I couldn’t examine or measure it all. I saw her vagina full of secretion.”<sup>69</sup> Dr. Asa Parham, the general surgeon who treated Mick Wilson’s wounds, later testified that Wilson had multiple lacerations and that he “examined his pubic region and genitalia for any dried mucus condition and the urethra for the presence of semen and there was none. I found no evidence of recent sexual intercourse.”<sup>70</sup> This testimony undoubtedly hurt the defense’s case, but did not address whether or not Marion had consensual sex with any of the defendants. In many racially oriented sexual crimes, the eagerness to find and punish a black male overrode the logical need to thoroughly question white men who might have been involved.<sup>71</sup> Before the emergence of DNA evidence, overt signs of physical harm were the primary evidentiary proof. Without *corpus delicti*, or physical evidence of rape, many juries had to determine whether they believed the story of the victim over that of her alleged rapist. In this case, the large

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<sup>69</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15

<sup>70</sup> *Ibid.*

<sup>71</sup> DuRocher, *Racist Racists*, 141.

amount of bodily fluids, the signs of obvious intercourse on Marion, and the testimony of Wilson and Marion overrode any reasonable doubt Alexander was able to establish.

Alexander gave her closing argument on Thursday, December 17, 1964. "I made one of the best jury speeches I ever have, proving how Yoes couldn't have had intercourse with this girl." Alexander claimed that based on the height of the defendants forcible intercourse in the car with the doors closed would have been physically impossible. She also reiterated that the doctor who examined Marion could only testify to the existence of semen, but not who that semen belonged to. Citing the North Carolina case *State v. Massey*, a 1949 decision concerning the handling of poisonous reptiles in a church in Durham, North Carolina, Alexander argued that "it is neither charity nor common sense nor law to infer the worst intent which the facts will admit of . . . It must be established by evidence that does more than raise a mere suspicion, a conjecture or possibility, for evidence which merely shows it is possible for the fact in issue to be as alleged, or which raises a mere conjecture that it is so, is an insufficient foundation for a verdict."<sup>72</sup> While the *Massey* case was significantly different from the rape case at hand, Alexander attempted to convey that enough reasonable doubt had been established as to whether or not rape actually occurred. The evidence showed that sex had occurred, but the intent of the defendants could not be established.

After closing arguments, the jury left for deliberation on December 17 at 3:35 p.m. On Friday, December 18, 1964, at 7:13 p.m., in what had already become the longest criminal trial in Guilford County history, all four defendants were found guilty of

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<sup>72</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

rape. Alexander requested that the jury, which also recommended punishment, be polled. Every white juror polled stated that guilty, no mercy, was the verdict, meaning they recommended the death penalty. When the one black juror was asked what his verdict was, he broke down in tears and said, "That's not my verdict. They made me say it."<sup>73</sup> The *High Point Enterprise*, however, told a slightly different version of the story. John Siddle, "a Negro farmer and ex-boxer, was weeping in the jury box and appeared to lose control of his emotions entirely." When polled, according to the *Enterprise*, he said, "Guilty, but I want to recommend mercy." The official court transcript stated that "the jury returned into open court and announced it had reached a verdict, whereupon the foreman, speaking for the jury, announced as to the defendant Leroy Davis a verdict of 'guilty as charged' without a recommendation for mercy. Counsel for the defendant Davis then moved to have the jury polled, and upon being polled one of the jurors, between sobs, stated that he recommended mercy."<sup>74</sup> Judge Gambill sent the jury back in order to come up with a unanimous verdict. At 8:00 p.m. the jury arrived at a sentence of life in prison.<sup>75</sup> Had it not been for the single African-American man on the jury, probably there because of Alexander's questioning of jury selection procedures, Yoes and the other three defendants probably would have been put to death.

The reaction to the verdict in the community was swift. The four defendants were reported as being relieved to no longer be facing death. An editorial in the *High Point Enterprise*, however, was not favorable towards the jury's decision. "If ever the death

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<sup>73</sup> Alexander Interview, 84, Southern Historical Collection.

<sup>74</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

<sup>75</sup> Folmer, "Rape Defendants Given Life Terms," *High Point Enterprise*.

penalty were justified, it should seem to have been applicable in the case of those four sullen, brutish Negro men who slipped through the net of justice with their lives,” the editorial stated. It went on to say that “we hope that Negroes . . . will recognize their high responsibility to deal justly rather than accept that duty as a way of coloring justice unjustifiedly,” an obvious jab at the lone African American on the jury, who the editorial accused of letting race influence his verdict.<sup>76</sup> Undoubtedly, in a southern state amid the civil rights movement, many other Guilford County residents felt more ire than reflected in the editorial.

Soon after the verdict was handed down, Alexander began working on an appeal for Yoes. With Christmas approaching and everyone involved with the case tired, Judge Gambill gave Alexander until the first term in January to file an appeal. On January 12, 1965, the four men reappeared in court to appeal their conviction as paupers.<sup>77</sup> Judge Gambill denied the four defendants’ request, citing the fact that the defendants’ attorneys did not advise their clients they had “reasonable cause” to appeal and the appeal entries were not filed with the Clerk of Superior Court within ten days after the verdict on December 18, 1964. Alexander objected and gave notice to the North Carolina Supreme Court.<sup>78</sup>

Before the appeal process began, however, Alexander’s defense argument was already changing the justice system in Guilford County. At the beginning of January 1965, Judge Gambill ordered codes distinguishing race to be removed from seventy

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<sup>76</sup> Holt McPherson, “Good Morning,” *High Point Enterprise*, Sunday, December 20, 1964.

<sup>77</sup> “Four Negroes Appeal Pauper Conviction,” *Greensboro Daily News*, Wednesday, January 13, 1965, A8.

<sup>78</sup> “Judge Turns Down Move by Rapists,” *Greensboro Daily News*, Friday, January 15, 1965, A16.

thousand prospective juror slips. Gambill subsequently dismissed all jurors serving jury duty for that week until the issue was resolved, and ruled that Guilford County commissioners knew about the racial codes on juror slips, despite the fact the commissioners had testified to the contrary in the Yoes case. Still convinced Yoes and his fellow defendants were guilty, Gambill undertook the measure to ensure “that future work of the criminal court will not be wasted if the State Supreme Court,” overturned the rape conviction.<sup>79</sup>

The appeals process for Yoes was unnecessarily drawn out by Judge Gambill. On January 12, 1965, Alexander filed fifty-two assignments of error, outlining the various mistakes made during and after the trial. Alexander cited the consolidation of the trials, Judge Gambill’s denial of her frequent motions, numerous issues with the jury selection process, the expression of opinions by the court, possible jury tampering, and the admission of evidence. Alexander cited other errors that occurred after the trial, such as the court delivering one verdict for all four men, and failing to consider lesser crimes such as intent to commit rape and assault. On the same day she also filed a motion to obtain the trial transcript. Alexander requested the court transcript to prepare for the appeal and outline Judge Gambill’s prejudice during the trial. Court reporter Nellie Lovin, however, had not finished the transcript. On January 18, 1965, Alexander filed a petition for a writ of certiorari, where the North Carolina Supreme Court would order the superior court to provide a record of the trial for review. The Supreme Court denied the writ but placed a time limit on the appeal, meaning the transcript would have to be

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<sup>79</sup> “Race Code Ordered Off Juror Slips,” *The High Point Enterprise*, Tuesday, January 5, 1965

finished before proceeding with the appeal. Meanwhile, Judge Gambill allegedly kept Lovin so busy she was unable to finish the trial transcript.<sup>80</sup> Despite Alexander's frequent appeals to the North Carolina Supreme Court for aid, they did not intervene in Gambill's delay tactics, and the process continued.

On May 31, 1966, Alexander, her personal attorney Herbert Parks, and Charles Yoes appeared in Superior Court before Judge Walter E. Johnson, Jr. Nellie Lovin, Solicitor Herbin, and assistant solicitor W. Edmund Lowe also appeared. Alexander testified that she had only been furnished an incomplete transcript of the trial, contending that the questions asked in the trial "would tend to prejudice the defense."<sup>81</sup> The transcript furnished contained an incomplete account of the jury selection proceedings, including the comments and questions of the counsel and court. Alexander also wanted evidence that Judge Gambill violated §1-180 of the General Statutes of North Carolina, which required a judge not to express an opinion regarding the defendant's guilt or innocence. When Nellie Lovin took the stand, she testified that she had not supplied the complete testimony to Alexander, and that she was extremely busy and had no control over her court schedule. On July 7, 1966, the Chief Justice of the North Carolina Supreme Court, R. Hunt Parker, ordered Nellie Lovin to provide Alexander with a transcript.<sup>82</sup> Alexander recalled that Lovin finally provided her with the transcript while

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<sup>80</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection. Alexander's interview also states Lovin testified that Judge Gambill increased her workload so she would be unable to prepare the transcript for appeal.

<sup>81</sup> Superior Court Transcript, Supreme Court Original Cases, Fall 1967, Box 15.

<sup>82</sup> *Ibid.*

she sat at the hospital with her father, Reverend J.C. Melton, who had suffered a stroke. For five days she sat with her father and prepared her report for the Supreme Court.<sup>83</sup>

The North Carolina Supreme Court finally issued an acceptance of service on Alexander's case of appeal on October 26, 1966, for Charles Yoes, Willie Hale, Jr., and Leroy Davis, meaning they agreed to take on the case.<sup>84</sup> The defendant's appellants' brief was filed with the Clerk of the Supreme Court on April 11, 1967. The one hundred and twenty-one page document focused on nineteen points, including errors in the jury selection, denial of the defendant's constitutional rights, and misconduct on the part of the Guilford County Sheriff and Judge Gambill.<sup>85</sup> On July 31, 1967, the State filed their brief, a thirty-eight page document, in which North Carolina Attorney General T. W. Bruton argued each defendant received a fair trial "free from prejudicial error and that the judgements below should be sustained."<sup>86</sup> On November 1, 1967, North Carolina Supreme Court Justice I. Beverly Lake issued his ruling, stating that there had been no error in the trial, and the sentence stood.

In his ruling, Justice Lake focused on the defense's allegations of racial misconduct on the part of the court. Regarding Alexander's evidence that black men received harsher punishments, Lake wrote that "an allegation of discriminatory enforcement of the statute cannot be established by a tabulation, even if accurate and

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<sup>83</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>84</sup> "High Court Upholds Sentences," *The Greensboro Record*, Thursday, November 2, 1967, B2. Defendant Julian Hairston did not appeal to the North Carolina Supreme Court.

<sup>85</sup> Defendant Appellants' Brief, State of North Carolina vs. Willie Hale, Jr. alias Willie Haile, Jr., and Leroy Davis, and Charles Donald Yoes, No. 658, Superior Court Transcript, Supreme Court of North Carolina, Fall 1967, Box 16

<sup>86</sup> "Brief for the State," State vs. Charles Donald Yoes, and Willie Hale, Jr. (alias Willie Haile, Jr.), and Leroy Davis, Superior Court Transcript, Supreme Court of North Carolina, Fall 1967, Box 16.

complete, of results reached in different cases tried in different courts before different juries upon evidence which necessarily varies from case to case. This contention of the defendants is clearly without merit.” Concerning the allegations of racial bias in jury selection procedures, Lake wrote, “The record contains abundant evidence to support the finding by the trial judge that, in the selection of the grand jury which indicted these defendants, there was no arbitrary or systematic exclusion of members of the Negro race. This alleged ground for the motion to quash the bills of indictment is, therefore, utterly without merit.” Lake also stated that the rights of the defense to present a fair trial was not infringed upon, and there was ample evidence to convict the men of rape.<sup>87</sup>

That Justice I. Beverly Lake would deny charges of racial bias in the judicial system is not surprising. Lake was an outspoken segregationist, having defended segregation since the *Brown v. Board of Education of Topeka, Kansas* ruling in 1954. A graduate of Harvard Law, in 1960 Lake ran against Terry Sanford for the Democratic nomination in the North Carolina governor’s race. During his campaign he played on the fears of white segregationists after lunch counter sit-ins began in Greensboro on February 1, 1960, and attacked the National Association for the Advancement of Colored People. Lake lost the Democratic nomination but not before securing his reputation as the state’s staunchest defender of segregation. In 1964, Lake ran for the Democratic nomination

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<sup>87</sup> State of North Carolina v. Charles Yoes and Willie Hale, Jr. (Alias Willie Haile, Jr.) and Leroy David, Petitioners v. State of North Carolina. Supreme Court of North Carolina. 271 N.C. 616; 157 S.E.2d 386; 1967 N.C. Lexis 1259. November 1, 1967, Filed.

once again, losing to Dan Moore. After Moore went on to become governor, he appointed Lake to the North Carolina Supreme Court in 1965.<sup>88</sup>

Alexander did not seem to be surprised by the Supreme Court ruling. She believed the Supreme Court “didn’t want this case . . . because they knew what Gambill had done,” and that the court “issued a not-very-clear-opinion, and affirmed, so it could get into federal court.” By 1966, claiming that she had spent \$20,000 of her own money after three years working for Yoes on a one-week retainer, Alexander left the case. After three years, her clientele had continued to grow, and in the midst of her father’s declining health, Alexander said, “I couldn’t get involved any further. I told the boys to ask for court-appointed counsel and take the case to federal court, and that’s finally what happened.” Eventually all four men were declared indigent and given court-appointed attorneys who took the case to federal court. While their convictions were never overturned, all four men were eventually put on work release after serving time in prison. Mary Lue Marion was apparently placed in a mental institution. Rumors of her mental condition had circulated around Greensboro and High Point before the case even started, including one that she had died in a mental institution. Alexander stated, “The papers say this [the rape] was the cause of her mental illness, but it’s something else.” Alexander did not clarify what she believed to be the cause of Marion’s mental illness, which left lingering questions about what actually occurred the evening of June 21, 1964.<sup>89</sup>

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<sup>88</sup> Rob Christensen, *The Paradox of Tar Heel Politics: The Personalities, Election, and Events that Shaped Modern North Carolina* (Chapel Hill: The University of North Carolina Press, 2008), 198.

<sup>89</sup> “Rumors of Assault Case Denied by Sheriff Jones,” *The Greensboro Record*, August 24, 1964, A4; Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

Over thirty years later, Alexander stood by her belief that Yoes was not one of the rapists. “Yoes should not have been in there, except guilt by association, Yoes and one of the other fellows.”<sup>90</sup> As an African-American attorney in the South, it was hard to avoid cases where race ultimately became a linchpin in the proceedings. The fact Yoes did not spend the rest of his life behind bars is extraordinary, especially given the lengths that the Guilford County Sheriff’s Department went to in order to find the men guilty. In 1967, it was confirmed that Sheriff Clayton Jones had indeed bugged not just the cell of Yoes and his fellow defendants, but also the cells of other inmates. Jones stated that “to my knowledge no one’s rights were ever violated by the use of the device.” Lonnie Herbin, who lost his reelection for Solicitor in 1966, stated that he was appalled by the discovery and “had no knowledge at any time of any such device anywhere in the courthouse during my tenure as Solicitor.”<sup>91</sup>

The Yoes case had ripple effects beyond the life of Charles Donald Yoes. Elreta Alexander exposed the antiquated and prejudiced jury selection process in Guilford County, potentially helping many future African-American defendants receive fair trials. In 1967, the North Carolina General Assembly enacted a law stating “there shall be appointed in each county a jury commission of three members. One member of the commission shall be appointed by the senior regular resident superior court judge, one member by the clerk of superior court, and one member by the board of county commissioners.”<sup>92</sup> Jury commissions were tasked with preparing a master list of

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<sup>90</sup> Alexander interview, 89, Southern Historical Collection.

<sup>91</sup> Benjamin Taylor, “Jail ‘Bug’ Device Evokes Surprise,” *Greensboro Daily News*, February 28, 1967, A1.

<sup>92</sup> North Carolina General Statutes §9-1.

prospective jurors. Alexander understood that it was the Yoes case which prompted the changes, saying this case “prompted the General Assembly to enact the Jury Commission the next session; the legislators had been working on it, but that case blew the lid off.” Alexander’s defense of Yoes undoubtedly brought attention to the racism embedded in the North Carolina justice system for well over a century.

Taking the Yoes case was a calculated risk for Alexander, but one that paid off. In the midst of the appeals process in 1966, Alexander became a part of the first integrated law firm in the South. The Yoes case took up so much time that Alexander had to “farm out” her other cases. She began working with a young attorney named Gerald “Jerry” Pell, and along with his brother Jim Pell and Ed Alston, formed the law firm Alston, Alexander, Pell, and Pell. The firm moved into the Southeastern building in downtown Greensboro, making Alexander, the only woman and African American in the firm, the first black tenant of the building. Alexander recalled that there “had been a clause in the building’s lease that no Negro[e]s would be allowed to have professional offices in there. I knew that, so that’s why Ed Alston and I decided to move up there.” Alexander obviously saw another opportunity to integrate professional spaces. After the firm was established, Time magazine called, but Alexander declined their interview. According to Jerry Pell, the firm did not publicize the partnership as the first integrated law firm in the South. They were not seeking publicity, but rather felt they were a good

mix of attorneys.<sup>93</sup> Alexander certainly received her fair share of publicity from her other pioneering firsts in the legal field.

When Alexander decided to run for district court judge in 1968, she stated the Yoes case was the one that made her decide to run. She said, “This is the kind of justice we’ve had in N.C. . . . this is the most repressive state in the Union, because inside the court system, except for my getting in there, it has been very repressive.”<sup>94</sup> The oppressiveness Alexander found in the court system as an attorney, she was determined to change as a judge. She later said, “It was just in certain types of cases or when certain persons were on the bench some people were presumed guilty instead of innocent. . . . I told myself that one of these days I’d have a chance to do something about it.”<sup>95</sup> Her chance came when she won a district court judgeship in 1968. From there Alexander would continue to address inequities she found in the legal system, further solidifying her commitment to civil rights.

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<sup>93</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection; Jim Schlosser, “Judge A’ Paved Way—With Style,” *Greensboro News and Record*, March 15, 1998; Conversation with Gerald Pell, May 29, 2014, notes in possession of the author.

<sup>94</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13 Alexander Collection.

<sup>95</sup> “Judge Alexander Logs Firsts in School, State,” Box 4, Folder 2, Alexander Collection.

## CHAPTER V

### A RELUCTANT PIONEER?

Elreta Alexander was a well-known attorney before the Yoes case. She was extremely successful and popular in her hometown of Greensboro and had already changed the landscape of the legal system in North Carolina. Her foray into politics after the Yoes case, however, would solidify her place in North Carolina and legal history. After the legal injustices she witnessed while defending Charles Yoes, and after over twenty years as an attorney in Greensboro, Alexander decided to run for a district court judgeship in Guilford County. Her entry into the political arena revealed the contradictory nature of this complicated pragmatist. The cases she accepted prior to running and her choice of party affiliation during the campaign reveal that Elreta Alexander's approach to racial justice was unique. The Yoes case changed the way juries were selected in North Carolina, but as a judge Alexander would also change policies concerning juvenile sentencing. In the 1960s and 1970s, Alexander was at the pinnacle of her professional career and continued to take on daring cases and career decisions. But she also experienced loss, heartbreak, fear, and continued turmoil in her personal life. Her personal and professional lives, as well as the intersections of class, race, and gender, would continue to shape and influence her own brand of activism.

Alexander typically pointed out racial injustices through performance. Known for her bravado, she often created scenes when she drank out of "whites only" water

fountains or sat in the black sections of segregated courtrooms. In 1967, Alexander continued to highlight the injustice of segregation and the treatment of African Americans since slavery, but in a new form. She published a book of poetry titled *When is a Man Free?* Alexander first delivered the poems in 1966, at the Emancipation Anniversary in New Britain, Connecticut, and at the Fifteenth General Assembly of The Links, Inc. There is little doubt that Alexander’s delivery of her work was a fiery performance, and her poetry was an extension of her activism in her professional life.

The book made a small splash in Greensboro, with the *Greensboro Daily News* saying that Alexander “writes with deep feeling, and not inconsiderable poetic ability, of ‘the courage to be free’ that America must have if it is to achieve full justice and opportunity for all its citizens.”<sup>1</sup> Alexander dedicated the book to “the realization by men of the nature of their being, common to all, that makes them one.” While her dedication calls for unity, her poetry contains fiery rhetoric directed at whites.

You say we are lazy, ill-mannered, half-crazy  
Ungrateful, immoral, unprepared;

Yet we have climbed your ladders round by round,  
In spite of your attempts to push us down.

Your statistics show we commit more crimes—  
Oh, I wish I had the dimes  
For the cases I have tried:  
Verdict—“guilty”—when simply justice was denied.<sup>2</sup>

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<sup>1</sup> Jonathan Yardley, “About Books,” *Greensboro Daily News*, August 20, 1967, D3.

<sup>2</sup> Elreta Melton Alexander, *When is A Man Free?* (Philadelphia: Dorrance & Company, 1967), 13.

Her words reflect not only her own personal frustration, but also the frustration of many African Americans in the twentieth century who struggled because of the racism they experienced in institutional and social structures.

Alexander's poetry also displayed her extensive knowledge of history and religion. Her words highlighted the entrenched racism in the United States, discussing American history from the Atlantic Slave Trade to the Revolutionary War, the Hayes-Tilden Compromise to urban redevelopment and the Federal Housing Administration. In her first poem, "When Is A Man Free?" she writes:

In Africa, the black man we tracked  
Shackled him, and brought him back

To a life of misery,  
And Tortures that have no rivalry.  
When he cried out to be free  
His body hung, dying, from a tree;  
His children, we auctioned for pay;  
Our change for decency, thrown away

She goes on to write:

But then came the year 1876—  
The Hayes-Tilden compromise was the big fix

That opened Pandora's lid of hate,  
Chasing freed men outside the gate  
Of liberty

In exchange for votes for the Presidency,  
Rule was restored to the Confederacy;

And men of color were disfranchised,  
Tortured, intimidated, outlawed, ostracized.

Man is not free.<sup>3</sup>

Her second poem in the book, “What Men Will Be Freed?” draws from chapters four through eight of the Book of Revelation, knowledge she undoubtedly obtained because of her father, Reverend J.C. Melton. While her first poem is pointed and angry, her second is dark, ominous, and full of symbolism. She describes it as “visions of a vision of John the Divine” and sections the poem in references to the four horsemen of the apocalypse. In the section, “The Rider and the White Horse,” she writes:

No sooner had God let him loose  
Than his blessings he did misuse  
    For his own vanity.  
From ancient lands, to cross the Mediterranean,  
    Friend and foe, he overran;  
Mighty kingdoms fell under the weight  
    Of the rider, who became a symbol of hate.

Through Europe, Africa, Asia, he ran,  
No continent escaped the weight of his hand,  
Followed by men lusting for power, wealth and fame.  
    Ravished humanity, to HIS eternal shame.

Across the ocean, he discovered new places,  
Dispersed the natives who had bronze faces,  
Labeled them savages, their wealth to steal,  
Declared the outlaws, and excuse to kill.

Kidnapped black men in a primitive land,  
Who had never against him turned a hand,  
    Transported them to distant shores,  
    In chains, to do his chores.

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<sup>3</sup> Alexander, *When is A Man Free?*, 8.

When he could not justify the use of his might,  
 He asserted it was based on divine right,  
     Whereby he was ordained to be ruler of men,  
     Using Scriptures to verify his sins  
     Of  
         Colonization  
         Desecration  
         Exploitation<sup>4</sup>

The book, published in Philadelphia, likely would have made more news had it been published in the South, that is, if a publisher of racial poetry could have been found in the 1960s South. Instead Alexander went through Dorrance Publishing Company, which was founded on the premise that anyone who has something to say can be published. Alexander certainly had something to say. The book revealed her true feelings about the treatment of African Americans in America, which were much angrier than she relayed in her professional life. Obviously image conscious in the Greensboro community, her poetry provided an outlet through which she could truly share her feelings on race without compromising the reputation she built as an attorney accepted by the white community.

Other pioneering contemporaries of Alexander's used poetry as a method of activism. Pauli Murray, a native of Durham, North Carolina, was an activist attorney and Episcopal priest. Like Alexander, Murray's poetry was a response to racial and gender injustices that she experienced and observed in her daily life. Both women were highly educated and used poetry as a creative outlet to "rage at systemic injustices."<sup>5</sup> Alexander

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<sup>4</sup> Alexander, *When is A Man Free?*, 26.

<sup>5</sup> Christina Z. Peppard, "Poetry, Ethics, and the Legacy of Pauli Murray," *Journal of the Society of Christian Ethics* 30, no. 1 (Spring/Summer 2010): 21–43.

could not give judges and juries lectures on oppression throughout American history, so she found another way to express her anger, as well as display her education and intelligence.

Five months after her book of poetry appeared in print, Alexander lost the most important intellectual, spiritual, and emotional driving force in her life. Her father, Reverend J.C. Melton, died on January 15, 1968, at the age of eighty-six after a period of declining health. As with the death of her mother in 1964, Alexander did not discuss her father's death at length. A funeral service was held two days after Reverend Melton's death, and he was buried in Greensboro's Piedmont Memorial Park.<sup>6</sup>

Two months after the death of her father, another period of Alexander's life came to a close. She filed for divorce from her husband, Dr. Girardeau Alexander, in March 1968. In the years prior to the divorce, the relationship between the Alexanders was strained and distant. Tony continued his affairs, and in 1966, began a relationship with a woman working in his office named Vonny Waller. Elreta described Vonny as "brown-skinned" and having "a little class." Vonny was also in an unstable marriage. In August 1966, Elreta described Tony as becoming "increasingly nasty at home." She had a detective follow Tony and Vonny to New York City, where they checked into a hotel as "Dr. and Mrs. Alexander." Elreta had also continued to try to distance herself from Tony, seeking employment opportunities outside of Greensboro. In 1963, she pursued a job with the United Nations and frequently applied to boarding schools on her son Girardeau's behalf, probably to get the mentally ill boy away from his abusive father. In

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<sup>6</sup> "Final Rites Held for Greensboro Minister," *The Future Outlook*, January 19, 1968, A1.

1966, she inquired about a job at Harvard Law School.<sup>7</sup> Finally, Elreta had had enough. She said, “Tony, you go your way and I’ll go mine. I just have to take care of Girardeau.”<sup>8</sup> If Elreta could not physically get much distance from Tony, she was determined that her son would.

Leaving Tony did not prevent him from lashing out violently though. In one of several violent incidents, a drunk Tony showed up at the Alexander home in June 1967. Tony demanded to talk to Elreta, but Girardeau blocked him. Tony lunged at his son, when “Girardeau gave him a single uppercut and knocked him six feet over in the corner.” Knowing Tony frequently kept guns close by, Elreta and Girardeau fled the house, with Tony screaming that he would kill them both. Elreta later said she heard rumors that Tony and Vonny devised a plan to kill her with a hypodermic needle.<sup>9</sup> The situation became so dire that Alexander sought refuge at her friend Nell’s house in the fall of 1967. On October 30, 1967, she wrote Tony saying, “I have asked Colonel Burch to personally deliver my request that you permit my personal belongings to be removed from the house. With all of our problems, I do not believe you would deny me this request. A personal meeting at this time would not help our situation, and, could possibly make it beyond repair. They say time heals wounds. I trust that this will prove true in our case.”<sup>10</sup> For her safety, her law partners Jim and Jerry Pell, along with her secretary Anne, packed up Alexander’s clothing and personal belongings when Tony was at work.

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<sup>7</sup> Letter to McNeil Smith of Greensboro from Erwin Griswold, Dean of Harvard Law School, Box 1, Folder 5, Alexander Collection.

<sup>8</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>9</sup> *Ibid.*

<sup>10</sup> Letter to Tony Alexander, Box 1, Folder 6, Alexander Collection.

Friendly police officers also kept watch over Alexander, taking Tony's death threats very seriously.<sup>11</sup>

Despite the abuse and unhappiness, there are several reasons why Alexander probably waited until March 1968 to finally file for divorce. Although separated at the time of her father's death, it is significant that J.C. Melton died two months before the official end of his daughter's marriage. Reverend Melton raised his children as adherents to the politics of respectability, emphasized in the black Baptist Church, of which they were members. The politics of respectability stressed "manners and morals" for women, designed to debunk the notion of black women as promiscuous. Divorce did not fit into the idea of respectable behavior emphasized to Alexander as a child.<sup>12</sup> While it is probable that J.C. Melton would have supported his daughter through a divorce, his death also possibly took away the pressure Elreta felt to please him.

Not only was divorce not respectable in the mid-twentieth century, but divorce on the grounds of abuse was also unheard of. Throughout the Alexander's marriage, the term "battered woman" did not yet exist. It was not until the 1970s that domestic violence was seen as a widespread phenomenon, not limited to certain classes or races. Abuse was also seen as limited to physical altercations and did not necessarily include verbal and emotional damage. The common assumption was that the woman acted in a manner to provoke her husband into abusing her. Elreta, a strong, intelligent, and powerful career woman, would likely have been blamed for her own abuse, as she did not

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<sup>11</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>12</sup> Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920* (Cambridge: Harvard University Press, 1994), 187.

conform to traditional gender roles. Furthermore, husbands have historically held the authority to chastise, discipline, or beat their wives based on socially constructed ideas of household structure. Elreta could carry a gun in her purse for protection, but she likely would not have found protection from the police or in the male-dominated court system—a fact which she would have been intimately acquainted with.<sup>13</sup>

In addition to the victim-blaming Elreta would have likely received, she also had a high social standing in the community. The Alexanders were a well-known power couple in Greensboro. A divorce earlier in Elreta’s career would have been risky as the behavior of both Tony and Elreta would have been examined. Also, as a black woman, there was probably an awareness that if Tony’s abuse became public it could perpetuate stereotypes of black men as violent. As her letter to Tony in 1950 stated, “I didn’t leave you for three reasons—Pride in my family—Pride in my race—and hating the social repercussions—and fear to bodily harm and death from you.”<sup>14</sup> Those reasons held true until 1968.

The tension at home took its toll on Alexander’s son, Girardeau, who suffered from schizophrenia. Violence between his parents had long been a part of Girardeau’s life. He was aware of his parents’ turbulent relationship while he was a student Cornwall Academy in Great Barrington, Massachusetts. He finished in 1968 with high marks, but upon his return to Greensboro his mother commented that he got “sicker and sicker.” She recalled that he would “sit by the window, withdrawing. He was retreating from me,

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<sup>13</sup> Richard J. Gelles, “Violence in the Family: A Review of Research in the Seventies,” *Journal of Marriage and Family* 42, no. 4 (Nov. 1980): 873–85; Susan Schechter, *Women and Male Violence: The Visions and Struggles of the Battered Women’s Movement* (Boston: South End Press, 1982), 22–23.

<sup>14</sup> Letter to Tony Alexander, Box 1, Folder 1, Alexander Collection.

thinking about all these things that were scrambled up in his head. . . . I could see Girardeau was going downhill fast. Schizophrenia was rapidly overtaking him.” As a young man in his late teens, the rapid progression of Girardeau’s schizophrenia at that age is consistent with the hallmarks of the disease. But as a mother, Alexander still worried about the affect her turbulent marriage had on Girardeau and his mental health.

Needing to find a safe home for herself and her son, Alexander pulled everything she had out of the bank and placed a down payment on a home on West Friendly Avenue—in a historically white neighborhood. Overall, Greensboro was a relatively safe city, with the crime rate in 1968 being the second lowest of metropolitan areas in North Carolina.<sup>15</sup> Alexander, however, probably found solace living in a home with no financial ties to her ex-husband, especially in a more affluent part of town. She found the house through a neighbor, who told her, “I understand you’re having problems about your safety, and you might want to buy a house in a white neighborhood.” Not everybody thought this move was a good one, however. The president of the Greensboro Realtors Association did not think it was a good time for an African American to buy a home in an all-white neighborhood. Although the 1968 Civil Rights Act had passed in April of 1968, with Title VIII of the act protecting home buyers from racial discrimination, it was a move that could cause tension. Even Alexander’s housekeeper, Lucille, disapproved. When asked if she would continue to work for Alexander in her new home, Lucille stated that the white residents would run her out. Ultimately,

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<sup>15</sup> “Guilford County’s Crime Rate Low,” *The Greensboro Record*, August 13, 1969, A1.

Alexander's purchase of the home was probably less of a political statement regarding integration than it was a move to provide her son with stability and safety.<sup>16</sup>

The turbulence of her personal life rarely spilled over into Alexander's professional life. While she was very sensitive about her son, her former law partner Jerry Pell recalled that Alexander compartmentalized her personal and professional lives. Her ability to do her job does not entirely mean that she left her private life at the door though. Alexander would often carry two purses: one purse to match her outfit and another brown purse containing a pistol. With Tony's erratic behavior and death threats, Alexander had good cause to fear for her safety. Her fear of her husband, however, did not change her outward courage, as she continued to take on controversial cases.<sup>17</sup>

In perhaps her most controversial move, Alexander took a case defending a member of the Ku Klux Klan. During this time the Klan, along with the Citizens Council, had a significant presence in Greensboro. According to Jerry Pell, Klansmen wanted a good lawyer regardless of race or religion, and they found one in Elreta Alexander. While Alexander was undoubtedly a skilled litigator, it still seems unlikely the Klan would accept the skills of a black woman without additional motive. Internal control of the Klan was in dispute, leading to assaults among members. Additionally, the Klan had an internal court system in which they disciplined members who were caught cheating on their wives, not paying child support, and other moral or social violations. Several Klan members hired Alexander to represent them in individual assault cases, not

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<sup>16</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>17</sup> Conversation with Gerald Pell, May 29, 2014, notes in possession of the author.

related to the Klan activities. Upon booking, police would find Klan membership cards in the wallets of Alexander's clients and ask her if she knew who she was there to represent. "Money's green," she would reply.<sup>18</sup> It seems implausible that the same woman who wrote about the "nation with racial hate" would defend the same perpetrators of that abhorrence. But Alexander's defense of Klan members was hardly just an opportunity to make money. She dedicated her book of poetry to "the realization by men of the nature of their being, common to all, that makes them one."<sup>19</sup> Alexander was willing to put that philosophy into action, even going to the extreme move of accepting members of the Ku Klux Klan into her office.

Alexander's commitment to the law and to the Sixth Amendment likely provided a more rational justification for her representation of Ku Klux Klan members. As an attorney with white clients, she might have gone too far to show her objectivity and unwillingness to back down in front of a challenge. But Alexander also saw her representation of Klan members as an opportunity to change their viewpoint. She later credited herself with convincing her clients to leave the Klan. There are not numbers to show exactly how many Klan members she represented, but she later said, "We don't have a viable KKK here now, and they'll tell you it's mainly because of my representing them and being so fair."<sup>20</sup> She knew that one of the reasons she was sought out by Klan members for representation was because they did not want judges to know they were

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<sup>18</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>19</sup> Alexander, *When Is A Man Free*, 9.

<sup>20</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

KKK members. If they were represented by a black, female attorney for simple assault cases, they thought no one would suspect their extra-curricular hateful activity.

The contradictory nature of a black, female attorney representing a member of the Ku Klux Klan is one of many contradictions in the racial environment of Greensboro in the late 1960s. Despite the city being home of the sit-in movement, Greensboro hid its racial strife behind what historian William Chafe calls the “progressive mystique.” Greensboro’s attempts to project itself as a modern, New South city covered up the racial tension and political conservatism that simmered among the city’s residents. Following the 1964 Civil Rights Act and increasing civil rights demonstrations, the Klan provided an outlet for white supremacists to vent their anxieties and frustrations. Additionally, with two outstanding historically black colleges, the black population of Greensboro had a relatively higher average level of education than in most other southern cities, creating racial competition for manufacturing jobs against the city’s blue-collar, white population by the late 1960s. These factors led to Greensboro becoming a hotbed for the KKK.<sup>21</sup>

With a large Klan population, Alexander found herself with plenty of KKK members to “convert” to the side of racial open-mindedness. Alexander recalled one Klan member whom she represented on several cases coming to her office one day and admitting he was a member of the Klan. He said, “You know, you’ve made a believer out of me. You didn’t know it, but I belonged to the Ku Klux Klan. After the way you’ve treated me, though, been so nice, I quit. I don’t believe colored people and Jews

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<sup>21</sup> William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom* (New York: Oxford University Press 1980), 7; David Cunningham, *Klansville, U.S.A.: The Rise and Fall of the Civil Rights-Era Ku Klux Klan* (New York: Oxford University Press, 2013), 160–172.

are inferior anymore.” Alexander responded that she knew about her client’s affiliation with the Klan and pointed to a bust of Abraham Lincoln she kept in her office. She said, “Look at those busts over that chair. You probably don’t know who Abraham Lincoln was. He’s supposed to have freed the slaves. I sat you in that chair, I guess it rubbed off.”<sup>22</sup> Whether or not the spirit of Lincoln actually rubbed off her client, Alexander credited her communication skills and charisma with her success in converting Klan members: “I do have a charisma that attracts people regardless of age, race, sex or creed.” For Alexander, part of her activism was using that charisma to open minds.

Alexander’s embrace of this type of “outreach activism” was unique, but not unheard of. In the early 1960s, the southern Baptist minister and civil rights activist Reverend Will D. Campbell made the statement, “We’re all bastards but God loves us anyhow.” When pressed to act on his philosophy, Campbell made strides to reach out to the biggest bastards he could think of—members of the Ku Klux Klan. He drank whiskey with Klan members, opening up dialogue while maintaining his commitment to civil rights activism. While Campbell was a white man, which reduced the possibility of violence in his encounters with the Klan, Alexander had the power of legal institutions on her side. Like Campbell, Alexander was somehow able to see the bastard—and the good—in all people. Both came from religious backgrounds and managed to recognize God’s children in the most despicable of humans. And also like Campbell, Alexander’s charisma and openness bridged seemingly insurmountable divides.<sup>23</sup>

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<sup>22</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>23</sup> See Will D. Campbell, *Brother to A Dragonfly* (New York: The Seabury Press, 1977), 217–48. Thank you to Tobin Miller Shearer who directed me to this passage in his article “Watchlisted,” *The Missoula*

Alexander's charisma also proved useful as she made her first foray into electoral politics. In early 1968 there was initial speculation that Alexander would make herself a candidate for a judgeship. She added to the speculation when in February of that year she changed her party affiliation from Democratic to Republican.<sup>24</sup> The move made Alexander somewhat of a political anomaly. By 1968, the switch among African Americans from the Republican to the Democratic Party was largely complete. In the decades after the Civil War, the Democrats had been the defenders of white supremacy. But as Democrats slowly started to adopt more racially inclusive policies, white southerners left the party, sparking what political scientists Merle Black and Earl Black call one of two "Great White Switches." Prior to 1948, most African Americans in North Carolina associated themselves with the Republican Party. But when Democrats started to advocate against Jim Crow, the shift in party demographics began, solidified by Richard Nixon taking North Carolina in 1968 and the move of conservative Jesse Helms to the Republican Party in 1970.<sup>25</sup> When President Lyndon B. Johnson signed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the old Democratic South disappeared. In 1964, South Carolina Senator Strom Thurmond left the Democratic Party to become the first Republican senator from the Deep South in the twentieth century. Additionally, when Republican and civil rights opponent Barry Goldwater secured the party's presidential nomination in 1964, the party permanently alienated black voters and

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*Independent*, December 15, 2016, <http://missoulanews.bigskypress.com/missoula/what-to-do-when-they-come-looking-for-you/Content?oid=3284461&showFullText=true>. Accessed December 15, 2016.

<sup>24</sup> James Ross, "Mrs. Alexander, Local Lawyer, Plans to Reveal Political Intentions Monday," *Greensboro Daily News*, February 17, 1968, A10.

<sup>25</sup> Rob Christensen, *The Paradox of Tar Heel Politics: The Personalities, Elections, and Events that Shaped Modern North Carolina* (Chapel Hill: The University of North Carolina Press, 2008), 206.

provided a new political home for southern, white racists. The Republican Party that emerged from the South had little to do with the principles of Lincoln and was much more in tune with the views of Goldwater instead.<sup>26</sup>

In 1968, although there was no longer a solid Democratic South, a solid Republican South had not yet emerged.<sup>27</sup> And in North Carolina—and in particular Guilford County—Democrats were still firmly in control. While Alexander was initially part of the black, Democratic electorate, she saw an opportunity as a black woman in the Republican Party. She did not really associate herself with either party, saying, “I’m not a party person. I think we’ve lost the whole perspective of what constitutional government is about . . . I’ve never felt [like a] dyed-in-the-wool Republican, dyed-in-the-wool Democrat. . . . When I was Democrat, I was with the Eisenhower Administration.”<sup>28</sup> She stated explicitly that she was not a conservative and believed “integration was the only way for black people to succeed.”<sup>29</sup> Alexander’s change of party affiliation was yet another example of her determination to integrate formerly all-white spaces. At the same time, simply aligning with a political party in which you do not have strong ideological ties for the sake of integration seems hollow. While Alexander was in the political minority among African Americans, she was not the only black Republican who used party affiliation as a method of achieving political equality.

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<sup>26</sup> Earl Black and Merle Black, *The Rise of Southern Republicans* (Cambridge: The Belknap Press of Harvard University Press, 2002), 1–4; Joseph Crespino, *Strom Thurmond’s America* (New York: Hill and Wang, 2012), 165–84. Chapter eight of Crespino’s book details Thurmond’s transition to the GOP.

<sup>27</sup> Black and Black, *The Rise of Southern Republicans*, 3.

<sup>28</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

<sup>29</sup> Jim Schlosser, “‘Judge A’ Paved Way—With Style,” *Greensboro News and Record*. (March 16, 1998) A1.

African Americans who remained or joined the Republican Party during this time were rooted in the politics of respectability in which Alexander had been raised. Morality, personal responsibility, and a strong work ethic were traditional conservative values which were undoubtedly relatable to Alexander and her upbringing. Alexander was also accustomed to working within conservative institutional and power networks, having made a career in the North Carolina justice system. Alexander, who integrated southern courtrooms in the 1950s and 1960s, was likely undaunted by the challenges of integrating a changing Republican Party.<sup>30</sup>

Alexander might have also sensed the political winds shifting. With the southern backlash to Johnson's civil rights policies and increasing frustration over the Vietnam War, Richard Nixon won 39,152 votes in Guilford County, winning the county over Democrat Hubert Humphrey. Guilford County voted for Dwight Eisenhower in the 1950s, even though that did not translate to success for Republicans in Guilford further down the ticket. The same did not hold in 1968, as in addition to Alexander's victory, Republicans Howard Coble and Odell Payne both won seats in the North Carolina House of Representatives, and High Point Republican Coolidge Murrow won a seat in the North Carolina Senate.<sup>31</sup> As it became apparent several years later, Alexander's ambitions at the time likely expanded beyond Guilford County. Knowing she likely had the black vote secured, her change of party affiliation might have been a calculated career move designed to secure bipartisan support and be on top of the changing political climate.

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<sup>30</sup> Leah Wright Rigueur, *The Loneliness of the Black Republican: Pragmatic Politics and the Pursuit of Power* (Princeton: Princeton University Press, 2015), 5–9.

<sup>31</sup> Jo Spivey, "Guilford Goes for Nixon, Votes Preyer Over Osteen," *The Greensboro Record*, November 6, 1968, 1.

Regardless of her intentions, Alexander's move brought attention to herself, her career, and her unique approach to practicing law.

Shortly after switching party affiliation, Alexander held a press conference and announced her intentions to run for district court judge. In her statement she stated,

The jurisdiction of the District Court and the duties of the judges elected to that bench require dedicated persons who are legally trained and skilled as experienced practicing attorneys. I believe I possess the requisite qualifications. When elected to this high office, I shall discharge my responsibilities in accordance with law and ever mindful of my oath do to “. . . equal law and right to all persons, rich and poor, without having regard to any persons” . . . “and faithfully, truly and justly, according to the best of my skill and judgment do equal justice to the public and to individuals.”<sup>32</sup>

During the race, Alexander did not do much active campaigning, but she placed several ads in Guilford County newspapers. The ads consisted of a picture of Alexander, dressed in a dark suit with pearls, and encouraged voters to “elect a living symbol of justice.”<sup>33</sup> An additional campaign brochure featured a headshot of Alexander with the tagline, “The symbol of justice is a woman,” with a picture of the Lady Justice statue. Alexander had very principled reasons for not campaigning for the judgeship. She told her alma mater's newspaper, the *North Carolina A&T Register*, “I do not feel it proper to conduct a high pressure campaign. In my judgment, the nature of the office I am seeking precludes any type of campaigning that would possibly reflect unfavorably upon its image, or could in any manner influence my ability to maintain that neutrality which is

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<sup>32</sup> Campaign statement, Box 5, Folder 16, Alexander Collection.

<sup>33</sup> Campaign advertisement, Box 5, Folder 16, Alexander Collection.

essential to the impartial administration of law by the Courts.”<sup>34</sup> Her integrity as a jurist was noted by local newspapers, one of which said Alexander is an “attorney of proven skill and courage. That combination of qualifications can ill be spared by a court newly designed to keep abreast of the times.”<sup>35</sup> Alexander’s reputation had firmly been established in Guilford County and superseded her need to mount an aggressive campaign.

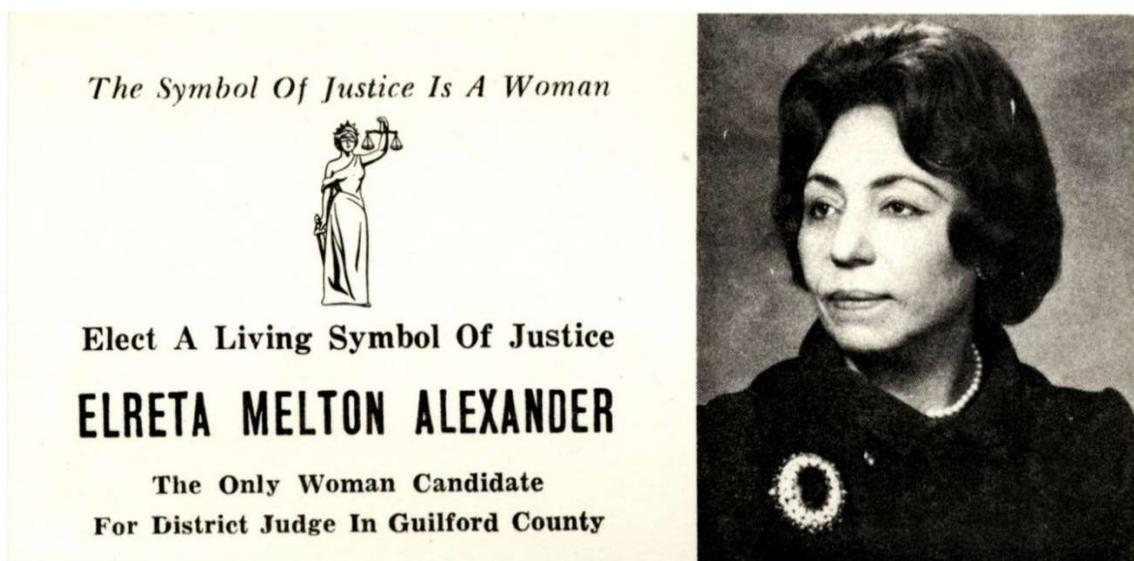


Figure 3. Alexander’s 1968 Campaign Advertisement. Elreta Alexander Collection, MSS 223, Martha Blakeney Hodges Special Collections and University Archives, Jackson Library, The University of North Carolina at Greensboro.

<sup>34</sup> “Elreta Alexander Will Run for Dist. Judge in Guilford,” *The Register*, No. 6, Box 3, Folder 4, Alexander Collection.

<sup>35</sup> “The County Ballot Deserves Study Removed from Clamor,” *The Greensboro Record*, October 30, 1968, A14.

Close to election day, however, Girardeau's mental health took a turn for the worse. As he got older it became apparent that something was wrong with young Girardeau, as he began to show symptoms of mental illness that would continue into his adulthood. He was eventually diagnosed as schizophrenic. Alexander frequently corresponded with schools and summer camps in the Northeast where his needs could be met, eventually sending him to boarding school at Cornwall Academy in Great Barrington, Massachusetts. As she did when Girardeau was young, Elreta Alexander attempted to give her son the best of everything. But despite her best intentions, she could not control the effects Girardeau's illness would have on their family.<sup>36</sup>

Before the election, Girardeau began to hallucinate, waking his mother up one night screaming that his father was outside their house with a machine gun. Alexander called the police. When they arrived, they found Girardeau running around outside with a large butcher knife. He screamed, "Don't you see my Daddy? There he is! Don't you hear the machine gun?" Girardeau's father, Tony, was not there. Girardeau was taken to the psychiatric ward of Cone Hospital, and Alexander asked to have her name removed from the ballot. Her son came first. She consulted with Dr. John Tarpley, who had known Alexander most of her life. He said "Leave your name on. You may not get elected. But if you're not, at least you won't put your personal things ahead of yourself. Don't cop out." After talking with Tarpley she changed her mind and decided to stay in the race.<sup>37</sup>

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<sup>36</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>37</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Collection.

Alexander came in third in the twelve-candidate race, garnering 33,968 votes to win one of the six judgeship vacancies. Her victory made her the nation's first African-American woman to be elected to a district court judgeship. In Guilford County, she was the only woman, the only African American, and the only Republican to earn a judgeship position. Her win was partially attributed to "a considerable volume of single-shot voting in the county's predominately Negro precincts," meaning many African-American voters only voted for the black candidates, leaving the rest of the ballot blank.<sup>38</sup> Voter registration among African Americans had increased significantly in 1968. Largely due to reforms after the 1965 Voting Rights Act, in Greensboro alone 2,000 new African Americans registered to vote, bringing the total to 13,500.<sup>39</sup>

When Alexander won her first election to become a district court judge in 1968, she had already overcome many career obstacles. Only 1.3 percent of the nation's attorneys were black and only 314 out of an estimated 16,700 full-time judges were black.<sup>40</sup> Not only was there a severe lack of African-Americans in the legal profession, but there was also a lack of women. In 1970, out of 16,700 judges in state courts, 183 were women.<sup>41</sup> Alexander's election placed her among a small but highly accomplished group of legal scholars. Running as a Republican made her even more unique. While in this instance integrating the Republican Party worked out in her favor, she would find being a member of the GOP problematic later in her career.

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<sup>38</sup> Joe Brown, "5 Democrats, 1 Republican Winners in Judgeship Race," *The High Point Enterprise*, Wednesday, November 6, 1978, C1.

<sup>39</sup> "Over 110,000 Registered to Vote in County Today," *Greensboro Daily News*, Tuesday, November 5, 1968, A3.

<sup>40</sup> Donald Dale Jackson, *Judges* (New York: Atheneum, 1974), 111.

<sup>41</sup> *Ibid.*, 253.

The well-publicized campaigns of two prominent African Americans in Guilford County brought many first-time voters to the polls. Another popular African-American attorney, Henry Frye, also made history in Guilford County that year. Running as a Democrat, he became the first African American to be elected to the North Carolina legislature in the twentieth century.<sup>42</sup> The headline of the *Carolina Peacemaker*, an African-American newspaper, read: “A New Day Has Dawned: Frye to Legislature; Alexander to District Court.” The article explained, “Observers of the local scene commented that they had never before seen the polling places so crowded by black Greensburghers [sic] who were seeking to cast their vote.”<sup>43</sup> Despite running from different political parties, local black organizations endorsed both Frye and Alexander. Decades later Frye stated that Alexander’s Republican status was a real anomaly among African Americans, but her outgoing personality and qualifications secured her enough white votes to win the judgeship.<sup>44</sup>

According to Alexander, however, the whites in power in Raleigh were not as thrilled with her victory. As a part of Nixon’s Southern Strategy, Republicans played on the racial fears of white voters in order to gain political power. Having an elected African American judge in their midst might have proved problematic. “When my election was heard about in Raleigh, the power structure said, ‘My God, this is opening

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<sup>42</sup> Helen G. Edmonds, *The Negro and Fusion Politics in North Carolina, 1894–1901* (Chapel Hill: The University of North Carolina Press, 1951). The Fusion Period of North Carolina politics, lasting from 1895–1901, signaled a break in the gridlock the Democratic Party had in N.C. politics. The Fusion period also saw the election of the first African-American legislators in the North Carolina General Assembly, who were all members of the Republican Party.

<sup>43</sup> John Marshall Stevenson, “A New Day Has Dawned: Frye to Legislature; Alexander to District Court,” *Carolina Peacemaker*, Saturday, November 9, 1968, Box 3, Folder 4, Alexander Collection.

<sup>44</sup> Interview Justice Henry Frye by Virginia Summey, July 22, 2011, notes in possession of the author.

doors; maybe we're going too fast," stated Alexander. After Alexander's win, the state board of elections changed the way local elections were held in North Carolina. Instead of single-shot voting, where the top vote-getting candidates won a seat and then were assigned to their district, the state created a numbered seating plan where judges then had to run for their specific seat against another candidate. Candidates for judgeships had to run on their records and campaign more actively for votes. "I believe the numbered seat system was instituted just because I won the election," said Alexander.<sup>45</sup> Alexander undoubtedly benefited from single-shot voting in 1968, as she received most of her votes from predominately black precincts in Greensboro and High Point. It was noted, however, that she ran well in predominately white precincts throughout Guilford County as well.<sup>46</sup> The numbered seat plan was particularly popular among Republicans and African Americans, allowing enough of their votes to elect at least one of their candidates in heavily white, Democratic areas.<sup>47</sup> A 1970 suit was filed in the Eastern District Federal Court, arguing the numbered seat system was "enacted with the intent, and [has] had the purpose and effect of diluting, minimizing, and canceling out the voting strength of Negro and Republican minorities in North Carolina."<sup>48</sup> In 1972 the three-judge panel ruled against the state, striking down the numbered seat system. Alexander went on to have several successful and accomplished tenures as a district court judge.

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<sup>45</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

<sup>46</sup> "Democrats, Woman Leading in Guilford Judgeship Race," *Greensboro Daily News*, November 8, 1968, B1.

<sup>47</sup> "Court Strikes Down 2 N.C. Vote Laws," *Greensboro Daily News*, January 14, 1972, A1.

<sup>48</sup> "State Voting Laws Attacked by Blacks," *The Greensboro Record*, December 1, 1970, A9. Debates over numbered seat requirements continued in North Carolina. See *Gingles v. Edmisten*, 590 F. Supp. 345, 359-64 (E.D.N.C. 1984), *Thornburg v. Gingles*, 478 U.S. 30 (1986).

Shortly after her election, Judge Alexander was dubbed a “Reluctant Pioneer,” which was not exactly an accurate assessment. Alexander largely credited her father, Reverend J.C. Melton, with her early achievements, such as her graduation from Dudley High at fifteen and her graduation from North Carolina A&T at eighteen. She also credited her unhappy marriage with her success, stating that she might have “settled into a pattern of normal domesticity” had her marriage been happy. But her famous firsts, from Columbia to her integration of the Starmount Forest neighborhood in Greensboro, show evidence of a woman who set out to be a pioneer. But in 1968, Alexander recognized the need to appear reluctant as to not scare the establishment that she was quickly changing.<sup>49</sup>

Alexander’s election also provided her the chance to reflect on her success in overcoming the barriers of race and gender. She stated her belief that “the number one illness in American is prejudice based on color,” but also that she had never personally felt discriminated against because she had not looked for it. Alexander also found something optimistic to say about the ardent white supremacists who dominated southern politics. “[Theodore] Bilbo and [John E.] Rankin did more good than harm . . . because they embarrassed the good conservative southern white persons and provoked them into action . . . Unless there is a catalytic agent you wouldn’t get any action.”<sup>50</sup> Alexander certainly saw her career as a positive reaction to white supremacy.

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<sup>49</sup> Eleanor Kennedy, “New Judge Reluctant Pioneer,” *Greensboro Daily News*, December 1, 1968, E1, E6.

<sup>50</sup> *Ibid.*

Alexander also provided some insight into her life as a career-oriented woman in the 1960s. She did not choose to be a pioneer but accepted the title: “That is the burden of life . . . and without a burden life can be meaningless.” That burden, however, sometimes left Alexander feeling isolated. As she later reflected, “It’s lonely. You have to be with the people, but not of them. You can’t participate with them.” Alexander grew up being a part of what W.E.B. DuBois called the “Talented Tenth,” focusing on career, education, and racial uplift. But the uplift emphasized by parents like J.C. and Alain Melton could be sometimes isolating. For DuBois, the Talented Tenth was a segment of the African American community blessed with the intelligence and skills to uplift the rest of their race. They would be the paradigms of black success. But like Alexander, other black women in this elite category felt the weight of its loneliness. For Walteen Grady-Truely, who grew up in the 1950s, shouldering the responsibility she had as a black woman affected her career choices. She stated, “I chose to go into education. Before that, I wanted to be a lawyer. It was always with an eye towards creating a world where there would be more people like me, where there would be more people who shared a quality education background, who had the advantage of having access to the whole world, not just the neighborhood.” Her endeavors, however, left her lonely: “There’s a sense that if you’re African American and on the cutting edge economically and educationally, there are not going to be other people like you. There are so few of us.”<sup>51</sup> Like Grady-Truely, Alexander was between worlds. She did not fit into the white,

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<sup>51</sup> Veronica Chambers, *Having It All? Black Women and Success* (New York: Doubleday, 2003), 47–49.

Starmount Forest neighborhood in Greensboro, but she also had few African Americans she could relate to.

Despite her isolation, Alexander formed a close friendship with Sally Pell, the mother of her former law partners, Jim and Jerry Pell. The two women frequently traveled together and made regular shopping excursions. The Pells were Jewish, and so the two women bonded over their shared minority status. Sally Pell was born in 1912 and reared in Cleveland, Ohio, in the 1920s and 1930s, during the high point of anti-Semitism in the United States. Many white Americans believed that, like African Americans, Jews were an inferior race. In post-World War II America, however, the racial component of anti-Semitism fell out of favor as Jews became increasingly viewed as white. Despite being viewed as white, Jews who were accepted into the white mainstream had to remain cognizant of ethnic differences in order to not disrupt the sense of homogeneity clung to by whites. Even so, like the Pells, the embrace of civil rights for African Americans could draw the ire of their white neighbors. When Jim and Jerry Pell, Sally's sons, formed a law firm with Alexander, they received calls warning them that they would never work in Greensboro. Sally and Elreta, who shared the same upper-class status and sense of racial inferiority, likely had much more in common than they had differences, and the friendship lasted until Pell's death in 1995.<sup>52</sup>

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<sup>52</sup> Pell Conversation, May 29, 2014; Eric L. Goldstein, *The Price of Whiteness: Jews, Race, and American Identity* (Princeton: Princeton University Press, 2006), 194–9; Karen Brodtkin Sacks, "How Did Jews Become White Folks?," in *Race*, Steven Gregory and Roger Sanjek, eds. (New Brunswick: Rutgers University Press, 1994), 78–102; "Obituaries," *Greensboro News and Observer*, posted August 28, 1995, [http://www.greensboro.com/obituaries/article\\_f222d13a-a8a5-5ea8-83bc-f56057fd7c2e.html](http://www.greensboro.com/obituaries/article_f222d13a-a8a5-5ea8-83bc-f56057fd7c2e.html).

Judge Alexander's heavy workload and numerous responsibilities likely contributed to her isolation. Alexander's responsibilities as a district court judge involved hearing misdemeanor cases, criminal traffic cases such as drunken driving, and preliminary hearings in felony cases. The six district court judges in Guilford County also rotated. One week Judge Alexander would be in domestic court, the next in criminal court, and the next in juvenile court.<sup>53</sup> When Alexander became the first African-American female district court judge in 1968, she shook up more than just the racial and gender makeup of the nation's judiciary. She brought a new style and outlook to the bench. Peering over her Benjamin Franklin-esque glasses with her huge string of pearls, she "easily lapsed into sermons" from the bench and spoke in a "rich, melodious voice that glid[ed] up and down the scale."<sup>54</sup> When Alexander took the oath she stated that she "didn't have an agenda in mind . . . except I knew where justice was supposed to be. And each case stands on its own and gives account of its own merit."<sup>55</sup>

It was in the juvenile court where she created the Judgment Day program in 1969, an accomplishment of which she was particularly proud. Alexander stated, "I felt that sentencing should take into consideration protection, deterrence, and rehabilitation, that you didn't want to have a door just opened and just be harsh because you had a right to give people time."<sup>56</sup> Her Judgment Day program incorporated everything she felt sentencing should take into consideration. It was well-intentioned, groundbreaking, and by most accounts, successful. But it was not without controversy.

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<sup>53</sup> Speckhard Interview, July 29, 2011.

<sup>54</sup> Jackson, *Judges*, 125–6.

<sup>55</sup> Alexander Interview, 90, Southern Historical Collection.

<sup>56</sup> *Ibid.*



Figure 4. Judge Elreta Alexander. Elreta Alexander Collection, MSS 223, Martha Blakeney Hodges Special Collections and University Archives, Jackson Library, The University of North Carolina at Greensboro.

Alexander's philosophy was that the bench should be used for something other than punishment. The idea that courts could treat rather than punish, also known as rehabilitative justice, came from the progressive movement of the early twentieth century. The goal of rehabilitative justice was to find the cause of the crime and treat the accused accordingly. From this idea came juvenile courts, probation programs, parole programs, and reformatories. It widened judicial discretion and created options within the existing penal process.<sup>57</sup> Pioneered by Progressive Era female sociologists such as

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<sup>57</sup> Thomas G. Blomberg and Karol Lucken, *American Penology: A History of Control* (New York: Aldine De Gruyter, 2000), 63.

Julia Lathrop, Judge Alexander took these ideas and created a program unique to Guilford County.<sup>58</sup>

In 1968 there were few programs within the North Carolina judicial system for troubled youth, a fact that Judge Alexander would have been familiar with in her experiences with her son, Girardeau. So she took matters into her own hands. As a district court judge, Alexander had to work within the framework established by early juvenile reform advocates. In creating the Judgment Day program, Alexander found a way to return to the progressive model by treating each person who went through the program on a case-by-case basis.

For decades before the Judgment Day program, however, women took a leading role in juvenile justice matters. In Chicago and Milwaukee, both cities that pioneered the juvenile court movement in the early twentieth century, well-to-do, progressive women led the way.<sup>59</sup> In 1899, the first separate court for juveniles was established in Cook County, Illinois.<sup>60</sup> Despite the good intentions of progressive reformers, the nature of juvenile crime changed with the arrival of urbanization and industrialization. With both parents working out of the home, poor children were left to fend for themselves.

One method of juvenile rehabilitation was the training school. The training school model for delinquent girls was pioneered in Chicago by professional maternalists, those who worked in, and professionalized, roles such as probation officers, social

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<sup>58</sup> Blomberg and Lucken, *American Penology*, 99.

<sup>59</sup> Steven L. Schlossman, *Love and the American Delinquent: The Theory of Practice of "Progressive" Juvenile Justice, 1825–1920* (Chicago: The University of Chicago Press, 1977), 137.

<sup>60</sup> Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (New York: Oxford University Press, 1999), 55.

workers, and judges. These maternalists focused on the specific problems of young wayward girls and included progressive reformers such as Jane Addams, Julia Lathrop, and Florence Kelley. They argued women were the best people to help rehabilitate delinquent girls and that juvenile crime should be treated on a case-by-case basis.<sup>61</sup> The creation of Hull House by Jane Addams gave these women a place to cultivate and work in the area of “social motherhood,” by working at Hull House’s kindergarten, children’s clubs, and mothering classes.<sup>62</sup> While these progressive reformers attempted to address these issues, their models did not keep up with the changing nature of juvenile crimes.<sup>63</sup> Judge Alexander did not reference progressive era reformers as her inspiration, but in her treatment of young offenders she carried on that progressive tradition.

The Judgment Day program was established specifically for young, first-time offenders. It was modeled after deferred sentencing programs, in which an offense is cleared from an offender’s record if he or she does not commit any more transgressions within a certain period of time. In the Judgment Day program, after pleading guilty, the judge would refrain from entering judgment and instead give the young offenders various tasks to perform. The tasks generally consisted of community service, writing reports on the dangers of their crime, and subsequent actions they took to rehabilitate themselves. The reports had to be presented before churches, schools, youth-based societies, and to

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<sup>61</sup> Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and American’s First Juvenile Court* (New York: Routledge, 2001), 2. Knupfer details the progressive reform movement in Chicago and the creation of juvenile courts and homes for delinquent girls.

<sup>62</sup> *Ibid.*, 14.

<sup>63</sup> Blomberg and Lucken, *American Penology*, 80.

the judge.<sup>64</sup> On a pre-set date, offenders would read their reports and make their case for rehabilitation to the court. If the report met the judge's satisfaction, then the conviction would be dropped from the offender's record.

The progressive model of rehabilitation had significantly declined by the time Judge Alexander created the Judgment Day program. Soon after their inception, juvenile courts were most frequently used by working-class and immigrant parents as a means of controlling their troubled children.<sup>65</sup> By the 1960s, changing cultural and political dynamics undermined support for the rehabilitative model. Liberals criticized judicial discretion, arguing it led to unequal punishment, while conservatives advocated for a "crackdown" on crime and cited civil rights marches and civil disobedience for the erosion of legal and moral values.<sup>66</sup> As a result, there were fewer programs for juvenile offenders. Juvenile courts also varied from state to state, depending on the courts and statutes of each state.<sup>67</sup> In the state of North Carolina, Judgment Day was unique and innovative. Alexander's former law partner stated, "I couldn't speak for any other state, but as far as the state of North Carolina, she was the first one to do this."<sup>68</sup>

Judge Alexander touted the achievements of the program and how it changed the lives of the young people who went through it. An overweight young woman who pled guilty to writing bad checks to purchase items in return for friendship reported to the court that she went to Weight Watchers, got a job, and had found legal means of

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<sup>64</sup> John Lowe, "Judgment Day in High Point Gives Young Another Chance," *High Point Enterprise*, December 29, 1977, 1B & 2B.

<sup>65</sup> Blomberg and Lucken, *American Penology*, 93.

<sup>66</sup> Feld, *Bad Kids*, 89.

<sup>67</sup> *Ibid.*, 66.

<sup>68</sup> Speckhard Interview, July 29, 2011.

obtaining friends. In another instance, Alexander sent a young man to jail when he would not give his final speech. When he finally did give his speech, he realized he had found his calling in speaking to the public and eventually received his Ph.D. and became a minister. Judge Alexander also noted that many who had gone through the program became lawyers and business professionals, all because someone gave them another chance that they would not have received from another judge.<sup>69</sup>

Other judges and attorneys, however, attacked the program.<sup>70</sup> In North Carolina judges used their own discretion in sentencing, and postponing judgment was not unusual. Debate arose around the Judgment Day program over the length of postponement and if judges should be allowed to dismiss a case based on meeting certain conditions.<sup>71</sup> Judge Alexander felt incarcerating young adults would not provide the structure and guidance they needed. She said, “Punishment doesn’t solve anything” and argued many young people could reform their lives because in the Judgment Day program they were provided with a support system. She stated the young offenders went on to succeed “because somebody cared and they didn’t have to stand up there alone.”<sup>72</sup>

Alexander’s Judgment Day coincided with the rise in heavy policing tactics which was of concern to many African Americans, as the incarceration rates of men of color skyrocketed. During the period Manning Marable calls the “Second Reconstruction,” African Americans increasingly challenged the status quo during the civil rights movement, making increased demands for opportunity and equality. In many

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<sup>69</sup> Alexander Interview, 91, Southern Historical Collection.

<sup>70</sup> Darryl Lyman, *Great African American Women* (New York: Gramercy Books, 1999), 186.

<sup>71</sup> “Judgment Day Unique for Guilford County,” *Greensboro Daily News*, Sunday, September 24, 1978, E8.

<sup>72</sup> Alexander Interview, 91–92, Southern Historical Collection.

places, of which Greensboro is a prime example, the movement was student-led. As they did during the Reconstruction period of the late nineteenth century, whites felt increased anxiety at the changing social norms and responded with hardening laws and increasing law enforcement. On the streets and even in schools, officials embraced more punitive policies. Petty crimes and violations of social norms began to warrant harsher punishments, and the trumped-up enforcement largely came, once again, at the expense of black men's freedom.<sup>73</sup>

Judge Alexander played a crucial role in determining the sentences of young, black offenders and possibly used the Judgment Day program to push back against the increasing incarceration of young black men. As an attorney, Alexander witnessed firsthand the bias black men faced in the justice system when she represented Charles Yoes. The program, however, helped more than just young black men. A local newspaper described the young offenders going through the Judgment Day program as coming from a "myriad of lifestyles, personalities and backgrounds." Another stated that "these people aren't ignoramuses, and they aren't from poverty homes. A number have been good students, school and church leaders, who just had to try [drugs] out."<sup>74</sup> Newspapers also reported the large numbers of participants. On one scheduled Judgment Day, Judge Alexander heard 437 cases.<sup>75</sup> While many non-minority offenders benefited

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<sup>73</sup> Manning Marable, *Race, Reform, and Rebellion: The Second Reconstruction in Black America, 1945–1990* (Jackson: University Press of Mississippi, 1991), 3; Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *The Journal of American History* 97, no. 3 (Dec. 2010): 703–34.

<sup>74</sup> Bill Rhodes Weaver, "Judge Feels Program Against Drugs Success," *Greensboro Daily News*, March 26, 1973, B1.

<sup>75</sup> "Judgment Day' Today for Continued Cases," *Greensboro Daily News*, July 12, 1974, B6.

from the program, young, African-American men were undoubtedly helped and went on to have successful careers because of the program. For example, Joe Williams, a young African-American man testified to the impact of Judge Alexander's influence. When Williams himself became a judge, he stated, "This judge has had many chances," he stated. "Judge Elreta Alexander gave me a chance by encouraging me to go to college and to stop doing some of the foolish things I was doing."<sup>76</sup> Judge Williams did not state specifically if he had been a participant of the Judgment Day program. His testimony, however, reaffirmed Judge Alexander's commitment to seeing youth succeed.

Judgment Day came after an admission of guilt, but whether the juvenile received a deferred sentence, or what the conditions of the sentence were, was purely up to the presiding judge. In 1978, judicial discretion came under attack. Legal scholar Andrew von Hirsch said, "Wide discretion in sentencing has been sustained by the traditional assumptions about rehabilitation and predictive restraint. Once these assumptions are abandoned, the basis for such broad discretion crumbles."<sup>77</sup> Further attacks on judicial discretion prompted state and federal policy makers to impose tougher sanctions on juvenile offenders and eased the movement of young juveniles into an adult justice system. By 1998 the federal Office of Juvenile Justice and Delinquency Prevention authorized states to "get tough" on offending juveniles, offering financial incentives to states that enabled more children to be prosecuted in criminal courts. Those tougher

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<sup>76</sup> John Lowe, "Judgment Day in High Point Gives Young Another Chance," *High Point Enterprise*, December 29, 1977, 1B & 2B.

<sup>77</sup> Andrew von Hirsch, quoted in *Determinate Sentencing: Reform or Regression? Summary Report* (Washington, D.C., National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 2008), 63.

sanctions gave the judge less latitude to consider basic adolescent developmental issues, as well as other factors such as background and history, in adjudicating juvenile cases.<sup>78</sup>

When Judge Alexander created the Judgment Day program she did not yet have to worry about such attacks on sentencing discretion. In fact, the state of North Carolina gave judges nearly unlimited discretion, dating back to the 1777 North Carolina legislature which, “imposed no limitations whatever upon the trial judge’s power to determine the length of an offender’s confinement.”<sup>79</sup> While Judge Alexander rarely sent a Judgment Day participant to jail, she was able to impose sentences that she saw as prudent and necessary given the offense. Judge Alexander’s favorite quote--and her primary judicial philosophy--was “the truth shall set you free.”<sup>80</sup> She built the Judgment Day program on that philosophy. If a young person committed a crime, told the truth, plus worked towards their own rehabilitation and self-improvement, they were free.

While the Judgment Day program was groundbreaking, it was not suitable for every offender. Judge Alexander did not always use the program for non-violent juveniles. Several years after the creation of Judgment Day, a fourteen-year-old girl stood before the judge. Judge Alexander had sent her to training school because she was “getting to be a habitual thief.”<sup>81</sup> When asked what she was going to do about her situation, the girl responded, “I’m not going to steal no more . . . stealin’ don’t get you nowhere.”<sup>82</sup> Judge Alexander then allowed the girl to go home, as long as she reported to

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<sup>78</sup> Michael A. Corriero, *Judging Children as Children: A Proposal for a Juvenile Justice System* (Philadelphia: Temple University Press, 2006), 180.

<sup>79</sup> *Determinate Sentencing, Summary Report*, 64.

<sup>80</sup> Alexander Interview, 3, Southern Historical Collection.

<sup>81</sup> Jackson, *Judges*, 110.

<sup>82</sup> *Ibid.*

her case worker every thirty days. She warned the girl, however, that “if you come back here, you’re going to be in training school for a long time.”<sup>83</sup> Judgment Day demonstrated that a rigid justice system does not meet the needs of all citizens, especially juveniles.

Less than ten years after Judge Alexander created Judgment Day, she was forced to change the procedure after a fellow district court judge attacked the program. Republican Judge John B. Hatfield, also of Guilford County, said the program was being abused and that “Judgment Day is totally unjustified by the rules of procedure,” and that judges cannot impose rehabilitation or punishment before they have decided a case.<sup>84</sup> Although Hatfield was a member of the same political party, he obviously did not share Alexander’s progressive approach to sentencing. In October 1979, the Assistant State Attorney General ruled the Judgment Day program had no statutory authority. While “worthwhile,” Donald Stephens stated that the program lacked “statutory authority.”<sup>85</sup> By 1980, the future of the Judgment Day program was uncertain after Guilford County District Attorney Mike Schlosser, backed by state law, stated that it was the job of the prosecutor to dismiss or reduce charges—not the judge. He then prevented Judge Joe Williams or Judge Alexander—the only two judges implementing the program to proceed, by insisting he had the sole prerogative to dismiss cases.<sup>86</sup>

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<sup>83</sup> Jackson, *Judges*, 111.

<sup>84</sup> “Court Overrules ‘Judgment Day,’” *The Salisbury Sunday Post*, September 10, 1978, Box 4, Folder 1, Alexander Collection.

<sup>85</sup> Steve Berry, “Chief Judge Supports First Offenders Statute,” *Greensboro Daily News*, October 2, 1979, B2.

<sup>86</sup> “Judgment Day—Over?” *The Greensboro Record*, Tuesday, April 15, 1980, A6.

The attack on Judgment Day fell in the line with the rollback of rehab-focused approaches to justice that accompanied the rise of conservatism in the late twentieth century. Federal and state legislatures began to pass mandatory sentencing laws, taking away judicial discretion and giving it to prosecutors. The result was a drastic increase in the number of individuals incarcerated and in the length of their sentence. The war on crime and the war on drugs during the 1980s ultimately resulted in disproportionately high rates of incarceration for black men and minorities—the exact issue Judge Alexander was likely aware of when she created the Judgment Day program.<sup>87</sup>

Despite the Judgement Day program, Alexander was not described as an “activist judge.” She managed to transcend racial divides in Greensboro with her election, and thus, would not have wanted to be known as an activist, even though her poetry and judicial programs could qualify her as such. In her public comments, she attempted to strike a neutral tone and avoided civil rights rhetoric. In 1969 she commented that “I want to make each decision in accordance with the law and my own conscience.”<sup>88</sup> When directly asked about civil rights, she took a conciliatory tone. In a televised interview with Greensboro’s CBS affiliate, she stated that love—not force—was the long-range solution to the nation’s civil rights unrest. “You can bring an adversary to terms (by force) . . . but he will arise again.” But she followed her statement by saying that “you cannot bring order out of chaos,” and that unruliness cannot be sanctioned.<sup>89</sup>

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<sup>87</sup> Norval Morris, “The Contemporary Prison: 1965–present,” in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Norval Morris and David J. Rothman, eds. (New York: Oxford University Press, 1995), 227–59.

<sup>88</sup> Don Folmer, “Her Honor’s Philosophy: ‘Every Judge Must Push Own Shovel,’” *The High Point Enterprise*, May 10, 1969, 2A.

<sup>89</sup> Newspaper clippings, Box 3, Folder 5, Alexander Collection.

But while she was careful to keep her public comments neutral, she spoke freely in the courtroom. She frequently encouraged young, black defendants to get an education, believing that prison and fines did not help the individual.

Alexander also became an advocate for mental health from the bench. Surely drawing from her own experiences with her son, she created headlines for ordering a Vietnam War Veteran mental health therapy. Alexander believed that the United States was not preparing its veterans for civilian life: “These boys are coming back (from Vietnam) and they are reacting to peacetime situations as if they are still at war . . . wartime reactions are obviously the cause of some of the trouble many have gotten into at home.” Judge Alexander was known for her “court room innovations.”<sup>90</sup> While Alexander would probably not have wanted to be known as an activist judge, her innovative approach to dispensing justice certainly drew attention to causes she was passionate about.

Even the most mundane cases could be entertaining in Judge Alexander’s courtroom. She heard burglary, DWI, and assault cases, passing judgment with her increasingly well-known and unique style. When she announced her candidacy for the judgeship, a newspaper article stated that “her striking headgear has become her courtroom trademark: Her sometimes flamboyant hats have livened up the scenery at a lot of otherwise dull trials.”<sup>91</sup> On the bench she lost the hats and began to sport more daring wigs. According to her former law partner Jerry Pell, wigs were always a part of

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<sup>90</sup> Kelso Gillenwater, “Judge Says War Training Causes Problems as GIs Adjust to Peace,” *Greensboro Daily News*, September 25, 1969, Box 3, Folder 5, Alexander Collection.

<sup>91</sup> James Ross, “Mrs. Alexander, Local Lawyer, Plans to Reveal Political Intentions Monday,” *Greensboro Daily News*, February 17, 1968, A10.

Alexander's style. Pell recalls seeing Alexander only once without a wig, and earlier in her career they were always brown. But as she approached middle age, and faced the challenge of accessorizing a judge's robe, the wigs became blonder. The *Greensboro Daily News* dubbed Alexander "easily the champion wig wearer."<sup>92</sup> The blonde wig became a staple of Alexander's wardrobe after assuming the bench. The pictures of Alexander used for her 1968 district court judge race features dark hair, well-coiffed, and gave her the appearance of a strong, confident African-American woman. But the embrace of the blonde wig likely reflected Alexander's own perception of her race and gender. For black women, hair has always been an important aspect as to how they are perceived by their fellow black women, and by the rest of society. The rise of the Black Power movement coincided with Judge Alexander's prominence on the bench. Many women in the Black Power movement embraced natural hair as a valorization of their blackness and a rejection of white conceptions of female beauty. As a judge, Alexander could not don a younger, politically divisive hairstyle. In a career where Alexander had to be accepted as a professional, but as a woman who had a reputation for being fashion-forward, Alexander's wigs likely added a bit of flair without alienating the largely white electorate who voted her into her position.<sup>93</sup>

In addition to her personal style, Judge Alexander also became known for her rhetoric. A 1969 profile on Judge Alexander described her as slipping "easily into the language of the people who appear before her in court" and noted one memorable case in

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<sup>92</sup> C.A. Paul, "People, Places & Things," *Greensboro Daily News*, March 11, 1973, D6.

<sup>93</sup> For a discussion on black women's hair, see Ingrid Banks, *Hair Matters: Beauty, Power, and Black Women's Consciousness* (New York: New York University Press, 2000).

which she admonished a young woman in the middle of a love triangle in which the two men were defendants in her courtroom. She said to the young woman, “Listen here, Sweet Mama. You’d better cool yourself down, Sugar Lips, and find yourself something other than men to hustle. Or I’ll have you up here pretty soon. You find something else to do other than sit around and have illegitimate children and pick up your welfare checks.”<sup>94</sup> Alexander rarely minced words with those who appeared in her courtroom.

Alexander’s civil rights rhetoric was most on display when she spoke in front of black audiences. She was the commencement speaker at her alma mater, North Carolina Agricultural and Technical State University, in 1969. The theme of her speech was “The Commencement and Conquest of Freedom,” and she used rhetoric directly from her book of poetry *When Is A Man Free?* stating, “A man is free when he can see that his brother is none other than he.” But Alexander also emphasized her own brand of activism, which focused on the notions of respectability and racial uplift. She told graduates they should pursue accommodation, awareness, and appreciation. Eschewing violence as a means of activism, she stated, “Hate, jealousy, and revenge are self-defeating in the discovery and utilization of God-given talents.” While obviously promoting her own brand of achievement, she also made concessions for those who took an alternative path. As Alexander noted in her A&T speech, “Everybody had got to do his thing . . . Some persons like to associate this popular theme with the vulgar, the uncouth, the odd balls and the hippies. But I saw that each can do his own thing, with due respect for the

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<sup>94</sup> Don Folmer, “Her Honor’s Philosophy: ‘Every Judge Must Push Own Shovel,’” *The High Point Enterprise*, May 10, 1969, 2A.

other's thing." Alexander recognized that her form of activism was not everybody's form of activism.<sup>95</sup>

Alexander was not just recognized by Greensboro's African American community for her contributions but also by women's organizations. In 1969, the Greensboro Chamber of Commerce gave her the Dolley Madison Award for "outstanding contribution of womanpower for the better of the community."<sup>96</sup> Alexander increasingly became a vocal proponent of women in the workplace. In March of 1970, she was invited to speak at an event hosted by the faculty wives of the University of North Carolina at Greensboro. She delivered a speech entitled "Women as Engineers of New Educational Domains."<sup>97</sup> Alexander was also a regular speaker at the North Carolina Girl's State Conventions throughout the 1970s. In 1972, when Sylvia Allen became the first black girl to be elected to governor of the Tar Heel Girls State, she cited Judge Alexander as one of the most inspiring speakers of the week.<sup>98</sup>

As a woman, Alexander was embraced by both black and white women and was a popular speaker for groups of both races. When speaking to black female groups, such as The Links, her audience understood how the intersection of race and gender shaped her career experiences. But when speaking to largely white audiences, such as the group at

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<sup>95</sup> Richard Moore, "Self Respect Urged at A&T," *Greensboro Daily News*, May 31, 1969, B1.

<sup>96</sup> Phyllis McLeod, "Town Rich in Feminine Resources," *The Greensboro Record*, January 3, 1970, 3.

<sup>97</sup> "UNC-G Faculty Wives Arranging 'Encounter,'" *Greensboro Daily News*, March 1, 1970, D6; "What's Happening," *The Greensboro Record*, March 4, 1970, B1.

<sup>98</sup> "CBS Commentator Will Speak to Girls State," *Greensboro Daily News*, June 13, 1970, 4; Wilson Davis, "Girls State Elects First Black Leader in History," *Greensboro Daily News*, June 24, 1972, 4; "Sen. Ervin to Address Girls State," *The Greensboro Record*, June 5, 1973, 6; "Girls State to Convene 36th Session," *The Greensboro Record*, June 2, 1975, 7; "300 to Attend Girls State Here," *Greensboro Daily News*, June 9, 1976, A10; "300 Seniors Coming to Girls State Here," *Greensboro Daily News*, June 6, 1978, B3; "Hunt, Edmisten Among Speakers for Girls State," *Greensboro Daily News*, June 3, 1979, B6; "Tar Heel Girls State Opens Here Sunday," June 12, 1981, B1.

North Carolina Girls State, Alexander likely had to separate her female experience from her black experience. But at a time when the burgeoning feminist movement underprivileged race in order to promote gender issues, Alexander remained a strong example of a powerful black woman who reconciled these two parts of herself.<sup>99</sup>

Because of her accomplishments and personal style, Judge Alexander began to become known throughout North Carolina. In 1971, a profile of Alexander was run by *The Robesonian* and *The Gastonia Gazette*, small towns on opposite sides of the state. The article, titled “North Carolina’s First Negro Jurist Has Originality,” credited her with blazing “trails for her sex and race in the legal field, all the while keeping her own identity without becoming a symbol instead of a person.” She also pontificated on her own views on race saying that racism was an illness; “You treat an ill person with compassion, and the antidote of love.”<sup>100</sup> As an attorney Alexander changed the Greensboro community, but as a judge she changed the state of North Carolina.

Also in 1972, Judge Alexander was frequently mentioned as a possible presidential appointee to the federal Middle District Court seat. Lack of party loyalty, however, became an issue for the potential Nixon appointee. The chairwoman of the Sixth District of the North Carolina Republican Party stated, “I think Mrs. Alexander is a very capable person and highly qualified for the job, but she is a relative newcomer to the party,” the chairwoman noted this opinion this said despite the fact Alexander had won a

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<sup>99</sup> Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” in *The Black Feminist Reader*, Joy James and T. Denean Sharpley-Whiting, eds. (Malden: Blackwell Publishers, 2000), 208–38.

<sup>100</sup> Bryan Haislip, “North Carolina’s First Negro Jurist Has Originality,” *The Gastonia Gazette and The Robesonian*, October 27, 1971.

district court election as a Republican.<sup>101</sup> Others questioned whether appointing a black woman would be a hindrance to Nixon's Southern Strategy, where Nixon courted white votes and deliberately elicited fears of racial equality. Observers also noted, however, that if Nixon did appoint an African American and "if that black person who is also a woman turns out to be a jurist of Mrs. Alexander's ability, not only the Republican Party but the Middle District will have gained tremendously."<sup>102</sup> Alexander appeared to have the support of Republican constituents, as evidenced in one letter to the editor of the *The Greensboro Record*. The writer stated "I am white, male (and Republican) and it is my sincere opinion, and the opinion of many acquaintances, Mrs. Alexander is the finest jurist in our area."<sup>103</sup> The problem with Alexander's nomination did not lie in the community, or even in the Nixon administration, but with the leaders of the state Republican Party. "Her problems lie not with the Nixon administration but with the approval of the state Republican executive committee. . . . If she can just get on the list of nominees for Washington to consider, I feel she's got the job," according to a source in the GOP.<sup>104</sup> Ultimately, Alexander's name was never sent to Washington as she placed fifth among nine possible candidates considered by the state Republicans.<sup>105</sup>

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<sup>101</sup> "Alexander Out of Judge Picture?" *The Greensboro Record*, January 27, 1972, Box 3, Folder 8, Alexander Collection.

<sup>102</sup> "Appointment Politics and Judge Alexander," *The Greensboro Record*, January 12, 1972, Box 3, Folder 8, Alexander Collection.

<sup>103</sup> "Why Should Longevity Enter Into It?" *The Greensboro Record*, February 2, 1972, A14.

<sup>104</sup> Ned Cline, "Mrs. Alexander A Top Prospect for Judge Seat," *Greensboro Daily News*, January 7, 1972, B1.

<sup>105</sup> Steve Berry, "GOP Rates Osteen, Ward, Gavin Top Judge Choices," *Greensboro Daily News*, February 6, 1972, A1. Ultimately Hiram Ward was appointed by Nixon to the position.

While not receiving the endorsement of her fellow Republicans likely stung, Judge Alexander was busy presiding over a high-profile case involving a theft ring within the High Point Police Department. But the support she had from many in her hometown was solidified when she won another term as district court judge in November 1972. In this election, Alexander ran unopposed and won without making a single campaign speech. She also ran without a single billboard saying, "It demeans the office." Her accomplishments began to attract national attention, with a profile of Alexander included in an edition of *The Miami Herald*.<sup>106</sup>

Despite the career success, Judge Alexander's life remained turbulent. She had amassed financial wealth, was an in-demand speaker throughout the East Coast, a published poet, and leader in the city of Greensboro. But her professional success did not always translate to her personal life. After she divorced Tony in March 1968, their previously troubled relationship became a warm friendship. In 1971 she told him, "Tony, if I had known I could get along with you so well, I'd have divorced you the day I married you." She commented that sometimes Tony would call her drunk, but for the most part, their relationship was amicable. Their son, Girardeau, however, continued to be troubled, especially in his relationship with his father.

In March 1973, Tony had an American Medical Association convention in Honolulu, Hawaii, and requested that Girardeau accompany him. Even though Tony and Girardeau had spent an increasing amount of time together, Girardeau was hesitant. His

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<sup>106</sup> Molly Sinclair, "An Idea Whose Time Had Come: The Judge That Won Without a Campaign," *The Miami Herald*, April 22, 1972, 5B.

father promised him that he would remain sober throughout the trip, and they would spend time together sightseeing. Before leaving, Tony kissed Elreta, telling her that he would always love her. She said, "I felt something very strange, but I didn't have time to think about it. I had a speech to get ready for the DAR (Daughters of the American Revolution)." Tony and Girardeau called Elreta when they arrived in Honolulu and one other time to check in. She heard from them again the night of March 18, 1973, when Girardeau called and said, "Momma, I think I've killed my father." According to Girardeau, Tony got very drunk. When Girardeau announced he was going to get a soda from the vending machine, Tony said, "Goddammit, you spend too much money! You and your goddamn momma spend too much money!" Girardeau warned his father not to talk about his mother, and when Tony started hitting Girardeau, he grabbed a scalpel lying on a table. In his drunken stupor, Tony stumbled onto Girardeau, with the scalpel penetrating his chest. According to Elreta, Girardeau immediately called hotel management, asking for an ambulance. Girardeau was taken into police custody. Elreta, with the help of Sally Pell, immediately flew out to Honolulu.<sup>107</sup>

When Elreta arrived in Honolulu, she went directly to the police station to be with her son. Ultimately, no charges were filed against Girardeau. As Alexander later remembered, "I knew that if Tony died, they'd always blame Girardeau. I guess everybody thought because I was a judge and went out there I was able to use some voodoo or something to get any potential charges dropped." Tony, however, was still unconscious. After two weeks, the Alexanders were still in Hawaii when Tony came

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<sup>107</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection.

down with pneumonia and had to have an emergency tracheotomy. He survived the procedure but remained unconscious. After three weeks, Judge Alexander used up all her vacation days. After four weeks, she was concerned about her place on the bench. “I knew Chief District Judge Kuykendall really didn’t like me at all . . . He didn’t like the publicity and all that I got, and all the people writing saying what a fine judge I was; that’s been the hard part being a woman, a double dose of it.” Desperate to get back to work, but unwilling to leave her former husband in Hawaii, Elreta secured an Air Force transport to get Tony back to North Carolina, where he was admitted to Wesley Long Hospital in Greensboro.<sup>108</sup> After several weeks, Tony regained consciousness, but his health never fully recovered, largely exacerbated by his heavy drinking. For the rest of Tony’s life, Elreta would be his primary caretaker, even though they never lived together after their divorce.

Between 1968 and 1973, Elreta Alexander’s profile increased exponentially. While she had always been a pioneer and a proponent of civil rights, the judgeship increased her visibility and ability to make meaningful change in the community. Alexander always claimed that she did not set out to be a pioneer. But when given the opportunity to challenge the status quo, Alexander never shirked the opportunity. Although she was dubbed a “reluctant pioneer,” she pursued some of her most meaningful career decisions during this time. She also made some of her most controversial decisions, such as defending members of the Ku Klux Klan, that alienated some in the black community. But despite her unique approach, Elreta was very engaged

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<sup>108</sup> Alexander Interview, January 22, 1978, Box 5, Folder 15, Alexander Collection.

in and contemplated racial issues and justice, as evidenced by her poetry and her confronting the increase in policing of concern to the black community. As someone who appeared to be constantly calculating her career moves, Judge Alexander managed to overcome all obstacles put in her way in her professional life. In 1974, however, Judge Alexander would discover the limits to her influence. She would experience her most significant career loss and have to examine the roles of race and gender that remained, despite all her accomplishments. In a 1993 interview Alexander stated “You have fear. You just don’t show it. You know, you’ve got to walk through it, or else you’re going to drop dead.”<sup>109</sup> This idea would continue to drive Judge Elreta Alexander through some of the difficult years ahead.

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<sup>109</sup> Alexander Interview, 85, Southern Historical Collection.

## CHAPTER VI

### ATTEMPTING THE IMPOSSIBLE

By the early 1970s Judge Elreta Alexander was a well-respected and admired jurist. Known for her performative leadership and presence in the courtroom, people showed up in court just to see Alexander perform. In the early 1970s Judge Alexander reached the pinnacle of her success. But she soon discovered that her electoral success in Guilford County did not translate to statewide success, leading to a professional downfall. Additionally, her controversial decision to join the Republican Party backfired, as the GOP divorced itself from the party of Lincoln and embraced strategies that capitalized on white fears of black advancement. While Alexander succeeded in breaking down barriers throughout most of her career, her successes and her failures, particularly in the 1970s, demonstrate both the possibilities and limitations confronting African-American women in the post-civil rights era. As an individual, Elreta Alexander successfully used her own agency to create her successful career and unique courtroom style. Yet despite all her “firsts,” she still found herself stymied by the institutional structures that held back so many women of color during this time. These institutional structures, however, did not stop Alexander from cultivating her own unique style of activism. Despite the barriers she faced, Judge Alexander continued her law career, ultimately returning to private practice amid personal struggles with her son, Girardeau. Eventually, the endurance she

displayed in her professional life and the emotions of her personal life caught up with her, resulting in her death in 1998, and the loss of a civil rights pioneer.

While Elreta Alexander's career achievements received national and statewide recognition, her electoral success had never been tested outside of Guilford County. Alexander never publicly discussed seeking or campaigning for a higher office. Therefore, it came as a surprise to many when she filed as a Republican candidate for the position of Chief Justice of the North Carolina Supreme Court in February of 1974. Early in her campaign Alexander established her credentials with Republican voters. Upon her filing, Judge Alexander released a statement, saying, "In filing for election to the Office of Chief Justice of the Supreme Court of North Carolina . . . I do so in full awareness of this high office. In asking the voters of this state to favorably consider my candidacy, it is in appreciation for their judgment and in respect for their constitutional right to nominate and elect eligible, competent and dedicated representatives to elective public office." Judge Alexander's statement went on to tout her education, her qualifications, her "temperament, judgment, maturity, courage and character," and her experiences as an attorney and judge in Guilford County.<sup>1</sup>

Alexander did not receive the Republican nomination for the North Carolina Supreme Court Justice; she lost to a white, male, fire extinguisher salesman. In what could be attributed to "racism, sexism, or gross ignorance," it became apparent the best

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<sup>1</sup> Campaign materials, Box 5, Folder 16, Alexander Collection. This document is located in a folder containing materials from Judge Alexander's Supreme Court race. It appears in a newsletter, presumably released by the Alexander campaign, under the heading "Judge Alexander Runs for Chief Justice Post," and was reprinted with the permission of *The Carolina Times*.

candidate does not always win.<sup>2</sup> The 1974 North Carolina Supreme Court election highlighted the barriers that still existed concerning gender and race in politics. Being an African-American female, Judge Alexander arguably faced an uphill battle running for a state-wide seat in North Carolina. Just as she was a pioneer in the legal field, she was also a forerunner to other minority and female political candidates. In North Carolina, the first African-American woman was elected to the U.S. Congress in 1992, the first female senator was elected in 2006, and a female governor was elected in 2008.<sup>3</sup>

While Alexander overcame the odds of race and gender to become a district court judge from her hometown, she could not replicate her local success in a statewide race. Nineteen seventy-four was a mid-term election year, so the press coverage was not as extensive as it would have been in a presidential election year. In addition, the supreme court contest was a down ballot race that typically received less attention. The press, however, covered Alexander's upcoming campaign, saying, "Her candidacy will mean that an all-woman battle is looming for the state's highest judicial post. Democrat Susie Sharp of Reidsville, a long-time associate justice on the Supreme Court, has filed for chief justice."<sup>4</sup> Sharp ran unopposed for the Democratic nomination, and a historic woman versus woman contest was anticipated. An Alexander/Sharp race was set, until

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<sup>2</sup> Brent Hackney, "Best Candidate Doesn't Always Win," *The Salisbury Post*, May 12, 1974.

<sup>3</sup> Rob Christensen, *The Paradox of Tar Heel Politics: The Personalities, Elections, and Events that Shaped Modern North Carolina* (Chapel Hill: University of North Carolina Press, 2010), 289, 293. Eva Clayton (D) was elected to represent NC-1 in 1992, Elizabeth Dole (R) was elected North Carolina's first female United States Senator in 2006, and Bev Perdue (D) was elected North Carolina's first female governor in 2008.

<sup>4</sup> Alexander Collection, Box 2, Folder 1. This article comes from the February 25, 1974 edition of the *Greensboro Record*.

the North Carolina Republican electorate made an error that possibly lost them the chief justice seat.

When Judge Alexander filed to be the Republican candidate she knew she faced an uphill battle. While she was well-known in her native Guilford County, she did not have name recognition throughout the rest of the state, especially in the predominately white areas of Appalachia and western North Carolina. Susie Sharp, the Democratic nominee, was the state's first female Superior Court judge and the state's first female associate member of the North Carolina Supreme Court.<sup>5</sup> A white woman, Sharp was well known in the North Carolina Democratic Party and across the state. While Judge Alexander had won her past two elections, this statewide campaign would require more money and more travel than her previous Guilford County campaigns.

Alexander never stated a particular inspiration for her run for Supreme Court chief justice. When asked why she decided to run, she stated, "I am qualified and it is my duty to offer my services to the people of North Carolina."<sup>6</sup> Alexander, however, did not consult with or give notice to the state Republican Party before she filed, leaving many to speculate about her motives. Some, like Susie Sharp, believed Alexander ran to increase her own name recognition and increase her chances of being appointed to a higher court after the election.<sup>7</sup> Alexander had been in contact with the North Carolina Republican Party regarding the 1974 chief justice campaign though. Judge Alexander wrote North Carolina GOP Chairman Thomas Bennett in January of 1974 declining his invitation to

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<sup>5</sup> Anna R. Hays, *Without Precedent: The Life of Susie Marshall Sharp* (Chapel Hill: The University of North Carolina Press, 2008), 2.

<sup>6</sup> Campaign materials, Box 5, Folder 16, Alexander Collection.

<sup>7</sup> Hays, *Without Precedent*, 351.

serve on a judicial election committee. She cited the North Carolina Code of Judicial Conduct, Canon Seven, stating, “(1) A judge or candidate for election to judicial office should not . . . (b) publicly endorse a candidate for public office.” Despite the North Carolina Supreme Court’s endorsement of Susie Sharp, a fellow justice on the court, Alexander declined the appointment to the judicial committee. Alexander did ask Bennett if the state Supreme Court’s endorsement of Sharp established “a legal precedent affording immunity to other judges for similar public endorsements?”<sup>8</sup> By this time Alexander was likely mulling a run for the Supreme Court herself, and whether or not she could seek the endorsement of her fellow justices in light of similar endorsements was a reasonable question. Chairman Bennett, however, apparently forgot about Alexander’s letter, as he stated in May of 1974 that the Republican judicial candidates’ committee could not recruit anyone to run for Chief Justice against Sharp because “no attorney was interested in filing due to the fact it would require a statewide race and an expensive campaign with the odds stacked against him.”<sup>9</sup> The Republican judicial candidates’ committee was obviously not familiar with—or did not consider—Judge Alexander’s qualifications and tenacity.

Alexander’s would-be opponent, Justice Susie Sharp, was initially intrigued by Alexander. Both women had overcome similar obstacles to become pioneering women in the legal field. After Sharp’s first encounter with Alexander in 1960, she wrote a cousin describing “a colored lady lawyer,” who was “the best Negro lawyer in the state.”

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<sup>8</sup> Alexander correspondence with Thomas Bennett, January 1974, Box 2, Folder 1, Alexander Collection

<sup>9</sup> Hays, *Without Precedent*, 504, n. 65; Rip Woodin, “Newcomb Victory Revives Judicial Standards Issue,” *Greensboro Daily News*, May 19, 1974, A1.

Even Sharp, known for being conservative and no-nonsense in the courtroom, could not help but notice Alexander's fashion sense, saying, "She wears a different and more striking outfit every day—shoes, hat, bag, complete outfit entirely different."<sup>10</sup> Being the "best Negro lawyer in the state" did not prevent even fellow female legal pioneers from focusing on Alexander's outward appearance rather than her competency as an attorney.

Fourteen years later, as her probable opponent, Justice Sharp focused more on Alexander's viability as a candidate than on her wardrobe. Democratic Party workers, however, seemed stumped as to why Judge Alexander decided to run. They believed that "Elrita [sic] made a very last-minute decision to file without any working arrangement or even any warning to the party leaders; and she said she did it because the other Republican who filed doesn't have a college degree . . . Elrita does not expect much support from the party . . . Evelyn said she really couldn't tell for certain just what the real motives were."<sup>11</sup> The memo did not note that Alexander filed to run before her primary opponent, which negated the claim that she filed in response to another Republican on the ticket.<sup>12</sup> She made her announcement to run seemingly without consultation. Although qualified for the position, the move left her colleagues on both sides of the aisle stumped. Perhaps others felt what Judge Alexander did not publicly

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<sup>10</sup> Hays, *Without Precedent*, 348.

<sup>11</sup> Memo between North Carolina Democratic Party workers, Susie Sharp papers, Folder 326, Southern Historical Collection, Wilson Library, The University of North Carolina at Chapel Hill. The Evelyn of the memo is likely Evelyn Crutchfield, who in 1974 ran for Guilford County Commissioner. She was a registered Republican, but as one article in the *The Greensboro Record* stated, she was "captive of no party."

<sup>12</sup> "Newcomb Seeks Office Higher Court," Box 3, Folder 10, Alexander Papers; Jack Scism, "Judge Alexander Joins Race," *Greensboro Daily News*, February 26, 1974, A1. Newcomb's filing was reported on February 27, 1974, a couple days after Alexander made her announcement.

acknowledge—that the odds of a black woman being elected to a statewide seat in North Carolina in 1974 were extremely low. No woman, let alone a black woman, had ever been elected to a statewide position in the state before. Elreta Alexander had overcome some high barriers in her career, so perhaps she saw little reason to believe she could not overcome one more. Per usual, Judge Alexander kept her true motives and feelings closely guarded.

As would be the case with many North Carolina voters, Justice Sharp's racism contributed to her perception of Judge Alexander. Sharp did not describe Alexander as favorably as a potential opponent in 1974 as she did in 1960. Like many white southerners, she was adamantly against federal intervention in desegregation, calling the *Brown vs. Board of Education* decision “the greatest calamity to befall the South since reconstruction.” Sharp also said, “You simply cannot judge animals by human standards,” when referring to African Americans in her courtroom.<sup>13</sup> She viewed Alexander's untraditional courtroom style and Judgment Day program “disturbing.”<sup>14</sup> Regarding Alexander's candidacy, Sharp wrote to her nephew, “Half the folks think her [Alexander's] candidacy is merely an effort to advertise herself for some other job; the other half are so appalled at the prospect that she might become C[hief] J[ustice].”<sup>15</sup> Justice Sharp's assessment of the reaction to Judge Alexander's candidacy, in some circles, was probably spot on. Increased name recognition, as well as increased touting of her achievements, served as a beneficial side effect of running for office. Alexander

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<sup>13</sup> Hays, *Without Precedent*, 198.

<sup>14</sup> *Ibid.*, 349.

<sup>15</sup> *Ibid.*, 351.

surely knew that Sharp would be a difficult, if not impossible, opponent to beat. Using a campaign as a means to advertise herself for a federally appointed judgeship would have been a strategic and logical move. Sharp was also undoubtedly correct that conservative southern Democrats were horrified by the thought that an African-American woman, known for her flamboyance and informal court, could possibly become the state's Supreme Court chief justice. Many rising conservatives in the Republican Party, however, likely felt the same way.

The antiquated views of old southern Democrats, like Sharp, quickly became the minority views within the party though. Judge Alexander decided to run for chief justice as a Republican after a transitional time in North Carolina and national politics. She no longer was just subject to the voters of Guilford County, where she enjoyed a reputation as a respected jurist. When Senator Jesse Helms of North Carolina joined the Republican Party in 1970, he replaced Strom Thurmond as “the most conspicuously unreconstructed Republican senator from the South.”<sup>16</sup> The “Great White Switches” of presidential voting and party affiliation in the South had occurred in the late 1960s and early 1970s, as North Carolina and the rest of the South voted Republican in the 1968 and 1972 presidential elections. Additionally, in 1972, James E. Holshouser, Jr. became North Carolina's first Republican governor since 1896. The emergence of Republicanism made North Carolina a viable two-party state, making Alexander's candidacy under the Republican ticket seem logical, although odd because of her race and the GOP's embrace

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<sup>16</sup> Merle Black and Earl Black, *The Rise of Southern Republicans* (Cambridge: The Belknap Press of Harvard University Press, 2002), 103.

of traditionalism and racial and gender intolerance.<sup>17</sup> By 1974, Alexander faced an electorate swept up in a backlash to liberalism of the 1960s and an embrace of the conservatism of the 1970s.

The political shift in North Carolina was in line with political trends throughout the South. In 1968, Richard Nixon implemented his Southern Strategy in an attempt to solidify a voting bloc in the South. He deliberately pandered to white, conservative voters with threats of increasing racial equality and a loss of southern values.<sup>18</sup> Domestic turmoil and the embrace of civil rights had already driven many white Southerners out of Democratic Party. Nixon capitalized on disaffected whites who felt alienated during the civil rights movements and liberalism of the 1960s. By using phrases such as “law and order,” “states’ rights,” and “forced busing,” Nixon created a “Silent Majority” of voters beleaguered by what they saw as a country spinning into disorder, with an increasing crime rate and drug subculture.<sup>19</sup> Much of this Silent Majority saw the advancement of civil rights for blacks as the cause of much of this disarray. By 1974, Nixon’s Southern Strategy had solidified a Republican South and firmly landed the Republican Party on the wrong side of civil rights issues.

As much as Nixon capitalized on the fears of conservative whites, he did make some attempt to attract black votes, particularly the votes of college-educated, middle-

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<sup>17</sup> Charles S. Bullock, III & Mark J. Rozell, *The New Politics of The Old South: And Introduction to Southern Politics* (New York: Rowman & Littlefield, 1998), 142–5. For more information on this political shift in North Carolina, see Tom Eamon, *The Making of a Southern Democracy: North Carolina Politics from Kerr Scott to Pat McCrory* (Chapel Hill: The University of North Carolina Press, 2014).

<sup>18</sup> Black and Black, *The Rise of Southern Republicans*, 210.

<sup>19</sup> Douglas E. Schoen, *The Nixon Effect: How Richard Nixon’s Presidency Fundamentally Changed American Politics* (New York: Encounter Books, 2016), 91, 100.

class blacks. Using the language of the politics of respectability, Nixon made appeals to black capitalists, particularly well-educated blacks who owned businesses, embraced the concept of self-help, and had concerns regarding the economy.<sup>20</sup> Despite his appeals, Nixon only received 10 percent of the black vote. His meager appeals to middle-class blacks could not overcome the racist rhetoric of conservatives like Strom Thurmond and Jesse Helms.<sup>21</sup> Those African Americans who still held their allegiance to the Republican Party saw promise in Nixon's "Black Cabinet," a loose coalition of black Republican appointees who promoted a largely economic agenda focusing on the needs of middle-class African Americans.<sup>22</sup> Black officials in the Nixon White House, however, largely had silent roles and did not feel able to speak out against objectionable Nixon policies. Nixon's black appointees also miscalculated the appeal of an Republican-led "economic civil rights movement," as the "black silent majority" of African-American Republicans was much smaller than they thought.<sup>23</sup>

The tepid relationship between African Americans and Republicans was an issue both the national and state parties faced. As the black electorate expanded in the 1960s, Thruston Morton, Senator from Kentucky and Chairman of the Republican National Committee, cautioned his fellow Republicans to not alienate potential GOP voters: "The negro in the South is going to vote . . . the sound foundation for Republicanism [is] not based on racism . . . You don't have to go down there and wave the Confederate flag."

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<sup>20</sup> Leah Wright Rigueur, *The Loneliness of the Black Republican: Pragmatic Politics and the Pursuit of Power* (Princeton: Princeton University Press, 2015), 137.

<sup>21</sup> *Ibid.*, 138.

<sup>22</sup> *Ibid.*, 139.

<sup>23</sup> *Ibid.*, 174.

Some in North Carolina had similar attitudes. Robert Gavin, who lost the Governor's seat to Democrat Dan Moore in 1964, commented that he did not want the North Carolina GOP to be a "racist or a lily-white party." Many Republicans in the Deep South, however, felt courting the black vote would be a futile endeavor, and Republican policies and ideologies, particularly on civil rights issues such as school desegregation, continued to estrange potential black voters from the GOP.<sup>24</sup> While the Republican Party was in flux, it was losing its battle to attract black voters.

Like the members of Nixon's Black Cabinet, Judge Alexander might have also miscalculated the strength of black Republicans. The national numbers were certainly stacked against them. In 1970, there were seven African-American Republican candidates for congressional, senatorial, or gubernatorial seats. In contrast, there were thirty-six African-American Democrats who ran.<sup>25</sup> Alexander was a part of an shrinking minority. African Americans who remained a part of the Republican Party did so with ideological intentions. Many black Republicans were motivated to work for "an alternative economic and civil rights movement" rooted in the politics of respectability and self-help.<sup>26</sup> Black Republicans also maintained that it was their responsibility to remain a part of the Republican ranks and "reform the party," a sentiment Alexander echoed when she joined the party in 1968.<sup>27</sup>

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<sup>24</sup> Timothy N. Thurber, *Republicans and Race: The GOP's Frayed Relationship with African Americans, 1945-1974* (Lawrence: The University Press of Kansas, 2013), 252.

<sup>25</sup> Rigueur, *The Loneliness of the Black Republican*, 175.

<sup>26</sup> *Ibid.*, 5.

<sup>27</sup> *Ibid.*, 178.

Judge Alexander represented this small group of reform-minded black Republicans; however, remaining an African-American woman in the Republican Party had a negative impact on her statewide campaign, despite the party's recent electoral successes. In 1968, the changing political climate and her reputation likely helped Alexander win her district court seat in Guilford County. But it was improbable that an African-American female on the Republican primary ballot in 1974 could obtain the votes of the same men and women who opposed social and racial equality in the South. While it is unlikely Judge Alexander could have won a Democratic primary against a well-known jurist like Susie Sharp, she certainly could not win against a white male in the newly reformed southern Republican Party. Judge Alexander surely understood these dynamics, although at the time of her filing she had no primary opponent. She also understood that the vast majority of African Americans voting for her in the general election would be Democrats or independents. In 1974 there was still a great deal of African American dissatisfaction with the Democratic Party, as there was in 1968, which helped Alexander's chances of winning the black vote in the general election since many might cross the political line to vote for a black Republican like Alexander.<sup>28</sup> Black dissatisfaction with the Democrats, however, would not help Alexander in the primary. At the time North Carolina had a closed primary system, in which a voter had to be a

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<sup>28</sup> Alexander Interview, December 4, 1977, Box 5, Folder 14, Alexander Collection; Hanes Walton, Jr., *Black Republicans: The Politics of the Black and Tans* (Metuchen, NJ: The Scarecrow Press, Inc., 1975), 165–6. In this interview Alexander discusses her 1968 run for District Court Judge and notes that the black voters were all Democrats.

registered member of a party in order to vote in that party's primary.<sup>29</sup> In the primary, black independents and Democrats would have been unable to help Alexander overcome the race and gender biases of conservative Republicans.

At the time of her filing, however, Judge Alexander must have felt confident in her ability to secure the Republican nomination without the black vote. A Columbia-educated lawyer and District Court Judge elected from one of North Carolina's largest cities, she had the qualifications to be a North Carolina Supreme Court Justice. Even if she lost in the general election, the campaign would serve to promote her name and qualifications for other appointed positions. When Alexander initially filed she did not have a primary opponent. That quickly changed though. Her opponent was undoubtedly unqualified to be a Supreme Court Justice. James Newcomb, sixty-five, hailed from the small town of Williamston in eastern North Carolina. The father of ten, he described himself as a "Christian family man" and relied on his experience as a salesman in his campaign for the Republican nomination. After dropping out of school in the seventh grade, he finished high school at age twenty-two before taking a series of odd jobs, including that of a lighthouse keeper before settling down as a fire extinguisher salesman. His only political experience was a failed bid for a seat on the Wilson County Board of Commissioners in 1954.<sup>30</sup> Newcomb's lack of qualifications versus Judge Alexander,

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<sup>29</sup> Kimberly J. McLarin, "High Court Strikes Down 'Closed' Party Primaries" *Greensboro News and Record*, December 11, 1986, A1. North Carolina had a closed primary system until it was struck down by the United States Supreme Court in 1986.

<sup>30</sup> Hays, *Without Precedent*, 350. In Chapter sixteen of her biography on Sharp, Hays details the 1974 Chief Justice election and its candidates.

however, did not seem to dampen his confidence in his ability to secure the Republican nomination.

James Newcomb saw himself as an “everyman” and felt he represented the majority of North Carolinians. But the subtext of his statements reveals that Newcomb was one of the many working-class white voters who felt disillusioned with the liberal policies and advancement of civil rights in the 1960s. During the campaign he stated there had “been a drift in our state for over 50 years to treat the people that make up the backbone of our society with a growing indifference. . . . The rich can protect themselves. The poor are generally taken care of. That leaves the vast majority which make up the backbone of our state. I speak with authority when I say that I represent all the people, including that vast majority.”<sup>31</sup> The vast majority that Newcomb spoke of were the same people who made up Nixon’s “Silent Majority.” This majority of voters that Newcomb appealed to did not participate in political protests, but were fed up with what they saw as having to defend their values such as hard work, traditional family structures, and patriotism.<sup>32</sup> In North Carolina, this vast majority also supported individuals like Newcomb’s political role model, Justice I. Beverly Lake. Lake was an ardent segregationist who as late as 1987 stated he was “not personally enthused about women lawyers.”<sup>33</sup> Newcomb’s embrace of these conservative principles was part of the backlash

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<sup>31</sup> Harry Stapleton, “Newcomb Sees Victory in N.C. Justice Race,” *Greensboro Daily News*, May 13, 1974, B1.

<sup>32</sup> Schoen, *The Nixon Effect*, 101.

<sup>33</sup> Robert B. Cullen, “State Judicial Reform Dead This Year?” *The Greensboro Record*, May 14, 1975, A19; Interview with I. Beverly Lake by Charles Dunn, September 8, 1987, Interview number C—0043, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. [http://docsouth.unc.edu/sohp/html\\_use/C-0043.html](http://docsouth.unc.edu/sohp/html_use/C-0043.html).

to the rise of civil rights movements for African Americans and women, movements that threatened white masculinity. He did not see his lack of legal qualifications as a hindrance, but rather, viewed his candidacy as an attempt to return to the values important to the “backbone” of society—white men who saw themselves as increasingly marginalized.<sup>34</sup> Additionally, by 1974, the Watergate scandal and government dishonesty regarding America’s involvement in Vietnam led many conservatives to believe that government was not the solution to the nation’s ills, but rather, the problem.<sup>35</sup> A political and legal neophyte such as Newcomb, with no prior connections to government, found a voice among North Carolina’s rural, conservative electorate.

Newcomb’s lack of educational or legal qualifications was not a barrier to his candidacy. Surprisingly, having a college degree, let alone a law degree, was not a necessary qualification to become a judge in the state of North Carolina at that time. The only requirements were that the candidate had to be twenty-one years of age and a qualified, registered voter.<sup>36</sup> Newcomb publicly stated that he allowed God to steer his campaign, leading the Democratic candidate, Judge Susie Sharp, to conclude Newcomb was probably “a religious fanatic and . . . his purpose in filing was to prevent a woman from becoming chief justice.” Newcomb certainly relied on divine intervention to be the driving force behind his campaign, as he did put very little effort into the election. His campaign literature consisted only of a one-page “Pledge to the Voters of North

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<sup>34</sup> For an analysis on white masculinity during this time, see Michelle Fine, Lois Weis, Judi Addleston, and Julia Marusza, “(In) Secure Times: Construction of White Working-Class Masculinities in the Late 20th Century,” *Gender and Society* 11, no. 1 (February 1997): 52–68.

<sup>35</sup> Amos Esty, “North Carolina Republicans and the Conservative Revolution, 1964–1968,” *North Carolina Historical Review* 82, no. 1 (January 2005): 1–32.

<sup>36</sup> Hays, *Without Precedent*, n. 505

Carolina,” in which he touted his lack of legal experience as an asset. His “pledge” was distributed among the people on Newcomb’s regular sales route, and the only press he received pointed out the unlikelihood of his election.<sup>37</sup> The idea of a high school graduate beating an experienced attorney and judge with an Ivy-league education seemed as unlikely to the press as it did to most educated observers of the campaign.

While James Newcomb relied on God to steer his campaign, Judge Alexander relied on hard work and publicized her qualifications and achievements. The *Asheville Citizen-Times* detailed her tour of western North Carolina in April and touted her achievements in the legal field.<sup>38</sup> She also established an arsenal of campaign literature with the same slogan she had used in her district court races: “The Symbol of Justice is a Woman,” next to a picture of a Lady Justice statue. In one campaign flyer Judge Alexander presented a side-by-side comparison of her achievements versus those of Newcomb. While Alexander listed her degrees, Newcomb’s column had “No college or law education.” Next to legal experience, judicial experience, electoral experience, and awards, Alexander had long lists while under the Newcomb column she simply put “none.”<sup>39</sup> By stacking her qualifications against Newcomb’s, Alexander established her own qualifications and accomplishments, as well as Newcomb’s undistinguished career. Additionally, Judge Alexander, who was fifty-five years old, was eligible to serve the entire eight-year term. Newcomb, at age sixty-five was not. In 1972, North Carolina

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<sup>37</sup> Hays, *Without Precedent*, 350–351.

<sup>38</sup> Newspaper clippings, Box 2, Folder 1, Alexander Collection. This folder contains newspaper clippings from 1974; including highlights of her campaign and this clip from the April 11, 1974 *Asheville Citizen-Times*.

<sup>39</sup> Campaign materials, Box 5, Folder 16, Alexander Collection.

voters had approved a constitutional amendment requiring the North Carolina General Assembly to recommend age limits for justices or judges, which was set at age seventy-two.<sup>40</sup> If elected, Newcomb would be forced to retire before completing a full term.

Even if Judge Alexander's campaign literature did not highlight Newcomb's startling lack of qualifications enough, the media certainly did. Two days before the Republican primary, the *Greensboro Daily News* endorsed Judge Alexander for the nomination stating, "District Judge Elreta Alexander, who is well known and respected by her friends and associates here in Greensboro, is the clear choice for the Republican nomination. Her primary opponent . . . is without any legal or judicial credentials of any kind."<sup>41</sup> The *Raleigh News and Observer* stated that "District Judge Elreta M. Alexander of Greensboro is obviously a better choice for Republican voters than her opponent, who has no legal training . . . The record shows her to be intellectually competent, fair-minded and admirably committed to the rule of law."<sup>42</sup> In response, Newcomb defended his lack of formal education by comparing himself with Abraham Lincoln: "The balance of my education came very similar to the way Abe Lincoln received his; therefore, I can understand and appreciate our people with less than a college degree or other advanced training," he said.<sup>43</sup> Discounting Newcomb, Alexander and Sharp geared up for a historic, all-woman contest for the highest judicial post in the state. The North Carolina Republican electorate, however, thwarted those plans.

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<sup>40</sup> Hays, *Without Precedent*, 334. See North Carolina Constitution, Article IV, Section 8.

<sup>41</sup> "Judges Recommended," *Greensboro Daily News*, Sunday, May 5, 1974, D4; Newspaper clippings, Box 3, Folder 10, Alexander Collection.

<sup>42</sup> Hays, *Without Precedent*, 353–4 (n. 102).

<sup>43</sup> Rip Woodin, "Only GOP Court Primary is for Chief Justice," Rockingham edition of the *Greensboro Daily News*, Tuesday, April 30, 1974, B1.

The results of the May 7, 1974, Republican primary shocked everybody who followed the race. James Newcomb, the fire extinguisher salesman, beat Judge Elreta Alexander, an experienced legal professional, for the Republican nomination with 59.16 percent of the vote.<sup>44</sup> Politicos and media commentators alike immediately began to conjecture why Alexander lost. Judge Alexander's loss to Newcomb brought up issues such as sexism and racism that still permeated North Carolina politics. Justice Susie Sharp, winner of the Democratic primary, speculated that it all came down to gender. She said, "People hadn't heard of either one but they knew one was a man and the other a woman so they voted for the man."<sup>45</sup> Sharp's other theory was that because Judge Alexander presented herself to be a credible and formative candidate, people were forced to vote for Newcomb to ensure a Sharp victory. She stated, "Everybody who voted for Mr. Newcomb was really voting for me."<sup>46</sup> It is true that many voters throughout North Carolina did not know who Judge Alexander was, but even fewer knew of James Newcomb. Alexander, throughout her career, had received statewide press, especially when she became the first African-American woman in the nation to become an elected district court judge. Anna Hays, in her biography of Justice Susie Sharp, states that the North Carolina Republican Party did not devote any resources to Alexander's campaign because the party believed she would beat the unqualified Newcomb.<sup>47</sup> If the party

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<sup>44</sup> Newspaper Clippings, Box 3, Folder 10, Alexander Collection. Article from unknown paper, "Legal Novice Beats Judge," May 8, 1974.

<sup>45</sup> Hays, *Without Precedent*, 354.

<sup>46</sup> *Ibid.*, 355.

<sup>47</sup> *Ibid.*, 354.

devoted no resources to the race, however, they could not be sure voters, especially in western North Carolina, knew Alexander was the more qualified candidate.

In addition to making sure voters knew her professional qualifications, Alexander also used her campaign materials to promote her appearance. She ensured that voters knew her gender by including pictures of herself in her campaign literature. Her race, however, was potentially more ambiguous in campaign materials. One piece shows her behind the bench with her robe on. Another was a head shot of Alexander looking sternly into the camera, her unruly blonde wig and frilly blouse hard to miss. The blonde wig lightened Alexander's overall complexion, making her race potentially ambiguous. Kobena Mercer states that "classical ideologies of race established a classificatory symbolic system of colour with 'black' and 'white' as signifiers of a fundamental polarization of human worth. . . . Distinctions of aesthetic value . . . have always been central to the way racism divides the world into binary oppositions in its adjudication of human worth." Mercer goes on to state that black hair is second only to skin as a racial signifier. While Alexander was already known in Guilford County for her wigs, in this election she had to appeal to a larger electorate—and to Republicans who had fled the Democratic Party precisely because of racial issues. The media coverage of the campaign consistently identified her as a "Negro" woman, leaving even uninformed voters certain of her race. There has, however, historically been "degrees" of blackness, with lighter black skin being less objectionable.<sup>48</sup> The blond wig might have been a

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<sup>48</sup> Kobena Mercer, "Black Hair/Style Politics," *New Formations*, No. 3 (Winter 1987): 33–54; Blain Roberts, *Pageants, Parlors, and Pretty Women: Race and Beauty in the Twentieth-Century South* (Chapel Hill: The University of North Carolina Press, 2014), 4.

strategic move to lessen white impressions of black self-worth and soften the initial reaction of some white voters to a black candidate. If there was a strategy behind the blonde wig, however, it was lost on the North Carolina electorate.



Figure 5. Headshot of Judge Elreta Alexander Used in the 1974 Campaign. Courtesy of the *Carolina Peacemaker*.

Judge Alexander received an outpouring of support after her primary loss. U.S. Representative Richardson Preyer, Democrat from Greensboro, wrote: “I was appalled at the outcome in your race. This is the worst result in an election that I have ever heard of.” John E. Hall, an attorney from North Wilkesboro, North Carolina, located in the northwest corner of the state, wrote, “I am totally ashamed of the Republicans of the State of North Carolina. The Republican Party has turned its back on the only decent thing that has happened to it in some time.” A.W. Houtz, an aluminum manufacturer who

conducted business with Newcomb in Elizabeth City in northeastern North Carolina wrote, “In my fifteen years of active service to the Republican Party of North Carolina (most of them as County Chairman) I have seldom been ashamed of my party affiliation. The results of your failure to become our candidate in last week’s primary was one of them.” The letters, which came from all areas of the state of North Carolina, suggest Alexander was not necessarily the complete unknown some thought.

Other supporters of Judge Alexander believed her loss was a racial issue. A white housewife in High Point, North Carolina, wrote Judge Alexander saying she and her husband voted for her in the primary: “We think you are doing a terrific job and were shocked that Republicans voted so poorly . . . I praise God for you and for people like you—no matter what color of skin one is born with—what a ridiculous way to judge a person.”<sup>49</sup> The most telling letter, however, came from E.S. Schlosser, Jr., an attorney in Greensboro. He wrote, “I am sorry, truly sorry. I don’t understand, but I am afraid I do understand. I am sorry.”<sup>50</sup> Facing the reality that such an accomplished person, regardless of race or gender, could lose to a fire extinguisher salesman was difficult for many to accept, even if they understood that racism and sexism remained powerful factors in politics.

Even if Alexander had won the Republican primary, issues of race would have likely been a factor in the general election versus Justice Sharp. Sharp, a white woman who was comfortable with the power structure in Raleigh, would surely have had the

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<sup>49</sup> Correspondence from Beth Riddle to Elreta Alexander, June 4, 1974, Box 2, Folder 1, Alexander Collection. Folder contains letters Judge Alexander received in 1974. In letter the author, Beth Riddle, described herself as a “white housewife in her 30s.”

<sup>50</sup> *Ibid.*

support of white conservatives who did not want a black woman in charge of the highest court in North Carolina. Rufus Edmisten, North Carolina Attorney General at the time, later said that in 1974, a black woman on the North Carolina Supreme Court was a “pipedream.”<sup>51</sup> Alexander might have found more support in the North Carolina Democratic Party, but despite her credentials she surely would not have had the support of the rest of Raleigh’s political establishment.

Regardless of the reasoning behind Judge Alexander’s primary loss, the Republican Party had to deal with the backlash. The media swiftly took aim at the party establishment and Republican voters. In an article that stated Alexander’s loss could be attributed to “racism, sexism, or gross ignorance. Take your pick,” Republican State Senator Bob Somers offered a rationale for Republican voting patterns: “In any race where neither candidate is particularly well known, the voters will almost always choose the one whose name is phonetically most appealing, and James or Jim is obviously more appealing than Elreta.”<sup>52</sup> Attributing the loss of an election to phonetics, which in itself has racial undertones, indirectly attributes the loss to gender and/or race. Elreta was obviously a feminine, non-traditional name. While the name itself does not necessarily indicate a specific race, it was a name not necessarily associated with white females. James or Jim, which in no way could distinguish race, were masculine names that white voters could be comfortable with. In the closed Republican primary, a masculine name easily won.

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<sup>51</sup> Conversation with Rufus Edmisten, April 26, 2017, notes in possession of the author.

<sup>52</sup> Brent Hackney, “Best Candidate Doesn’t Always Win,” *The Salisbury Post*, May 12, 1974.

Regardless of her name, the fact that Alexander's qualifications could not secure her the Republican nomination troubled many in the judicial system. As a result of the GOP primary, many people in North Carolina, including Justice Sharp, began to openly question how judges should be elected. The fact that the Republican nominee to the Supreme Court chief justice position was an uneducated fire extinguisher salesman led to calls that requirements be established in order for one to run for judge. The first, and most obvious requirement, was that the candidate have a law degree. An editorial in the *Winston-Salem Journal* called for the selection of judges to be removed from the electoral process.<sup>53</sup> Calls for Republican officeholders to publicly repudiate Newcomb increased. Nobody believed James Newcomb could beat Judge Elreta Alexander, yet he did. The fear that he could also beat Justice Susie Sharp began to swell, especially if sexism was a major factor behind Alexander's loss.

The North Carolina Republican Party faced a difficult situation. While they had not supported either candidate in the primary, they were lambasted for selecting such an unqualified candidate. It became increasingly obvious if they supported Newcomb as their nominee, the party would face increased backlash. One by one the heads of the North Carolina Republican Party publicly withdrew their support of Newcomb. Thomas Bennett, state GOP chairman, released a statement, saying, "A Supreme Court justice has to write formal opinions that require substantial scholarship as far as legal theory goes. With this in mind, Mr. Newcomb does not have this kind of background. Therefore, in my judgment, personally as an attorney and as a political leader, I cannot in good faith

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<sup>53</sup> "Disavowing Newcomb," *Winston-Salem Journal*, May 16, 1974.

recommend (Mr. Newcomb) for election as chief justice.”<sup>54</sup> This statement made it clear to fellow Republicans that they too should not vote for the Republican candidate.

Other Republican officials’ statements offered lukewarm support for the Republican nominee. Senator Jesse Helms stated he would not officially endorse Newcomb for the chief justice position, but he would not attack him either. Helms stated, “I’m sure that the people, when they go to the polls, will evaluate the candidates on the basis of their qualifications and decisions.”<sup>55</sup> The primary results obviously did not dampen Helms’s faith in the ability of North Carolina voters. Republican Governor Jim Holshouser made a similar statement, saying he was endorsing neither Newcomb nor Sharp and would not say which candidate he would cast his vote for.<sup>56</sup> While there were no public endorsements of Newcomb on behalf of the North Carolina GOP, it did not endorse Justice Sharp either. While this is not surprising considering that political parties rarely endorse the nominees of an opposing party, Newcomb’s lack of party support highlights the difficult position the primary results created for the North Carolina GOP.

The loss marked the first major professional failure for Judge Elreta Alexander, and she seemed to have little to say about the results of the election. She did not discuss the loss, or even her motivation for running in the first place, in interviews she later gave about her life. Nor did she release a statement. When asked by the *Raleigh News and Observer* if the Republican Party should have endorsed her in the primary she stated, “If

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<sup>54</sup> “Disavowing Newcomb,” *Winston-Salem Journal*, May 16, 1974.

<sup>55</sup> Wayne Woodlief, “Helms Won’t Endorse Newcomb Bid,” *Raleigh News and Observer*, May 13, 1974, Box 3, Folder 10, Alexander Collection.

<sup>56</sup> “GOP Leaders Shun Court Nominee,” *Raleigh News and Observer*, May 14, 1974, Box 3, Folder 10, Alexander Collection.

a person is clearly not qualified, if a person clearly cannot fill the job and if the party position is that they can't take sides, then I don't know what to say." Alexander declined to support Newcomb, but she also refused to state that race or gender were factors in her loss.<sup>57</sup> Perhaps Alexander did not want to ignite a controversy, or perhaps she was hurt by the loss and wanted to put the election in her past. For a woman who had achieved such professional success despite her race and gender, it could have been hard to admit she failed to clear these hurdles for the first time. Her law partner in the 1980s and 1990s stated Alexander never discussed the race, believing it was a difficult time for her.<sup>58</sup> Whatever her reason for not discussing the 1974 Supreme Court chief justice race, Judge Alexander resumed her judicial duties in Greensboro and quickly moved on with her life, although the loss was the start of a professional downturn.

The Democratic candidate, however, quickly turned her focus towards the general election. Susie Sharp, born July 7, 1907, was eleven years older than Judge Alexander. Unlike Alexander, Sharp grew up relatively poor in Rockingham County, North Carolina. Her father was a former teacher and lawyer in Reidsville, while her mother raised Susie and her siblings. In 1929, she was the only female in her class when she received her law degree from the University of North Carolina at Chapel Hill (UNC). After working for the law school at UNC and with her father in private practice, she was appointed by Governor Kerr Scott to the Superior Court Bench and in 1962, Governor Terry Sanford appointed her as an associate justice on the North Carolina Supreme Court. She was the

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<sup>57</sup> "GOP Leaders Shun Court Nominee," *Raleigh News and Observer*, May 14, 1974, Box 3, Folder 10, Alexander Collection.

<sup>58</sup> Donald Speckhard interview by Virginia L. Summey, July 29, 2011, notes in possession of the author.

first female to serve in both roles and was elected to the Supreme Court post in 1966.<sup>59</sup> With a legal career spanning more than forty years, Sharp was a recognizable figure to the voters of North Carolina.

Despite Sharp's name recognition, and the bad press Newcomb received, the salesman still felt he could translate his primary victory into a general election victory. Newcomb claimed that if elected to the high court, he would "depend on his own common sense, reference books, a knowledge of human nature, help from the other judges and God in making his decisions," on the bench.<sup>60</sup> Newcomb's lack of qualifications, however, continued to be well-publicized throughout the state. With no support from the Republican Party and no major endorsements, it had become virtually impossible for Newcomb to beat Justice Sharp.

In addition to Newcomb's handicaps, Sharp also had timing on her side. The general election was held three months after President Gerald Ford was sworn into office following the Watergate scandal, and many voters were briefly disillusioned with Ford's pardon of Nixon's possible crimes while in office. Nationally, Democrats made large gains in the United States House of Representatives and nominal gains in the United States Senate. In North Carolina, Democrat Robert Morgan defeated Republican William Stevens for a seat in the U.S. Senate, and Rufus Edmisten handedly beat Republican William Carson for the North Carolina Attorney General seat.<sup>61</sup>

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<sup>59</sup> Hays, *Without Precedent*, 302.

<sup>60</sup> Harry Stapleton, "Newcomb Sees Victory in N.C. Justice Race," *Greensboro Daily News*, May 13, 1974, B1.

<sup>61</sup> Tom Eamon, *The Making of a Southern Democracy: North Carolina Politics from Kerr Scott to Pat McCrory* (Chapel Hill: The University of North Carolina Press, 2014), 163.

Justice Sharp did not take any chances with her campaign though. North Carolina, as a whole, was still conservative when it came to cultural issues. The state had never elected a female to a major office.<sup>62</sup> She was afraid of straight-ticket voting on the part of Republicans and ran a hard campaign in an attempt to dispel voter ignorance and gender bias, which she saw as her real opponent.<sup>63</sup> Sharp made sure her candidacy and qualifications were advertised in newspapers and on television and radio across the state, and she used her extensive legal connections to ensure she had a campaign presence in all one hundred North Carolina counties.<sup>64</sup> On November 5, 1974, Justice Susie Sharp won 74 percent of the votes state-wide, making her the first female Supreme Court chief justice in North Carolina history, and the first popularly elected female state Supreme Court chief justice in the country. As Sharp biographer Anna Hays suggests, she could not stop every Republican from voting a straight ticket. Sharp could also not avoid the fact that some voters would prefer the name “Jim” over the name “Susie.”<sup>65</sup> The day after the election Judge Alexander sent Chief Justice-elect Sharp a telegram saying, “Congratulations to you and the voters of our state for their good judgment. Best Wishes, Elreta Melton Alexander.”<sup>66</sup> Justice Sharp obviously had the vote of the woman who should have been her opponent.

Justice Sharp spent the next six years pushing for the establishment of judicial standards in North Carolina. The 1974 Supreme Court chief justice race led to changes in

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<sup>62</sup> Christensen, *The Paradox of Tar Heel Politics*, 289.

<sup>63</sup> Hays, *Without Precedent*, 356–7.

<sup>64</sup> *Ibid.*, 353.

<sup>65</sup> *Ibid.*, 365–6.

<sup>66</sup> *Ibid.*, 508 [n. 163].

the way judges were selected in the state of North Carolina. Many in the state realized if a salesman with a high school degree would earn a quarter of a million votes in a mid-term election, he could have come much closer to winning had there been a presidential election and more straight-ticket voters coming to the polls.<sup>67</sup> In 1975, legislation was introduced for a constitutional amendment requiring judges to be licensed attorneys. The measure failed not only in 1975, but two other times, in 1977 and in 1979, despite Chief Justice Sharp's strong endorsement.<sup>68</sup> Finally, in 1980, the voters of North Carolina approved a constitutional amendment establishing that all justices and judges of state courts should be licensed attorneys before they could be elected or appointed to the bench.<sup>69</sup> Six years after the fiasco of the 1974 campaign, the law was changed to ensure that a judge with Elreta Alexander's qualifications would never lose to someone so blatantly unqualified as James Newcomb.

The following year, Judge Alexander tried to move on from the loss, but the use of a racial slur to describe her in 1975, was like salt on an open wound. During an oral argument before the United States Supreme Court on April 21, 1975, North Carolina's assistant attorney general, Jean A. Benoy, referred to Alexander as "Negress Judge."<sup>70</sup> In *Fowler v. North Carolina*, Benoy argued in defense of a North Carolina law making the death penalty mandatory for particular crimes. Benoy's racialized language led to a terse exchange with Justice Thurgood Marshall, the first African American to serve on the United States Supreme Court. Benoy stated that "there's not one aspect of racial

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<sup>67</sup> Hays, *Without Precedent*, 380.

<sup>68</sup> *Ibid.*, 381.

<sup>69</sup> *Ibid.*, 385.

<sup>70</sup> *Fowler v. North Carolina*, 428 US 904 (1976).

overtones in the system of justice in the State of North Carolina.” When Justice Marshall asked Benoy how many African Americans were in North Carolina’s judicial system, Benoy responded, “I believe there—I don’t know if the last Negress, there was a Negro woman who was a judge.” Thurgood Marshall was flabbergasted. “A neg-what?” he responded. Benoy repeated the term. “A Negress . . . A Negro woman who was a judge in Guilford County.” “You’re still using ‘Negress’ down there?” asked Marshall. “Well, Your Honor, I’m a Caucasian, and I see nothing wrong with using the word ‘Negro.’ That’s the name of a race of people.”<sup>71</sup>

The Benoy-Marshall exchange made national news, and Judge Alexander wasted no time issuing a response. The following day in traffic court Alexander stated that she was “disappointed and upset very much that a distinguished public official of this state would make such a statement, one that can be interpreted only by intelligent persons as a derogatory one.”<sup>72</sup> Other attorneys echoed Alexander’s disgust. Reginald L. Frazier, a prominent black attorney in New Bern, North Carolina, wrote Judge Alexander, saying, “Black lawyers in North Carolina have a long history of being politically impotent and inert. You and a few others who dared to struggle for power and recognition, should be publicly applauded, not castigated for being a ‘Nigger in Law.’ The pathetic reality, is that, Benoy might have felt it professional [sic] permissible to refer to you as a negress.”<sup>73</sup> Letters also came from Raleigh and Washington, D.C., praising Alexander

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<sup>71</sup> The full text of the Benoy/Marshall exchange can be found in Evan J. Mandery, *A Wild Justice: The Death and Resurrection of Capital Punishment in America* (New York: W.W. Norton and Company, 2013), 327–8.

<sup>72</sup> Bill Rhodes Weaver, “District Judge Finds ‘Negress’ Offensive,” *Greensboro Daily News*, April 24, 1975, B1.

<sup>73</sup> Correspondence from Reginald L. Frazier, April 30, 1975, Box 2, Folder 2, Alexander Collection.

for her handling of the situation. Even North Carolina Attorney General Rufus Edmisten said that he had “never been so embarrassed in my life.”<sup>74</sup> Jean Benoy, for his part, never apologized to Alexander.

While the powers-that-be in Raleigh might have failed to recognize Judge Alexander and her accomplishments, others throughout the country took note of her pioneering status. A made-for-television movie titled *Soul on the Bench* was in development with Hollywood producer Marian Rees.<sup>75</sup> While in negotiations with the American Broadcasting Company, however, issues over one of the writers permanently halted the project. The interest in Judge Alexander’s story highlights the recognition that her home state was slow to give her. The demise of the project was probably yet another blow to Judge Alexander, but once again, her personal life took center stage.

Issues with Elreta’s ex-husband Tony continued to dominate her personal life. Tony never completely recovered from the stabbing incident in Hawaii. While he was well enough to resume his duties as a doctor at L. Richardson Hospital, he was plagued by chronic ill health. Elreta attributed a large part of Tony’s health problems to the fact that Tony never gave up his womanizing and heavy drinking. Yet even after the divorce, she remained the person he went to for friendship and emotional support.<sup>76</sup>

The beginning of Tony’s demise came in late July of 1975. After making his morning rounds, he complained that he felt faint. He started to drive home, when he fell unconscious before even leaving the hospital parking lot. His car drifted into a ditch, and

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<sup>74</sup> Conversation with Rufus Edmisten, April 26, 2017.

<sup>75</sup> Correspondence with Marian Rees, September 8, 1975, Box 2, Folder 2, Alexander Collection.

<sup>76</sup> Alexander Interview, January 22, 1978, Box 5, Folder 15, Alexander Collection.

he was “completely deranged” by the time the police arrived. When Elreta arrived at the hospital from trial in High Point, she found Tony in a hospital bed smoking a cigarette. Doctors thought he might have had a heart attack, along with a significant blow to the head from the car accident. Immediately after the car accident, he was in and out of delirious states. After further examination, they found two blood clots on Tony’s brain. He recovered, but in August of 1976 another blood clot was discovered in his leg.<sup>77</sup>

Elreta still felt that Tony needed to address his alcoholism as the basis of his ongoing health issues. In consultation with Greensboro psychiatrist Dr. Raouf Badawi, Elreta got Tony into the Menninger Clinic in Topeka, Kansas, to treat his physical and psychological needs. At Menninger, however, doctors discovered that the blood clots on Tony’s brain had returned, and they needed to perform surgery quickly. By the time Elreta and Girardeau arrived, doctors had discovered two additional blood clots in Tony’s lungs and needed to clear those before they could operate. After the doctors suggested that Tony be airlifted back to Greensboro, Elreta informed Tony as to what was going on. Tony told her, “You can’t do me any good. . . . Don’t you think I know what’s wrong with me? Go ahead and take care of Girardeau. We’ve been through so much.” Elreta was not going to give up on her first love though.<sup>78</sup>

When the Alexanders arrived back in Greensboro, Tony’s condition suddenly improved. He was more lucid and began eating on his own again. Doctors at L. Richardson Hospital were hesitant to operate. Elreta called the Menninger Clinic to

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<sup>77</sup> Alexander Interview, January 22, 1978, Box 5, Folder 15, Alexander Collection.

<sup>78</sup> *Ibid.*

inform the doctors there of the situation. They informed her that lucidity often comes before death and that Tony needed to be operated on immediately. She had Tony transferred to Cone Hospital, which was now integrated, where he fell into a coma after his surgery. For six weeks Tony was in and out of consciousness, and Elreta was informed that he would never fully recover. She then had him transferred to a long-term care facility, where he died less than a day later, on November 17, 1976.<sup>79</sup>

Elreta oversaw all the preparations for Tony's funeral, which in true Alexander fashion, was an over-the-top affair. Elreta dressed Tony in his surgical garb, stethoscope in hand. She knew that "all he really cared about in life was his medicine. And despite all that was wrong with him, he never made a mistake in his medicine." For twenty-four hours before the private funeral, Elreta had Tony lie in state, where reportedly more than ten thousand people came to see him.<sup>80</sup> Even Tony's death, however, was not free of drama. Elreta alleged that the Greensboro Funeral Home in charge of the arrangements broke Tony's legs to fit him inside a regular coffin but charged her for an oversized coffin. Tony stood at about 6'4". After the burial, Elreta was so convinced that the funeral home had defrauded her that she had her former associate, Jerry Pell, oversee the exhumation of the body only to find out that, indeed, the funeral home had used an oversized coffin.<sup>81</sup> Perhaps the focus on her political race over the past two years made Judge Alexander paranoid that her skin color negatively impacted other areas in her life.

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<sup>79</sup> Alexander Interview, January 22, 1978, Box 5, Folder 15, Alexander Collection.

<sup>80</sup> *Ibid.*

<sup>81</sup> Conversation with Gerald Pell, May 29, 2014, notes in possession of the author.

The dispute with the funeral home was one of the first signs of the increasing turmoil affecting her personal and professional lives.

In the midst of Tony's illness and subsequent death, however, Judge Alexander managed to win reelection to the district court. By May of 1976, Alexander had already announced her plan to seek reelection. Still running as a Republican, and with no Democratic opposition, she easily retained her judgeship with minimal hassle.<sup>82</sup> But also during this trying time Judge Alexander faced perhaps her most significant career controversy. On August 23, 1976, William Raulston, twenty-one, was arrested and charged with felony possession of marijuana. Raulston was a young white man from Jamestown, North Carolina, just southeast of Greensboro. After his arrest, a preliminary hearing was scheduled for October 1976, with Judge Alexander presiding, but the case was continued. In December of that year, the case landed on one of Judge Alexander's Judgment Days. Alexander handed down sentences on Judgment Days for cases in which a plea was accepted or a preliminary hearing had been held. Neither had occurred in the Raulston case. Additionally, because it was a felony case, a district court judge could not legally pass a sentence in the case. In March 1977, the grand jury returned bills of indictment against Raulston while the case was still pending on Judge Alexander's docket. In April, copies of the indictment were placed on the district court calendar, as

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<sup>82</sup> Joe McNulty, "Ten Democrats Competing for Seats on Bench," *Greensboro Daily News*, August 1, 1976, D2.

opposed to the superior court docket as was customary when a true bill of indictment was returned.<sup>83</sup> What started as a fairly simple error became a major controversy.

The complicated case involved many actors, however, Judge Alexander became the focus of potential judicial misconduct. On April 25, 1977, assistant district attorney Joseph Williams signed a bill of information, an indictment waiver, in which Raulston acknowledged the felony charges against him. Accompanying the waiver was a transcript of a plea bargain agreement. However, it was not valid because the felony indictments had not been remanded to the district court by the superior court. Nevertheless, the plea was signed by Donna Amos, the deputy clerk of court in High Point. In May 1977, after the Raulston case had appeared on Judge Alexander's calendar three previous times, she sentenced Raulston to fifty hours of volunteer work. The following week Judge Alexander requested the Raulston files for review, met with District Attorney Ray Alexander, and ordered the documents be incorporated with the Superior Court files on the case, determining that she passed judgment on felonies that belonged in Superior Court. The case then went to superior court to Judge Thomas Seay. Raulston's attorney, Arch Schoch, requested that Alexander's verdict stand, as a retrial would constitute double jeopardy.<sup>84</sup> For the next several months confusion over the validity of the bills of indictment and Judge Alexander's role in the matter made local headlines.

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<sup>83</sup> Rick Stewart, "Judges Want Subpoenas Dismissed Against Them," *The Greensboro Record*, September 26, 1977, B1; Stan Swofford, "Hopscotch Pot Case Probe Set," *Greensboro Daily News*, September 3, 1977, B1.

<sup>84</sup> *Ibid.*

Perhaps Alexander's biggest mistake was failing to check on whether or not the bills of indictment had been dismissed. In September 1977, Superior Court Judge Thomas Seay subpoenaed Judge Alexander and Joseph Williams, at that time also a district court judge, to appear and testify about their handling of the Raulston case. Alexander and Williams filed motions to dismiss the subpoenas. In her motion, Alexander carefully detailed her handling of the case, acknowledging that after she became aware of the situation she agreed the case should be in Superior Court. She said, "When did it become improper for a judge to correct an error?" In her motion, Alexander also stated that "this unprecedented procedure was probably inspired by the clerk of this court, J.P. Shore, and his administrative assistant, Mrs. Betty Withers."<sup>85</sup>

Joseph "J.P." Shore, clerk of the Superior Court of Guilford County, and Elreta Alexander had long had a contentious relationship. Alexander recalled that early in her career Superior Court judges were harder on her, and that other judges and attorneys would snicker when she walked in the courtroom. Shore, the clerk of the Superior Court, apparently fell in line. According to Alexander, Shore did not like her but tolerated another male black attorney "because he Uncle Tommed."<sup>86</sup> Shore, born in 1911, grew up in a time when Jim Crow notions of racial etiquette required black deference to whites. He was a member of the Democratic Party when the party still promoted racial segregation. Shore was first sworn in as a deputy clerk in the Superior Court in 1932, over a decade before Alexander made history as the first African-American woman to

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<sup>85</sup> Rick Stewart, "Judges Want Subpoenas Dismissed Against Them," *The Greensboro Record*, September 26, 1977, B1; Stan Swofford, "Judges Say Subpoenas Mock Justice," *Greensboro Daily News*, September 27, 1977, A1.

<sup>86</sup> Alexander Interview, July 13, 1977, Box 5, Folder 11, Alexander Papers.

practice law in North Carolina.<sup>87</sup> Alexander also had run-ins with Shore's assistant, Betty Withers. During the Yoes trial, when Alexander filed the appeal, Withers questioned if Alexander had served it to the district attorney. Alexander was astounded that "Betty has an 8th grade education, but she's giving me lessons in the law."<sup>88</sup> Animosity between Shore and Alexander ran deep.

After Alexander and Joseph Williams filed their motions to quash the subpoenas, Judge Seay denied them. In October 1977, Judge Alexander was placed under investigation by the North Carolina Judicial Standards Commission after someone lodged a confidential complaint against her. Not taking any chances with her career, Alexander drove to Massachusetts and to the home of noted trial lawyer F. Lee Bailey. At the time, Bailey's most recent high-profile client was newspaper heiress Patricia Hearst.<sup>89</sup> Bailey agreed to represent Alexander, sensing that Shore wanted to get rid of her. He said that he found Alexander to be courageous, articulate, and someone who "didn't buckle under" to threats. Alexander's retention of Bailey as counsel made news in Greensboro and sent a message "not to fool" with the Judge, as "It'll be expensive."<sup>90</sup>

At the end of November, the North Carolina Judicial Standards Commission cleared Judge Alexander of any wrongdoing. The whole experience, however, left Alexander bitter. She refused to talk at length to the local newspaper, the *Greensboro Record*, saying only, "You people have done nothing but lied, lied, lied . . . You haven't

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<sup>87</sup> "Joseph P. Shore is Sworn in as Clerk Here," *Greensboro Daily News*, December 2, 1932, 18.

<sup>88</sup> Alexander Interview, November 6, 1977, Box 5, Folder 13, Alexander Papers.

<sup>89</sup> Rick Stewart and Rosemary Yardley, "Judge Facing State Scrutiny?" *The Greensboro Record*, October 21, 1977, A1.

<sup>90</sup> Conversation with F. Lee Bailey, March 14, 2017, notes in possession of the author.

wanted to do anything but look at records and make up lies. So don't call me anymore."<sup>91</sup> She spoke more at length with the *High Point Enterprise* though. The *Enterprise* reported Alexander was concerned with the way her involvement in the case was handled. She claimed her phone had been tapped, and that mail was stolen from her mailbox. She also stated that she had heard from a reliable source that State Bureau of Investigation agents wanted to "get Judge Alexander at any cost," and that "she wouldn't be around much longer." Her appeal to North Carolina Attorney General, Rufus Edmisten, for an investigation went nowhere, as the Attorney General's Office stated her claims were unfounded.<sup>92</sup>

The previous five years had been difficult for Alexander. From not receiving the nomination for middle court judge in 1972, to her loss in the North Carolina Supreme Court Republican primary in 1974, to the "Negress" comment in 1975, to Tony's death in 1976, and eventually the Raulston affair, Alexander was no longer making headlines for breaking down barriers. Alexander rarely discussed the truly painful events in her life. While she was open about her tumultuous relationship with Tony, she never discussed the death of her parents, the 1974 loss, or the Raulston affair in any depth. Although she claimed that she never set out to change the legal system in North Carolina, she took tremendous pride in her accomplishments and obviously felt deeply the recent career controversies.

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<sup>91</sup> Rick Stewart, "Alexander Says Judicial Panel Has Cleared Her," *The Greensboro Record*, December 1, 1977, Box 3, Folder 13, Alexander Collection.

<sup>92</sup> John Lowe, "Judge Claims Exoneration in Raulston Trial Incident," *High Point Enterprise*, November 30, 1977, Box 3, Folder 13, Alexander Collection.

There are strong links between racism and heightened trauma. Many of Judge Alexander's professional setbacks during the 1970s were laden with racial overtones. Psychology Professor Robert T. Carter states, "Most forms of racism constitute assaults on one's sense of self and do so in ways that heighten tension within and between its targets . . . being vigilant, or relying on 'cultural paranoia,' may help potential targets to prepare for a racial affront."<sup>93</sup> Even though Alexander was raised to subscribe to a system of meritocracy, from her first day at Columbia Law School to her 1974 loss, race was central to how society viewed Alexander, even if it was not central to how she viewed herself. The setbacks of the 1970s possibly altered Alexander's self-perception, as she deeply felt the racial injustices that contributed to her setbacks during these years.

Controversy resurfaced again in May of 1978, when her old feud with Guilford County Clerk of Superior Court Joseph Shore made headlines again. In open court Alexander criticized several lawyers, calling them "weak-kneed" for signing Shore's campaign advertisement and told them she no longer considered those attorneys friends. The incident was another dark moment in what had been an admired and revered career. *The Greensboro Record* opined that "Judge Alexander is entitled to her political views, even political grudges. As one of the nation's first black female lawyers, to say nothing of her pioneering as a black female judge, she has struggled much, and her feud with Mr. Shore has been one of long standing, carrying bitter racial overtones. But she should never let partisan political prejudices . . . intrude into her conduct on the bench."<sup>94</sup>

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<sup>93</sup> Robert T. Carter, "Racism and Psychological and Emotional Injury: Recognizing and Assessing Race-Based Traumatic Stress," *The Counseling Psychologist* 35, no. 1 (January 2007): 13–105.

<sup>94</sup> "Courtroom Politics," *The Greensboro Record*, May 4, 1978, A12.

Despite Judge Alexander's atypical behavior, she was still recommended to the Carter Administration for a slot on the Fourth Circuit Court of Appeals after she submitted an application to the selection committee. Her resume listed her numerous awards, community boards she served on, and the many "firsts" in her distinguished career. There is no evidence, however, that Judge Alexander was seriously considered for the position.<sup>95</sup> Alexander stated that she was never contacted by the selection committee, and that out of the fourteen candidates considered, she was the only one not to receive an interview. The head of the North Carolina Association of Black Lawyers, Michael Lee, requested a more balanced list of nominees, which was supported by the Judicial Selection Project. There were no women and only one other African American considered. Again, not wanting to address her race and gender, Alexander stated that she "doesn't have the slightest idea why she wasn't interviewed and added she isn't going to worry about it."<sup>96</sup> Despite another career rejection, Alexander's spirit appeared renewed, as career accolades and romance returned to her life.

Even if she no longer made headlines for her career successes, her personality and legendary status in the Greensboro community was still recognized. In 1979, local newspapers still covered her story from minister's daughter to ground-breaking legal scholar. Throughout the years she kept her trademarks that made her a well-recognized and beloved figure in the community. Her attire and personality remained a source of

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<sup>95</sup> Papers of Louis Martin, Jimmy Carter Presidential Library and Museum, A Guide to the Microfilm Edition of Civil Rights During the Carter Administration, 1977–1981, Part 1: Papers of the Special Assistant for Black Affairs, Section B, Reel 14, 0637, Box 49, Judgeships [2], 1978–1979. [http://cisupa.proquest.com/ksc\\_assets/catalog/102655.pdf](http://cisupa.proquest.com/ksc_assets/catalog/102655.pdf).

<sup>96</sup> Rick Stewart, "Appeals Court List Could Change," *The Greensboro Record*, March 7, 1979, B2.

public interest. As she walked down the hallways of the Guilford County Courthouse, she spoke with county employees she had known for years. She would often stop to chat saying, “Hello darlin’, when did you get new glasses?” Or, “Your hair sure looks nice today, sweetheart. How’d you learn to fix it that way?” As she personified the role of southern lady, Greensboro did not forget the obstacles she overcame to achieve her position. “I belong to the people,” she would say, “The people love me.” Continued interest in Alexander’s life also gave her a chance to reflect on her life and career, including her continued adoration of her father, J.C. Melton, the death of her best friend, Katharine Tynes, when she was fifteen, and her first marriage to Dr. Tony Alexander, which she described as a “traumatic 30 years.” She also began to gush over her new love, who she described as a man of “dignity and a wonderful sense of humor.”<sup>97</sup>

On August 22, 1979, Judge Elreta Melton Alexander became Judge Elreta Alexander-Ralston, after marrying John D. Ralston, a white, retired Internal Revenue Service Officer ten years her senior. At the time of the wedding Alexander was sixty, while the groom was seventy. The wedding was at Guilford Park Presbyterian Church, where Ralston was an elder. At the time, interracial marriage in North Carolina, while legal, was not typical. Judge Alexander addressed the issue directly, saying, “I have to love everybody because I’m visibly kin to them all . . . My name is Melton and I am the melting pot that America represents. I was the American Indian, and I represent the European who came and took my lands and ran me into the hills, I was the African who

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<sup>97</sup> Greta Tilley, “Judge Alexander at 60: Certain of Who She Is, Why She’s Here,” *The Greensboro Record*, August 20, 1979, A1.

tilled the soil, and probably I am a little Asiatic, if my father told the truth in the cool of the evening.” The race issue was “never a big deal to us,” she stated. She said Ralston made her happier than she ever thought she could be, and added that their marriage was simply “two old people who get along and chose to spend their last years together.”<sup>98</sup>

While Alexander claimed the race issue was not important, her marriage to a white man made news and made a statement about her racial progressiveness.

After her marriage, she continued with her judgeship duties. On October 15, 1979, Judge Alexander-Ralston announced she would seek re-election to her seat on the state district court, stating she would “rely on her record over the past 11 years as a judge.”<sup>99</sup> Shortly after her campaign announcement, on November 3, 1979, Greensboro, North Carolina, found itself in the national spotlight. On that morning, the Communist Workers Party (CWP) held a “Death to the Klan” march. Although four Greensboro police officers were assigned to protect the marchers, they were several blocks away when members of the Ku Klux Klan (KKK) and the American Nazi Party (ANP) arrived. CWP marchers banged on the cars of Klan members and a confrontation ensued, resulting in the shooting deaths of five CWP members.<sup>100</sup> Judge Alexander-Ralston found herself a part of the ensuing legal proceedings.

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<sup>98</sup> Tilley, A1.

<sup>99</sup> “Judge Alexander-Ralston Announces Re-Election Bid,” *Greensboro Daily News*, October 16, 1979, B1.

<sup>100</sup> Four CWP members died at the scene, and a fifth died two days later of his injuries. There are several accounts of what occurred the morning of November 3, 1979. See Sally A. Bermanzohn, *Through Survivor’s Eyes: From the Sixties to the Greensboro Massacre* (Nashville: Vanderbilt University Press, 2003), for a CWP description. There are also detailed descriptions in the *Greensboro Daily News* coverage of the event, starting with Jack Scism, “Four Die in Klan-Leftist Shootout,” *Greensboro Daily News*, November 4, 1979, A1.

The event that became known as the “Greensboro Massacre” elicited strong feelings regarding race and class in the community. Compared to many others in the court system, Alexander-Ralston displayed fairness, and perhaps a bit of sympathy, to the CWP workers who appeared before her. On July 31, 1980, the widows of two of the victims, Signe Waller and Dale Sampson, were arrested for disrupting a Greensboro City Council meeting, accusing the city of not doing enough to prevent the death of their husbands and expressing frustration over city leaders’ praise of the Greensboro Police Department. Then, on August 6, 1980, CWP leader Nelson Johnson was arrested and charged with contempt of court for disturbing a hearing regarding his bail on riot charges stemming from the November 3, 1979, shooting, for which he was sentenced to twenty days in jail. Johnson was then released into his attorney’s custody pending appeal and a promise to not disrupt any more public meetings. District Attorney Michael Schlosser argued that Johnson’s bail should be raised from \$15,000 to \$100,000, where it was set. After his bond was raised, Johnson was then arrested again for assaulting an officer with his elbow when he was taken from the courtroom. Judge Alexander-Ralston obviously disagreed with the exorbitant bond, as the next morning, on August 7, she reduced Johnson’s bond to \$200, citing the fact that he had never hurt anyone or disrupted her courtroom. Alexander-Ralston had known Johnson since his days as a student at North Carolina A&T University in the late 1960s and said she was confident Johnson would appear in court. On September 26, Alexander-Ralston found Johnson not guilty of assaulting a police officer. Then, on October 6, she found Waller and Sampson guilty of disrupting the city council meeting on July 31 but postponed their sentencing for sixty

days and ordered the women not to disrupt any more public meetings during that time. In December of that year another judge fined the women \$25 each plus court costs.<sup>101</sup> The hearings around the Greensboro Massacre, however, would be some of the last she would hear as a district court judge.

On January 16, 1981, Judge Elreta Alexander-Ralston announced that she planned to retire from the bench. Not yet sixty-two, she sent her notice to North Carolina Governor Jim Hunt that she planned to retire effective April 1, 1981, eight years before state law would require her retirement. The news came as a shock to many colleagues and court officials. As she was known to do during her Judgment Day sentencing, Alexander-Ralston quoted the Bible in her statement, saying, “To everything there is a season, and a time to every purpose under the heaven: a time to be born and a time to die; a time to plant, and a time to pluck up that which is planted.”<sup>102</sup> Alexander-Ralston said that she wanted to travel, write a book, spend time with her husband, and return to private practice. Governor Hunt accepted her resignation and noted that, “Judge Alexander-Ralston has served with great distinction on the District Court bench. She has been an unfailing advocate of fairness, firmness and compassion. On behalf of the people, I congratulate her on a great career and wish her well in retirement.” Alexander-Ralston

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<sup>101</sup> Lindsey Gruson, “CWP Chief Wins Two, Loses One,” *Greensboro Daily News*, August 8, 1980, D1; “CWP Leader is Acquitted,” *Greensboro Daily News*, Saturday, September 27, 1980, A14; Winston Cavin, “Judge Delays Sentencing,” *Greensboro Daily News*, October 7, 1980; “Two Fined for Council Disruption,” *Greensboro Daily News*, December 5, 1980, B4; Signe Waller, *Love and Revolution: A Political Memoir: People’s History of the Greensboro Massacre, Its Setting and Aftermath* (Lanham: Rowman & Littlefield Publishers, Inc., 2002), 319.

<sup>102</sup> Ecclesiastes 3:1-2, King James Version.

stated that she would miss the bench, but true to form, also noted that “she wouldn’t look back.”<sup>103</sup>

For an individual who had experienced so much turmoil in her life, Alexander-Ralston knew how to not look back. But that did not stop the local newspapers, who opined on Alexander-Ralston’s remarkable career. She was praised for her innovative style, including the Judgment Day program, which had been discontinued. Her departure from the bench, however, did not signal her departure from the legal profession. In 1981, Judge Alexander-Ralston, along with Donald Speckhard, Donald’s brother Stanley, and Alexander-Ralston’s former law partners Jim and Jerry Pell, formed their own law firm.<sup>104</sup> Back in private practice, Alexander-Ralston prioritized domestic cases, rarely turning anyone down. According to Donald Speckhard, “She didn’t get paid a lot of times . . . she sort of was a crusader. That is to say, from the standpoint that the millionaire and pauper should have the same type of representation and she provided that.”<sup>105</sup> At her law firm Alexander-Ralston’s colleagues would witness her personal highs and lows in the last years of her life, particularly concerning her son, Girardeau, and the death of her second husband, John Ralston, in October of 1983.

Leaving the bench did not dampen public curiosity concerning Alexander-Ralston. The local newspaper continued to run stories updating the community on the comings and goings of the former judge. When asked what she was up to with her free

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<sup>103</sup> Rick Stewart and Greta Tilley, “Judge Alexander-Ralston Planning to Retire April 1,” *The Greensboro Record*, January 16, 1981, A1.

<sup>104</sup> Speckhard Interview. The law firm created by the Speckhards and Alexander is still named Alexander-Ralston, Speckhard and Speckhard, nineteen years after Alexander-Ralston’s death.

<sup>105</sup> Speckhard Interview.

time, Alexander-Ralston said, “I ain’t up to *nothin.*” She enjoyed watching *Jeopardy!* “because it reminds her how dumb she is,” and frequently turned down interview requests because there are “plenty of other idiots to write about.” She mulled writing an autobiography and Margaret Avery, the Academy Award-winning actress from *The Color Purple*, expressed interest in making a movie based on Alexander-Ralston’s life. Ultimately, neither the autobiography nor the movie materialized. Stories about Alexander also touched on the some of the difficulties of the 1970s, including missing out on the 1972 Nixon appointment and the 1974 Supreme Court loss.<sup>106</sup> But the continued interest affirmed Alexander-Ralston’s status as a pioneering attorney and judge, even if institutional barriers prevented her from reaching certain heights.

Through her own hard work and determination, Elreta Alexander-Ralston achieved a level of success that could hardly be dreamed of at the time of her birth in 1919. Although blessed with the privileges of a middle-class upbringing and extraordinary intelligence, overcoming the hurdles of race and gender in the mid-twentieth century South was no small feat. But the professional and societal structures she encountered outside the courtroom would not allow her to ascend to the professional level she sought. In the 1970s, and then in private practice in the 1980s, Alexander-Ralston called out injustices when she saw them in the chambers of the United States Supreme Court, or in the domestic cases she took on after leaving the bench. And as the continuing interest in her proved, nothing could stop the admiration that many in the Greensboro community had for Judge Elreta Alexander-Ralston.

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<sup>106</sup> Andy Duncan, “Judge A,” *The Greensboro News and Record*, May 22, 1988, G1.

Those who did not initially love her as a jurist grew to love her as a person. Her law partner, Donald Speckhard, was one of those people. “She wasn’t my favorite judge,” he said. As a young attorney appearing before Judge Alexander in 1970, Speckhard represented a man in a divorce case when it was revealed he had given some of his high school students champagne. Stemming from personal experience, there were two things Judge Alexander did not like: husbands and minors drinking alcohol. “I felt she was picking on me and maybe she was,” Speckhard later said, “but if you represent the husband, for heaven’s sake, don’t get Judge A!”<sup>107</sup> As the years went on, however, Donald Speckhard and Elreta Alexander became friends.

Aside from her legal career, Girardeau Alexander was the central focus in Elreta’s life. Her attention increased after his schizophrenia became apparent in the mid-1960s. Judge Alexander spent much of her free time researching schools and treatment plans for Girardeau. She sent him to the best boarding schools and pampered him endlessly. “If you’re taken to school in a limousine, I don’t know if that’s normal or not,” Donald Speckhard later said. The coddling Girardeau received by his mother, however, went beyond what was healthy. “Girardeau was physically abusive. You could tell where he had hit her. But she would never, in a million years, do anything about, in other words, taking out a warrant against him, calling the police department, calling the sheriff. She just grinned and bore it. Her mothering instinct as far as Girardeau was concerned was above and beyond the call of duty in my opinion,” said Speckhard.<sup>108</sup> Ironically

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<sup>107</sup> Speckhard interview.

<sup>108</sup> *Ibid.*

Girardeau, who had a turbulent relationship with his father, reenacted Dr. Alexander's abuse. As with her first husband, Alexander allowed the abuse to continue.

By the 1980s Girardeau's violent outbursts were well-known outside of the Alexander household. One minute he would smile at strangers, the next he would explode. Girardeau's outbursts happened everywhere from the ice cream shop to the Woolworth's lunch counter in downtown Greensboro. Alexander tried to appease her son, buying him a small house where a series of caretakers would watch him. Over time one of those caretakers, Eula Mae Rankin, became increasingly concerned and weary of Girardeau.<sup>109</sup>

Despite Judge Alexander's best efforts to keep her son happy, in October of 1990, Girardeau stabbed Rankin to death while his mother was out of town. There was no trial as Girardeau was declared mentally unfit for trial and was placed in a state mental hospital. In 1994, Superior Court Judge Catherine Eagles deemed Girardeau mentally competent to stand trial. He pled guilty to second degree murder and was sentenced to fifteen years in prison for the murder. Worried he would not receive the continued proper treatment in prison, Judge Alexander sat alone in the snack room of the Guilford County Courthouse. As her eyes filled with tears, she said, "I wasn't pleased . . . but it'll work itself out, I guess." According to Donald Speckhard, Girardeau did not end up in prison but in a group home in Burlington, North Carolina, where he lived until he died.<sup>110</sup>

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<sup>109</sup> Jim Schlosser and Virginia Demaree, "Patients' Violence Hard to Predict," *Greensboro News & Record*, October 13, 1990.

<sup>110</sup> Jim Schlosser, "Ex-Judge's Son Charged in Death," *Greensboro News & Record*, October 8, 1990; Anubha Anand, "For Killing His Caretaker, Mentally Ill Man Guilty of Murder," *Greensboro News & Record*, June 15, 1994, BH2; Anubha Anand, "Mentally Ill Man Sent to Prison," *Greensboro News and Record*, June 13, 1994; Speckhard Interview.



Figure 6. Elreta Alexander Ralston in Retirement. Courtesy of the *Carolina Peacemaker*.

The stress of Girardeau's ordeal took its toll on Judge Alexander's health. "Her health was not very good for the last five years, although she was at the office most of the time," said Donald Speckhard. "I think she was worn out. That's just the way I felt. Because we would go see her and you could tell that she was declining as time went on. She still maintained her dignity and demeanor and everything else, but the lifetime episodes with Girardeau I'm sure couldn't have helped."<sup>111</sup> In 1993 Alexander suffered a heart attack while defending a client in court. The heart attack left her dependent on a

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<sup>111</sup> Speckhard Interview.

cane to walk. She called old age an “inconvenience” and continued to work another two years.<sup>112</sup>

Upon her retirement in 1995 at age seventy-six, her portrait was displayed in room 2A of the Guilford County Courthouse. “I am overwhelmed and nervous by all the accolades,” she said. “But I think I deserve most of them!” In a newspaper article about her retirement in 1995, colleagues recalled the Judgment Day program, being a partner in the South’s first integrated law firm, and being the first African-American woman to argue a case before the North Carolina Supreme Court.<sup>113</sup> But it was her outgoing personality and commitment to serving the people that her colleagues most remembered.

Judge Elreta Melton Alexander Ralston died on Saturday, March 14, 1998, just short of her seventy-ninth birthday. She requested there be no funeral, and her ashes were buried in a small grove behind a nursing home in Greensboro.<sup>114</sup> As he reflected on his personal and professional relationship with Judge Alexander, Donald Speckhard stated, “She pioneered doing what she wanted to do and she wasn’t doing it because she wanted to be the first black person to do this or do that or be remembered in that vein only. She believed in what she did and she certainly caused a lot of changes in Guilford County just by being who she was.”<sup>115</sup> Fellow attorneys remembered her as a brilliant legal scholar and as a tough, but fair, judge. Her long obituary in the *Greensboro News and Record* declared, “Her influence will be felt for years” and predicted that even

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<sup>112</sup> Anita McDivitt, “Pioneer ‘Judge A’ retires from law,” *Greensboro News & Record*, July 8, 1995, B1.

<sup>113</sup> *Ibid.*

<sup>114</sup> Speckhard Interview.

<sup>115</sup> *Ibid.*

without her accomplishments she would be remembered for her forceful and outgoing personality.<sup>116</sup>

The tumultuous final years of her life did not define the legacy of Elreta Alexander. With Girardeau's legal troubles weighing heavily on her, Alexander's story does not have a happy ending that reflects her accomplished and extraordinary life. Yet in Greensboro, North Carolina, those who remember her today do not immediately recall her last few years. For those who lived through the arch of her career, they remember a headstrong and outspoken member of the community. Some recall her wardrobe and her chauffeur-driven car. Others remember her ministerial style of dispensing justice. And whether or not they immediately identify her as a civil rights pioneer, the mention of Judge Elreta Alexander often brings a smile to the face of those whom she impacted.<sup>117</sup> It is now time for others outside of Greensboro to remember the life of "Judge A."

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<sup>116</sup> Schlosser, "'Judge A' Paved Way—With Style," A1.

<sup>117</sup> Anecdotal evidence not based on formal interviews, but rather informal conversations with various community members.

## CHAPTER VII

### CONCLUSION: REMEMBERING “JUDGE A”

Almost twenty years after her death, it is time to acknowledge Elreta Alexander’s impact on Guilford County, North Carolina, and to some extent the rest of the country. Currently, there are few visible reminders of Elreta Alexander. Her face is included in a mural at the downtown Greensboro Public Library, and there is a small plaque and picture at the Greensboro Historical Museum. Her portrait hangs in courtroom 2A of the Guilford County Courthouse, even though her former law partner Donald Speckhard says it does not look like her.<sup>1</sup> She is mentioned on a website belonging to Columbia Law School, but Alexander’s status as the first black woman to graduate is often overshadowed by the accomplishments of the second black woman to graduate—Constance Baker Motley.<sup>2</sup> The spaces she integrated bear no reminder of her. The Southeastern Building in downtown Greensboro, where Alexander was a part of the first integrated law firm in the South, is now a building of luxury apartments. Her home in Starmount Forest is now a residential health care facility for individuals with developmental disabilities. Young adults or newcomers to Greensboro, North Carolina, are unaware of Elreta Alexander.

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<sup>1</sup> Donald Speckhard, Interview by Virginia L. Summey, July 29, 2011, notes in possession of the author.

<sup>2</sup> “The History of Columbia Law School,” <http://www.law.columbia.edu/admissions/jd/learn/history>. Accessed August 8, 2017.

There are also no living Alexander descendants or family who can tell her story. Her older sister, Etta, had no children. Her older brother, Judson, moved to Mississippi before his sister's death, and any descendants were not a part of their aunt's life. And in a sad twist to an already tragic story, her only son, Girardeau, died in 2003 at the age of fifty-two.<sup>3</sup> He died just over five years after his mother, who ultimately was unable to stop her son's mental illness from taking over his life. Elreta Alexander lives on, however, in the memories of her contemporaries.

Those in the legal community remember Alexander as an exceptional jurist. Justice Henry Frye noted that he did not know anybody who could cross examine a witness like Elreta, and that nobody challenged her unless they absolutely knew she was wrong.<sup>4</sup> Her former law partner, Jerry Pell, said she had the "courage of her conviction," and that her legal philosophy could be found in her Judgment Day program. She actively encouraged young black defendants to get an education, knowing that prison and fines do not help reform young offenders. Instead, "she had kids in the emergency room mopping up blood."<sup>5</sup> Deferred prosecution, as pioneered in Alexander's Judgment Day program, is now in state statutes around the country. She also lives on in the lives she changed with the Judgment Day program. Many juveniles who went through the program became ministers, attorneys, and business professionals because one daring judge gave them a second chance.

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<sup>3</sup> North Carolina, Death Indexes, 1908–2004.

<sup>4</sup> "African-American Female Pioneers in Search of Justice and Equality," 1990. Produced by the North Carolina Association of Black Lawyers, Video Cassette, North Carolina Collection, Wilson Library, The University of North Carolina at Chapel Hill.

<sup>5</sup> Conversation with Gerald Pell, May 29, 2014, Notes in possession of the author.

Not only is she remembered as an exceptional jurist, but also because of Elreta Alexander, a new generation of black, female attorneys could reach the same professional heights and higher. In 1980, Karen (Galloway) Bethea Shields was elected the first African-American female judge from Durham County, North Carolina. Although she never personally met Judge Alexander, Bethea Shields counts her among her inspirations, stating that Alexander made the path easier for her.<sup>6</sup> And though Alexander lost her 1974 race for Supreme Court Chief Justice, a black woman was finally elected to the high court. In 2006, Governor Mike Easley appointed Patricia Timmons-Goodson to the North Carolina Supreme Court, and she was then elected by the voters of North Carolina in November 2006, where she served until 2012. Timmons-Goodson is another jurist who credits Alexander with blazing a trail others could follow. She once stated, “We owe [Alexander] a debt of gratitude for opening doors that had been closed to a significant segment of our community.”<sup>7</sup>

Even on a state and national level, black women have reached career status unimaginable during the height of Alexander’s career. In 1991 Eva Clayton became the first African-American woman to represent a North Carolina district in the United States House of Representatives and the first African-American elected to Congress from North Carolina since 1901.<sup>8</sup> In 2007 Yvonne Johnson became the first African-American mayor of the City of Greensboro. And on November 8, 2014, President Barack Obama nominated Loretta Lynch to fill the role of United States Attorney General. Lynch, a

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<sup>6</sup> Conversation with Karen Bethea Shields, May 26, 2017, Notes in possession of the author.

<sup>7</sup> Timmons-Goodson’s remarks to the Greensboro Bar Association, February 17, 2011.

<sup>8</sup> “Clayton, Eva M.” History, Art, and Archives: United States House of Representatives, <http://history.house.gov/People/Detail/11065>, accessed August 14, 2017.

Greensboro, North Carolina, native, is the first African-American woman to serve in that role. All of these women undoubtedly journeyed down a long path to reach their groundbreaking positions. But having Elreta Alexander come before them meant one less barrier to overcome.

Alexander cleared those barriers at a time when a woman, let alone a black woman, was not expected to reach such professional heights. In doing so, just because of her series of “firsts,” Alexander deserves credit as a pioneering woman and African American. But it is how she approached her career and what she accomplished after those series of “firsts” that make her a civil rights pioneer. In some ways, Elreta Alexander did not work towards any specific agenda, except being the best attorney and judge she possibly could. But her dedication to civil rights for all people, especially African Americans and women, led her to fundamentally change the North Carolina legal system. Alexander prevented further civil rights violations by ensuring that African Americans were represented on Guilford County juries. She changed the lives of many juveniles by giving them a chance at rehabilitation. Even one of her most painful professional moments, the 1974 campaign loss, ensured that North Carolina elected qualified judges. Whether it was her plethora of “firsts,” her drawing attention to the injustices of segregation, or her involvement in changing North Carolina laws, Elreta Alexander became a pioneer in her own right. Regardless of what individuals remember her for, it can be agreed that without Alexander, the history of Guilford County—and of North Carolina—would be a little less interesting. In a career full of firsts, Elreta Melton

Alexander-Ralston's most significant accomplishment was her commitment to civil rights and challenging the status quo.

Being a civil rights activist and challenging the status quo, however, can be exhausting. Alexander saw changing the law and the legal system she was a part of as her way of helping African Americans during the civil rights movement. And because of it, she drew attention to herself, both positive and negative. She saw that the justice system needed more creativity, and that such change would make those who maintain the status quo uncomfortable. Ultimately, Alexander had to decide if she was going to get caught up in procedure, or if she was going to help people. She was going to help people. She was always the "raisin on a coconut cake," the woman who stood out from the crowd and became the model for other African-American women who wanted a legal career.<sup>9</sup> But by the end of the 1970s, Alexander had become weary of carrying the weight. "After a while you get tired of being a pioneer, and you want to have peace."<sup>10</sup> Unfortunately, the circumstances of her personal life did not allow for peace.

Elreta Alexander represents many individuals who have been left out of the traditional civil rights narrative. And like many of them, Judge Alexander refused to be stymied by the professional options available to an African-American woman in the segregated South. She was not the "reluctant pioneer" that she claimed, as she consistently took professional and personal risks and accepted new challenges with respectability and her trademark style.<sup>11</sup> She knew who she was, and she forged her own

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<sup>9</sup> Conversation with Karen Bethea Shields, May 26, 2017, Notes in possession of the author.

<sup>10</sup> Alexander Interview, November 6, 1977, Folder 13, Box 5, Alexander Collection.

<sup>11</sup> Patricia Timmons-Goodson, "Darlin' The Truth Will Set You Free—A Tribute to Judge Elreta Melton Alexander," *Elon Law Review* 4, no. 1 (2012): 151–74.

path. Many times she won, but when she lost she quietly and stoically moved on with her life and career. Jerry Pell stated that “she stood out as someone of superior character, in my opinion.”<sup>12</sup> While she lived a life that was hardly imaginable at the time of her birth in 1919, she was always the daughter of Reverend J.C. Melton, the precocious little girl who was not afraid to chastise her teacher for making fun of those less fortunate. She grew up to live her life with autonomy and agency, led by a strong moral compass and a desire to change the status quo.

One of the few public tributes to Judge Alexander was delivered by Patricia Timmons-Goodson in 2012. In preparation for her remarks, Timmons-Goodson spoke with former Governor Jim Holshouser, who was the Republican governor from 1973 to 1977. He said of Alexander, “As the drama is unfolding, you don’t get the big picture. But when you look back, at the end of the day, [hers] was a remarkable journey.”<sup>13</sup> With the benefit of hindsight, we can all begin to appreciate Elreta Alexander’s remarkable journey and its place in history.

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<sup>12</sup> Conversation with Gerald Pell, May 29, 2014, Notes in possession of the author.

<sup>13</sup> Timmons-Goodson, “Darlin’ The Truth Will Set You Free.”

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