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GENDER, JUSTICE, AND JIM CROW: NORTH CAROLINA JUDGE ELRETA  
ALEXANDER AND THE LONG CIVIL RIGHTS ERA

By

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Thesis

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Gender, Justice, and Jim Crow: North Carolina Judge Elreta Alexander and the Long Civil Rights Era

Chairperson: Anya Jabour

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 comfortably as a part of the black middle class. 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 being the primary factors. Their marriage ended 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 thesis contends Alexander dedicated her career to civil rights and challenging the status quo of the segregationist South.

## **Introduction**

Most well-known African-American twentieth-century pioneers are recognized for rallying against the system, bucking trends, and pushing the boundaries of society. Martin Luther King, Jr., Ella Baker, Fannie Lou Hamer, and other prominent figures of the Civil Rights Movement all changed the system by working against it. There are, however, a group of lesser-known African Americans who changed the system by working within it; those who quietly removed barriers and cleared a path for future African-American professionals. Elreta Melton Alexander was one of those pioneers.

Elreta Narcissus Melton (1919 – 1998) was born in Smithfield, North Carolina. The daughter of a Baptist minister in Greensboro, North Carolina, she was raised by her educated, middle-class parents to be a leader in the community. After graduating from North Carolina Agricultural & Technical (A&T) University, she worked as a music teacher before becoming the first African-American woman to graduate from Columbia Law School in 1945. She subsequently became the first African-American woman to be admitted to the North Carolina State Bar in 1947, and in 1968 she became the first African-American woman in the nation to become an elected district court judge.

Alexander was more than a pioneer in the legal field; she was a fierce opponent of the system of racial inequality and segregation known as Jim Crow. During her career as an attorney she placed herself in the middle of contentious trials that addressed inter-racial relationships, racial bias, sexual assault, and drug possession. While best-known as an advocate for juvenile offenders and African Americans, she defended a wide range of clients. She even represented members of the Ku Klux Klan and credited herself with many of them "drifting away from the

fold."<sup>1</sup>

Alexander's professional success accompanied personal difficulties. Her husband, Dr. Girardeau "Tony" Alexander, a physically abusive, philandering, alcoholic, kept Alexander's life in a constant state of turmoil and instability. By the time her only son, Girardeau, III, reached his teens, he was a diagnosed schizophrenic who had been in and out of psychiatric facilities. In addition, Alexander was financially supporting her parents who became increasingly dependent on her financially. Despite personal difficulties, Alexander became a pioneering lawyer and judge, a wife and mother, a published author, and an active member of the Greensboro community - a city that served as the backdrop of major struggles during the Civil Rights Movement. Even with Alexander's landmark accomplishments, little has been written about her life, and few people outside of Greensboro know of her today.

Throughout her career, Alexander did not place herself in the forefront of civil rights battles. Most women who became famous for their civil rights stances put themselves in positions where they would gain a nation-wide audience. Fannie Lou Hamer became famous after her speech at the 1964 Democratic National Convention, which President Johnson ended the public broadcast of prematurely. Ella Baker, who worked for the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference (SCLC), and the Student Nonviolent Coordinating Committee (SNCC), became famous for working alongside prominent male leaders and mentoring young civil rights workers. These women, however, were anomalies in the greater civil rights movement. Organizations like SCLC and SNCC were male-dominated, and most women involved stayed behind the scenes,

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<sup>1</sup> Elreta Alexander Collection, MSS 223, Box 5, Folder 14. Martha Blakeney Hodges Special Collections and University Archives and Manuscripts, Jackson Library University of North Carolina at Greensboro.

receiving little recognition for their grassroots organizing. In the civil rights movement, some leadership positions were seen as more valuable than others.<sup>2</sup>

Because Alexander did not take a prominent role in the Civil Rights Movement, like many pioneering black women, her leadership role has been deemed less valuable in historical memory. Some women created their own leadership positions, such as Septima Clark at the Highlander School. Like Clark, Alexander made waves with her professional achievements instead of through associations with prominent male civil rights leaders. Nonetheless, I contend that Alexander, known for pushing the boundaries of racial etiquette, dedicated her career to civil rights and challenging the status quo. Alexander used the justice system to challenge racism and sexism by revealing the race-based jury selection process in Guilford County, creating innovative juvenile sentencing procedures, and prompting new rules for fair judicial elections. While she never held up a sign in protest, Elreta Alexander used her professional career to promote social justice. According to Alexander, “I never got involved in the civil rights movement except behind the scenes... [but] every case to me was a civil rights case.”<sup>3</sup>

As Alexander’s career demonstrates, the “long civil rights movement” extends beyond the sit-ins, the boycotts, and the protests that dominate historical memory of the period. As Jacquelyn Dowd Hall points out, the civil rights movement began with the black popular front of the 1930s and stretched far beyond the South. It tied together race, class, worker’s rights, and spurred other movements for equality, notably the women’s movement of the 1970s. To confine the civil rights movement to a certain place dominated by certain people overlooks pioneers that

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<sup>2</sup> Robnett, Belinda, “African-American women in the Civil Rights Movement, 1954 – 1965: Gender, Leadership, and Micromobilization, *The American Journal of Sociology*, Vol. 10, No.6, (May, 1996), pp. 1661 – 1693.

<sup>3</sup> Alexander Collection, MSS 223, Box 5, Folder 13. This folder contains the transcript of an interview given by Alexander on November 6, 1977.

were motivated by factors not limited to race.<sup>4</sup> Elreta Alexander did not set out to be a racial pioneer, but to challenge injustice where she encountered it. In doing so she championed rights for African Americans and women in the North and South, leaving behind an impressive list of legal accomplishments.

As an attorney, Alexander challenged racism in the legal system by calling attention to the injustices associated with segregation and by challenging racist jury selection procedures. During her twelve-year tenure as a district court, from 1969 to 1981, Alexander brought a new style to the bench – both physically and judicially. She implemented the controversial Judgment Day program in 1969, a progressive juvenile deferred sentencing program. During the 1974 race for North Carolina Supreme Court chief justice, her loss in the Republican primary exposed the entrenched racism and sexism in North Carolina politics and led to a constitutional amendment changing the election of North Carolina's judiciary. By the time she stepped down from the bench, returning to private practice in 1981, she had left her mark on the justice system in Guilford County, North Carolina.

Several historians help contextualize Alexander's life. Stephanie Shaw details "socially responsible individualism," using education and talents for the good of the race. During the Jim Crow era, few African Americans received a secondary 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. The few, like Alexander, who received extensive education, were expected to help those less fortunate. Many educated black women went into the teaching profession, but still struggled financially. While many of the women in

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<sup>4</sup> Hall, Jacquelyn Dowd, "The Long Civil Rights Movement and the Political Uses of the Past," *The Journal of American History*, Vol.91, No.4, (March, 2005), 1233 – 1263.



Shaw's book predate Alexander professionally, Alexander would still be intimately familiar with the concept of "socially responsible individualism." She frequently used her legal talents to take on pro bono cases for those with few means. "She very rarely turned anybody down. 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," said her former law partner, Donald Speckhard.<sup>5</sup>

Jennifer Ritterhouse analyzes "growing up Jim Crow," being reared in the segregated South. 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, the Melton parents took strides to ensure 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, which Alexander apparently did not experience. Alexander's parents rarely patronized segregated businesses and the Melton children attended black churches as well as black primary and secondary schools. Ritterhouse also focuses on how children were taught racial etiquette. Alexander never gave any indication that her parents taught her to practice deference to white people.<sup>6</sup> Her upbringing, however, did not negatively affect her communication abilities with whites later on in her career. As an adult Alexander frequently challenged racial etiquette. By using what she called her "reverse psychology," she employed humor and sarcasm to "convert" people away from segregation. By the time she was a district court judge, fewer people commented on her race because of positions she integrated. While Alexander served as judge, a white woman who was

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<sup>5</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); Donald Speckhard Interview, July 29, 2011. In possession of the author.

<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).

in court because her daughter had run away approached the bench and whispered to Alexander, “The worst thing is that she’s running around with colored boys.” Alexander replied, “Darlin’, have you looked at your judge?”<sup>7</sup> Rather than follow the rules of racial etiquette, Alexander amazingly defied them with few repercussions.

Another historian, Tobin Miller Shearer, describes “daily demonstrations,” combating racism in every day actions. As Shearer points out, the civil rights demonstrations on the streets, or the boycotts and protests of public transportation and businesses, attracted so much attention that the everyday actions of blacks and whites to combat discrimination have gone largely unnoticed. Alexander fought discrimination in her everyday actions, whether it was convincing a jury not to convict an innocent man of rape, or challenging the status quo by running as a Republican candidate for judgeships. Alexander’s form of daily demonstrations greatly differs from the demonstrators in Shearer’s book. Shearer details how Mennonites opened their churches and their homes to challenge racial segregation. Alexander, however, was a professional demonstrator. That is, she used her professional career to challenge the status quo and work for racial change on a daily basis.<sup>8</sup>

As a “reluctant pioneer,” as one article called her, Alexander exhibited socially responsible individualism, challenged racial etiquette, and adopted her own unique brand of activism. While most civil rights activists participated in demonstrations and marches, Alexander instead highlighted the injustices that accompanied segregation with her everyday actions. For example, in order for her black clients to avoid segregated transportation, she would personally “haul three or four loads of clients to court, just so they could ride in the Cadillac or

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<sup>7</sup> Donald Dale Jackson, *Judges: An Inside View of the Agonies and Excesses of an American Elite* (New York: Atheneum, 1974), 134.

<sup>8</sup> Tobin Miller Shearer, *Daily Demonstrators: The Civil Rights Movement in Mennonite Homes and Sanctuaries*, (Baltimore: The Johns Hopkins University Press), 2010.

Lincoln.” This would allow them to avoid the demeaning nature of having to ride in the back of the bus, but it also meant a lot to her clients. “[T]o be able to ride in a car, to have something of material value that they could be associated with,” undoubtedly made Alexander’s clients feel good before they stepped in the courtroom, as well as ensured her black clients arrived in nicer transportation than the whites in court.<sup>9</sup>

Most of the evidence for this thesis comes from Alexander herself and relies on her retrospective accounts. During the course of her career she published literature, gave interviews and speeches, and participated in oral history projects. Her archived materials show a striking pattern of success in her professional life, while she simultaneously endured strife in her personal life. But these primary documents also reveal a strong and determined woman. They reveal her most human elements: her quirkiness, her sense of humor, and her unique brand of activism, all of which contributed to her unusual and compelling career.

Alexander’s story is supplemented by court records, interviews with Alexander’s professional colleagues, and Guilford County newspapers, particularly *The High Point Enterprise*, *The Greensboro Record*, and the *Greensboro Daily News*. The interviews given by Alexander were conducted in 1977 and 1993. From May of 1977 to January of 1978, Alexander sat down with Greta Tilley of the *Greensboro Record* for a series of interviews, which are now a part of her archival collection at the University of North Carolina at Greensboro. In these interviews Alexander discusses in detail her childhood, career, and personal life. Conducted while she was a district court judge, she also discusses her experiences at Columbia Law School, her time as an attorney in Harlem and Greensboro, her opinions about the justice system in Guilford County, and how the case made her decide to run for District Court Judge. What she

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<sup>9</sup> Alexander Collection, MSS 223, Box 5, Folder 11.

does not discuss, however, is her loss in the 1974 Republican Primary for Supreme Court chief justice. With the exception of the tribulations she faced in her marriage, Alexander rarely discussed her personal difficulties.

The 1993 interview was conducted by Anna Barbara Perez, who at the time was a law student at the University of North Carolina at Chapel Hill. The interview was conducted as a part of the Southern Oral History Project towards the end of Alexander's career, while she was in private practice at Alexander-Ralston, Speckhard, and Speckhard. While the 1993 interview is not as extensive as the 1977 interviews, she discusses her childhood and career. Alexander focuses heavily on the Yoes rape trial, which inspired her to run for district court, and her Judgment Day program. Once again, she avoided the more difficult subjects in her life and did not discuss the 1974 campaign, or the issues she faced concerning her son Girardeau's mental health.

Interviews conducted with former North Carolina Supreme Court Chief Justice Henry Frye and with former law partner Donald Speckhard provide insight into how Alexander viewed race relations in Guilford County and why she took on particular cases. Frye, who grew up in Ellerbe, North Carolina, during Jim Crow, became the first African-American state legislator in the twentieth century, as well as the first African-American chief justice of the North Carolina Supreme Court. Like Alexander, he also attended North Carolina A&T University and practiced law in Greensboro. Thirteen years Alexander's junior, they both ran for their respective offices in 1968. Frye's interview gives insight into what it was like to be a black attorney during the Civil Rights Era in Greensboro, but also into the political dynamics in Guilford County in 1968. He stated that until the election of a black city councilman, "it was impossible to get blacks

elected to their positions,” in Guilford County, making the 1968 local elections of Frye and Alexander a watershed moment.<sup>10</sup>

The interview with Donald Speckhard, Alexander’s former law partner, revealed a personal side to Alexander that she rarely revealed herself. Speckhard discusses her career accomplishments, but also the emotional toll of life’s challenges. While Alexander did not discuss the 1974 election, Speckhard revealed that she took the loss, which he attributed to racism, very personally. Speckhard also provided insight into her relationship with her troubled son Girardeau, saying Girardeau’s problems probably contributed to the decline of Alexander’s health later in life. But he also reveals a lot about Alexander’s character, saying that despite her tumultuous relationship with her first husband Dr. Tony Alexander, she never said a negative thing about him. Speckhard also discussed her tendency to tell off-color jokes, and her personality and sense of humor that made her beloved to the people who knew her.<sup>11</sup>

These interviews help contextualize other primary sources used in this thesis. Alexander’s words, as well as the words of Frye and Speckhard, provide further insight into the key players and events that shaped Alexander’s career, which newspaper reports cannot. The newspaper reports, however, help confirm the timeline and detail of events that individuals cannot always recapture in oral interviews. Additionally, court records, particularly of the Yoes trial, provide a more unbiased version of events in the courtroom than relayed by Alexander. All of these primary sources, when used together, provide the narration and emotions behind a compelling story.

Additionally, I also examine secondary sources on race and the law, sexual violence, and

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<sup>10</sup> Interview with Justice Henry Frye, July 22, 2011, In possession of the author.

<sup>11</sup> Speckhard Interview.

the civil rights movement in North Carolina. Seminal works by authors such as Susan Brownmiller and Catharine MacKinnon provide insight into the nuances of sexual violence prevalent during the Yoes trial.<sup>12</sup> Steven L. Schlossman and Barry C. Feld provide historical and contextual analysis into the juvenile justice system, while William H. Chafe and Anna R. Hays provide valuable North Carolina history.<sup>13</sup> While each of these sources can be used in context for a small part of Alexander's life, when combined with the extensive primary sources she left behind, a whole picture of this pioneering woman begins to emerge.

In her book on U.S. women's legal history, Joan Hoff contends, "most female professionals who succeed do so on male terms." She argues that females in the legal field are constantly facing discrimination and hopelessness "about ever achieving equality of results through legal remedies."<sup>14</sup> Alexander, however, succeeded on her own terms and never gave up hope of achieving equality through the law. While Alexander did not place herself in the middle of the civil rights movement by joining organizations such as SCLC or SNCC, her personal advancement was always related to the advancement of African Americans and women as a whole. She used her outgoing personality, intelligence, and wit to highlight the antiquated and unequal nature of the segregationist rules she faced in her career. By examining Alexander's life and career against the backdrop of Jim Crow and the Civil Rights Movement, I aim to make

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<sup>12</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape*, (New York: Simon and Schuster, 1975); Catharine A. MacKinnon, *Women's Lives, Men's Laws*, (Cambridge: The Belknap Press of Harvard University Press, 2005).

<sup>13</sup> Steven L. Schlossman, *Love and the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825 – 1920*, (Chicago: The University of Chicago Press, 1977); Barry C. Feld, *Bad Kids: Race and the Transformation of the Juvenile Court*, (New York: Oxford University Press, 1999); William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom*, (New York: Oxford University Press, 1980); Anna R. Hays, *Without Precedent: The Life of Susie Marshall Sharp*, (Chapel Hill: The University of North Carolina Press, 2008).

<sup>14</sup> Joan Hoff, *Law, Gender, & Injustice: A Legal History of U.S. Women*, (New York: New York University Press, 1991), 46.

people aware of Alexander as a pioneering African-American woman, an accomplished legal scholar and judge, and a significant contributor to civil rights.

## Chapter One

Young Elreta Melton's early life and career prepared her to become a pioneering attorney. A native North Carolinian, she was acutely aware of the treatment African Americans received in the South, as well as in the justice system. Alexander personified the concept of "socially responsible individualism" as she was encouraged to use her education and professional skills to help other African Americans. Her upbringing, with its emphasis on respectability, prepared her for difficult legal situations she would later endure.

Elreta Narcissus Melton was born on March 21, 1919, to J.C., a Baptist minister and Alian, 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. The family left Smithfield when Alexander was two, but her earliest memory is of the tribulations associated with being an African American in a rural, southern town. She recalled her mother crying after the family lost their home. The Meltons had been duped by a realtor into purchasing a home that legally belonged to somebody else. Rev. Melton neglected to have the title searched and the family was evicted from the home they had paid for because they were unable to pay off the legal owners.<sup>15</sup> While Alexander never specifically discusses this incident in relation to her career, this early exposure to the nuances of the law surely proved formational in her life.

The loss of the money and the house was undoubtedly a blow for J.C. Melton. Melton was the son of an African-American man and a white woman who married in Gates County,

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<sup>15</sup> Interview with Judge Elreta Alexander Ralston by Anna Barbara Perez, February 18, 1993 & March 4, 1993, Interview number J-0018 in the 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>.



North Carolina, prior to Reconstruction.<sup>16</sup> In North Carolina, an 1868 constitutional resolution discountenanced interracial marriage but did not specifically outlaw it until 1887.<sup>17</sup> Despite its legality, however, marriages between black men and white women were prone to racial violence. The Ku Klux Klan became particularly violent in areas of the South where black men had sexual relationships with white women without repercussions.<sup>18</sup> Whites who vocally advocated against miscegenation frequently evoked religion, stating God created the two races with the intention for them to be separate. Southern, white Protestants, in particular, cited African-American hair, facial features, and former slave status as proof God created them to be inferior. Procreation, the ultimate goal of marriage, between races was therefore against God's plan. 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.<sup>19</sup> Alexander, however, did not indicate any specific violence inflicted on her father's family.

Being the product of an interracial marriage weighed heavily on Melton, as he denied his mother was white later in life.<sup>20</sup> But regardless of his bi-racialism, life proved difficult for Melton. He was the third of five children and the only male. When his mother died and his father married a bi-racial woman, there was little room and few resources for their combined twenty-one children. So at age thirteen, Melton went to work at a logging camp near the Great Dismal Swamp in northeastern North Carolina. After years of logging, drinking, and gambling,

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<sup>16</sup> Alexander Collection, MSS 223, Box 5, Folder 8. In 1887 the North Carolina General Assembly added Section 8 to Article XIV of the North Carolina Constitution stating "All marriages between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited." That law was repealed in 1977 by North Carolina § 51-3.1. The specific date of North Carolina's anti-miscegenation law, however, varies among scholars.

<sup>17</sup> Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South*, (New Haven & London: Yale University Press, 1997), 167.

<sup>18</sup> *Ibid.*, 172.

<sup>19</sup> Fay Botham, *Almighty God Created the Races: Christianity, Interracial marriage, & American Law*, (Chapel Hill: The University of North Carolina Press, 2009), 156. Throughout her book Botham explores the religious arguments used against interracial marriages in the nineteenth and twentieth centuries.

<sup>20</sup> Alexander Collection, MSS 223, Box 5, Folder 8.

and with only three years of education, Melton decided he wanted to go to college. Taking a job as a carpenter, he finished his secondary education and was subsequently accepted to Shaw University, in Raleigh, North Carolina. He 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.<sup>21</sup>

While working as a carpenter, J.C. did not look for a woman to be his future wife. He met her, however, at the age of twenty-three. Alain Reynolds was only nine years old, and was the child of a white father and African-American mother. 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. Alain Reynolds, now a teenager, was a pupil in his class. The two been courting and Reynolds was transferred out of Melton's class. Years later the couple married on March 11, 1914, and had their first child, Judson, the next year.<sup>22</sup> Alain Melton was twenty and Rev. Melton was thirty-three at the time of their marriage. After several years in the ministry, J.C. Melton was able to provide his family with a comfortable middle-class life and stressed the value of an education. Melton told his children that "nobody was going to sleep under his roof without a college education."<sup>23</sup> All three of the Melton children received college degrees, while Etta and Elreta both received their law degrees.

J.C. Melton also made sure his children were not subjected to the humiliating inequities that often accompanied growing up in the Jim Crow South. Jim Crow, defined by a period most

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<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Alexander interview.

associated with the South, lasted roughly from *Plessy v. Ferguson* in 1896, to *Brown v. Board of Education of Topeka, Kansas* in 1954, and encompassed Alexander's formative years. Coming of age before integration, the Melton children attended all-black schools which were frequently of sub-quality when compared to the schools for white children. To remedy this, the Melton parents enrolled their children in music lessons, requiring each child to learn how to play a musical instrument. Rev. Melton also continued his children's schooling after their formal classes for the day. Reiterating the basics, such as reading and mathematics, Rev. Melton also taught his children Latin, which probably served Alexander well in her legal career.<sup>24</sup>

Middle-class black parents like the Meltons often worried as to how they should teach their children about race and racism without damaging their sense of self-worth.<sup>25</sup> Many shielded their children from the societal rules Jim Crow put in place. Determined to raise their children with dignity, parents including Alexander's, often sent their children to all-black schools and did not allow them to ride segregated busses. While still adhering to the Jim Crow rules of racial etiquette, middle-class black children were taught the concept of respectability and personal dignity, making the degradations of Jim Crow slightly easier to bear.<sup>26</sup> This ultimately allowed them to develop their own sense of self and define their abilities on their own terms, rather than the terms imposed on them by whites.<sup>27</sup> The methods used by the Melton parents worked for young Elreta Melton. When she recalled seeing the bigger houses belonging to white

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<sup>24</sup> *Ibid.*

<sup>25</sup> Ritterhouse, *Growing up Jim Crow*, 6.

<sup>26</sup> *Ibid.*, 17.

<sup>27</sup> *Ibid.*, 306.



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.

people in Greensboro, 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>28</sup> Despite the Jim Crow methods used to humiliate African Americans, Alexander rarely suffered from a lack of self-esteem.

Alexander’s confidence, however, was apparently not inherited from her mother. The itinerant life of a minister proved difficult for Alain Reynolds Melton. When Alexander was two, the family moved to Danville, Virginia, so her father could assume the pastorate at Loyal Baptist

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<sup>28</sup> Alexander Interview

Church.<sup>29</sup> Ten years later Rev. Melton and his three children moved to Greensboro, North Carolina, so Melton could assume the pastorate at United Institutional Baptist. Alain Melton remained in Danville to keep her teaching job. Alexander recalled as an adult that her mother was frequently absent when she was a child. She would often leave Rev. Melton and the children for an entire summer.<sup>30</sup> Alexander recalled that for one year, Rev. Melton would take the three children to Dudley High School, then drive up to Danville and bring her mother back to Greensboro. “Daddy,” Alexander stated, “during the course of that year, though, was determined to get Mother to live with the children.”<sup>31</sup>

There is evidence Alain Melton may have suffered from mental illness. Alexander once stated “for every weekend, Daddy made us go upstairs and sort of sit guard with Mother so she wouldn’t jump out the window.”<sup>32</sup> Alexander was a teenager during this trying period. But as an adult she never displayed any hostility towards her mother and her lack of attention during Alexander’s childhood. Mental illness, a condition with which Alexander would become increasingly familiar over time, possibly explained her mother’s behavior and Alexander’s lack of resentment towards her.

Alain Melton’s absence, however, strengthened the bond between Alexander and her father. As a young child, Alexander 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. She frequently recalled stories about her father and his

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<sup>29</sup> Alexander Collection, MSS 223, Box 5, Folder 8

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

influence on her. When faced with her own marriage troubles later, Alexander relied almost exclusively on Rev. Melton for support.<sup>33</sup>

In Greensboro, Alexander attended and graduated from Dudley High School. Dudley, an all-black school built in the 1930s, 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 black community. In 1932, sixty-eight 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 there.<sup>34</sup> Dudley High School benefited from the leadership of John Tarpley, who served as head of the North Carolina Negro Teacher's Association during World War II.<sup>35</sup> Alexander enrolled at Dudley when she was only twelve years old. Youth did not slow her down though. She was involved in Dudley's music programs and joined the drama club.<sup>36</sup> When she served as campaign manager for her friend Juanita Hunter's student government campaign, she labored over her campaign speech. Rev. Melton wrote her speech and taught her when and how to use inflections in her voice - a skill Alexander used in her legal career.<sup>37</sup> She stated the Dudley High School auditorium "was the biggest thing I have ever seen," and because of her nerves she talked too quickly and the other kids mocked her. Alexander returned home that evening determined to "conquer that stage." Almost forty years later, as an accomplished judge, Alexander admitted that "it's always been hard for me to speak on Dudley High School stage."<sup>38</sup>

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<sup>33</sup> In many interviews Elreta speaks of her affection for her father and their close bond. Particularly in the Alexander Collection, MSS 223, Box 5, and in the Alexander Interview for the University of North Carolina.

<sup>34</sup> William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom*, (Oxford: Oxford University Press), 1980, p. 18.

<sup>35</sup> *Ibid.*, 19.

<sup>36</sup> Alexander Collection, MSS 223, Box 5, Folder 8.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

Despite the Meltons' best intentions, sending their children to all-black schools did not eliminate their exposure to discrimination. Alexander recalled a teacher at Dudley High School, Mrs. Minor, who would make fun of the darker children and those whose parents worked in service industry, calling them names such as "hayseed" in front of the class.<sup>39</sup> "Colorism," is discrimination based on skin color within the African-American community. 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, as the darker skinned faced more discrimination within their own race.<sup>40</sup>

Alexander was acutely aware that the color of her skin changed the way people thought of her. At Dudley, however, while Mrs. Minor would treat the darker children as inferiors, she mocked Alexander, referring to her as "Madam Queen."<sup>41</sup> Alexander, the descendant of two white grandparents, was extremely light skinned. 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>42</sup> While the lightness of J.C. Melton's skin did not ensure his birth into a middle-class family, he was able to work his way through college into a middle-class lifestyle, like many other African Americans with similar pigmentation.

Regardless of the shade of her skin, Alexander's talent often created opportunities for her. During her last year at Dudley, at age fifteen, she met Girardeau "Tony" Alexander. Alexander's older brother, Judson Melton, was the president of the Alpha Fraternity at North

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<sup>39</sup> *Ibid.*

<sup>40</sup> Bettye Collier-Thomas & James Turner, "Race, Class and Color: The African American Disclosure on Identity," *Journal of American Ethnic History*, Vol. 14, No. 1, Fall, 1994, pp. 5 – 31.

<sup>41</sup> Alexander Collection, MSS 233 Box 5, Folder 8.

<sup>42</sup> Thomas & Turner, "Race, Class and Color."

Carolina A&T University in Greensboro, where Tony Alexander was also a member. 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 membership in Greek letter societies for African-American men indicate upward mobility; the ability to escape working-class roots and achieve middle-class status.<sup>43</sup> W.E.B. DuBois also felt black fraternities were an important part of black education because they fostered leadership. DuBois encouraged many fraternities, like Alpha, to diversify their membership and recruit members from working-class black families so they could also hone their leadership capabilities.<sup>44</sup>

Like many fraternities, Alpha also provided social and recreational activities for African-American youth. At their annual dance Alexander was invited to sing “Under a Blanket of Blue” during the intermission. After arriving at the dance with Alexander and his girlfriend, Judson Melton put Tony, a shy, innocent pledge, in charge of his little sister for the evening. Much to Alexander’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 Alexander would always be a part of her life.<sup>45</sup>

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. Tony was born on East Market Street in Greensboro before the family returned to New York. Although his father deserted the family

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<sup>43</sup> E. Franklin Frazier, *Black Bourgeoisie*, (Glencoe, Illinois: The Falcon’s Wing Press, 1957), 94.

<sup>44</sup> Alrige, Derrick P., “Guiding Philosophical Principles for a DuBoisian-Based African American Educational Model,” *The Journal of Negro Education*, Vol. 68, No.2 (Spring, 1999), pp. 182 – 199.

<sup>45</sup> Alexander Collection, Box 5, Folder 8.



after moving North, Tony returned to Greensboro at the behest of his maternal grandfather.<sup>46</sup> 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>47</sup>

Tony did not immediately secure Alexander's affections. Shortly after the Alpha fraternity dance Alexander graduated from Dudley High at the age of fifteen and went on to North Carolina A&T. Established in 1893 as an all-black college, North Carolina A&T, along with the all-black women's college, Bennett, became examples of Greensboro's racial progressiveness. For instance, women at Bennett College were encouraged to not spend 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.<sup>48</sup> North Carolina A&T, on the other hand, had to secure state funding which often meant complying with white wishes. The school made up for it, however, with its academic rigor. By 1925 North Carolina A&T had an "A" rating and attracted some of the most gifted young African Americans from across the country. With its strong academic reputation, A&T was a hub for community gatherings, political dialogue, cultural events, and intellectual discussion.<sup>49</sup>

At A&T Alexander was both socially popular and academically successful. She majored in music, which would be a lifelong passion. She later claimed she had been the "official songstress" at A&T. To earn extra money, she waited tables, all while maintaining her grades and an active social life. While Alexander described herself as having many boyfriends, Tony Alexander increasingly became a fixture in her life. After she graduated from A&T at age

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<sup>46</sup> *Ibid.*

<sup>47</sup> Shaw, *What a Woman Ought to Be and to Do*, 47.

<sup>48</sup> Chafe, *Civilities and Civil Rights*, 22.

<sup>49</sup> *Ibid.*, 20.

eighteen, Elreta Melton and Tony Alexander became engaged. Tony attended Meharry Medical School in Nashville, Tennessee, while Elreta went to Chester, South Carolina, for a year to teach history, math, and music. While in Chester, Alexander became involved with a man named Harold Crawford. When Tony found out, he whisked Elreta away to elope on June 7, 1938, the next time they were both in Greensboro.<sup>50</sup> The new Mrs. Alexander was nineteen years old.

The sudden marriage at a courthouse in nearby Asheboro, North Carolina, had negative ramifications for Alexander's job. In South Carolina, married women could not be employed as teachers, so she had to leave her teaching post. In the midst of the Depression, however, jobs for African-American women in the South were especially scarce. Additionally, African-American women could rarely rely on their husbands for financial security. Despite the threat of potential poverty and laws, de facto and de jure, prohibiting married women from working, many African-American women chose marriage.<sup>51</sup> At the time of Alexander's marriage, Tony, as a medical student, could not earn a livable wage. Through a college friend of her father's, however, Alexander secured a teaching position in Sunbury, North Carolina, for a year before taking another position in Taylorsville, North Carolina, the next year, ensuring the newlyweds' fiscal stability.<sup>52</sup> When Tony graduated from medical school and accepted an internship at Reynolds Hospital in Winston-Salem, North Carolina, Alexander returned to Greensboro. Tony then took a two-year surgical residency at L. Richardson Hospital, the all-black hospital in Greensboro, and demanded Alexander to stop teaching.<sup>53</sup>

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<sup>50</sup> Alexander Collection, MSS 223, Box 5, Folder 7.

<sup>51</sup> Shaw, *What a Women Out to be and to do*, 130.

<sup>52</sup> Alexander Collection, MSS 223, Box 1, Folder 1.

<sup>53</sup> Alexander Collection, MSS 223, Box 5, Folder 7.

In was in these early years of their marriage in Greensboro that Alexander later said she “realized I had made a very serious mistake” in marrying Tony.<sup>54</sup> In a letter to Tony dated July 9, 1950, Alexander lists her grievances over twelve years of marriage. Pregnant with her only son when she penned the letter, 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 became physically and verbally abusive. On a work trip to California, Alexander stated that Tony, “nagged me, cursed me, in the presence of all the doctors and their wives.” Alexander also 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 Alexander permission to work as long as she was home by four o’clock in the afternoon when he returned home for the day. Alexander taught music and worked at the A&T library, earning seventy-five dollars a month.<sup>55</sup>

Alexander did not clarify how her earnings were spent, but in the 1940s husbands had legal control over their wives’ earnings. In the African-American community, where males had historically been emasculated, patriarchal gender norms were of high importance. This pattern of emasculation prompted many African-American men to forcefully assert their masculinity in their marriage.<sup>56</sup> In the case of Tony and Elreta Alexander, this likely explains the developing

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<sup>54</sup> *Ibid.*

<sup>55</sup> Alexander Collection, MSS 223, Box 1, Folder 1. Box 1 contains written correspondence written and sent to Alexander from 1945 – 1973.

<sup>56</sup> Lawrence-Webb, Claudia, Melissa Littlefield, Joshua N. Okundaye, “African American Intergender Relationships: A Theoretical Exploration of Roles, Patriarchy, and Love,” *Journal of Black Studies*, Vol. 34, No. 5, (May, 2004), pp.623 – 639.

patterns of control and abuse on Tony's part. Patriarchy and a husband's control over his wife, however, transcended racial lines.

It was in her new life as an unhappy part-time housewife that Alexander made a formative decision about her career. In 1942, an African-American Methodist minister was running for Greensboro city council. Alexander described him as "a perennial runner and a perennial loser, mainly to get people [African Americans] involved and to exercise their franchise." With little work to do at home, as she was not yet a mother and only worked part-time, Alexander decided to volunteer for the campaign. Other African-American politicians in Greensboro paid African Americans for their votes. Rev. Sharp, however, did not and subsequently lost by several hundred votes. Alexander was devastated. She was consoled by Rev. 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 Rev. Sharp brought Alexander a copy of *Blackstone's Commentaries on the Law* and told her she would be a good lawyer. Sharp's loss in the election and his subsequent encouragement inspired her to take action. Alexander decided to go to law school.<sup>57</sup>

Alexander's decision to pursue a legal career set her on a path where she would break down barriers for other African-American women. In the fall of 1943, Elreta Melton Alexander became the first African-American woman to enter Columbia Law School. Alexander's decision to attend Columbia, however, was not based on the school's stellar reputation. Tony stated that if she went to law school, she would have to go somewhere in New York and live with his

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<sup>57</sup> Alexander Collection, Box 5, Folder 7.

mother.<sup>58</sup> Furious, and determined to spend some of Tony's new salary, Alexander requested catalogs from every law school in New York City. Determining Columbia Law to be the most expensive, she applied and was accepted into their summer program and continued to pursue her degree in the fall of 1943.

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 warmly greeted Alexander saying, "We welcome you 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."<sup>59</sup> That well-intentioned greeting unnerved Alexander. She later said, "They put the weight of a whole race of people on me," and commented she could not even hear the lectures the first six weeks of class.<sup>60</sup>

Many educated young women of that time felt like the "weight of a whole race of people" were upon them. Among educated African-America 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>61</sup>

Despite a frustrating start, Alexander thrived at Columbia. During an extensive interview in 1977, she reflected on her days at Columbia fondly, recalling the professors and fellow

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<sup>58</sup> Alexander Interview.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> Shaw, *What a Woman Ought to Be and to Do*, 2.

students who influenced her tenure there. Meetings with friends at a bar called "Chock Full O'Nuts," dinner parties, and strolls down Broadway frequently filled Alexander's social calendar. One of her fellow students, Herman Taylor, the only other African-American student, became a close friend. Despite growing up in the Jim Crow South, Alexander's race seemed to be more of an issue in New York City than it had been in Greensboro, North Carolina, where she primarily spent time with other African Americans. She commented later "that my white friends loved me *in spite* of the fact that I had some Negro blood in me; they didn't want to see it...they just couldn't understand how this girl with so many talents and with such fair skin, how she could be identified with Negroes."<sup>62</sup> In fact, while northern states did not have the stigma of racism that permeated across the South, the issue of "colorism" was just as pervasive at Columbia as it was at Dudley High School. Alexander described her white friends at Columbia inviting her to events, but not Herman Taylor, which she attributed to the fact that his skin was much darker than hers. In her book *A Movement Without Marches*, Lisa Levenstein describes colorism in postwar Philadelphia. Levenstien describes Corrine, a young girl in Philadelphia with dark skin who felt disgust from her light-skinned grandmother. Corrine described her confusion with "people who were prejudiced against, who turn around and be prejudiced."<sup>63</sup>

Alexander and Corrine shared the same confusion. Alexander, who was very close to many of her white colleagues at Columbia, was also close to Taylor. Elreta described a confrontation she had with her friend Mildred Preen, a New Jersey legislator who also worked on her law degree. She confronted Preen saying, "Mildred, I've noticed every time Herman or any other Negro is around, if your people are coming up here or anything, you will try to avoiding

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<sup>62</sup> Alexander Collection, MSS 223, Box 5, Folder 11.

<sup>63</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), 3.

introducing them, and you make excuses. And I see what you're doing; 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."<sup>64</sup> Alexander was cognizant of the colorism issue, and was willing to point out people who on treated two individuals of the same race differently because of their skin tone.

While Alexander was undoubtedly academically gifted, her admittance to Columbia may not have been based solely on grades. Years later she stated Columbia selected her because she was a married woman with light skin and therefore a safe choice. In fact, many prestigious white law schools selected "extremely safe" African Americans for admittance. Most darker-skinned African Americans pursuing law degrees attended Howard University or North Carolina Central University.<sup>65</sup> But despite circumstances surrounding her admittance, in 1945, she became the first African-American woman to graduate from Columbia with her Bachelor of Laws, or LL.B., considered the primary law degree at the time. Alexander's parents were extremely proud of her accomplishment, although they worried about her marriage to Tony and her future in the legal profession. The abysmal state of Elreta and Tony Alexander's marriage was no secret. When Tony visited his wife at Columbia he would intentionally humiliate her publicly. When friends complimented Alexander in front of Tony, he would retort, "Humph! You don't know her," and mutter other derogatory words about her.<sup>66</sup> He also made few attempts to cover up the affairs he had back in Greensboro. Tony frequently told Alexander about the women he slept with, and

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<sup>64</sup> Alexander Collection, MSS 223, Box 5, Folder 11.

<sup>65</sup> Davis, Abraham L. "The Role of Black Colleges and Black Law Schools in the Training of Black Lawyers and Judges: 1960 – 1980," *The Journal of Negro History*, Vol. 70, No. ½, Winter – Spring, 1985, pp.24 – 34.

<sup>66</sup> Alexander Collection, MSS 223, Box 5, Folder 10.

even briefly lost his surgical privileges at L. Richardson Hospital because of an affair he conducted with a nurse.<sup>67</sup>

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. After graduating from Columbia, Alexander made her first attempt to take the North Carolina Bar exam. In 1945, the State of North Carolina did not want to admit African Americans into the state's law schools. A law school was set up for African Americans at North Carolina Central University, then known as North Carolina College at Durham, an all-black college. The State of North Carolina would also pay to send African Americans out of state to law school.<sup>68</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 out of state had to register within six months of beginning law school in order to become eligible to take the bar exam in North Carolina. The only way to become eligible to take the North Carolina bar was to prove yourself as "exceptional and meritorious," or practice law in another state for five years. Professor Richard Powell, who taught at the University of North Carolina (UNC) Law school after having taught Alexander at Columbia, met with UNC law faculty. UNC quickly advised her that it was a segregation statute – they did not want black lawyers in the South.<sup>69</sup> Alexander went on to take, and pass, the New York Bar before she was deemed "exceptional and meritorious" in North Carolina. She still proceeded with her application to take the North

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<sup>67</sup> *Ibid.*

<sup>68</sup> Alexander Collection, MSS 223, Box 5, Folder 10. Elreta 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.

<sup>69</sup> Alexander Interview.



Carolina bar, even prompting her hometown newspaper, *The Greensboro Record*, to publish a story in July of 1945, under the heading “Negro Woman Applies to Take Bar.”<sup>70</sup>

After receiving word of her eligibility, Alexander woke up one Saturday morning with plans to study. 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. Tony started to get up and go turn it off when the phone rang.” Alexander jumped up and ran down to cut off the heater while Tony was still on the phone. She stated they had just insulated the house and the batting was all down in the little 9x10 basement. Alexander turned the heater off, but there was a slow leak and the gas had accumulated, causing an explosion and trapping Alexander 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 and said, “Dr. Stuart, Elreta’s been burned very badly. I don’t know what it is. Get over here as quick as you can and call the hospital.”<sup>71</sup>

By the time the bar exam transpired, Alexander was still too injured to take the exam. She returned to Harlem to practice law at the firm of Dyer and Stevens in Harlem, where she had passed the New York bar exam. She did not earn a salary as she was still planning on taking the North Carolina bar. But she did gain valuable legal experience. 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.

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<sup>70</sup> Alexander Collection, MSS 223, Box 5, Folder 9.

<sup>71</sup> *Ibid.*

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>72</sup> By the time she tried her first case, Alexander said she was so nervous she bumbled her entire argument, leaving her boss, Hope Stevens embarrassed, the judge laughing behind his hands, and the jury totally confused. Alexander won the case, representing 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 good stance before the jury. Don’t be discouraged. Just keep on. Keep on trying cases.”<sup>73</sup> Alexander took the judge’s words to heart and kept navigating her way through the legal system as a young attorney.

While Alexander gained valuable experience 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>74</sup> 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. Finally in 1947, after a year of driving between New York and North Carolina to establish her North Carolina residency, Alexander was able to take and pass the North Carolina Bar exam. That year she became the first African-American woman to be licensed as a lawyer in the State of North Carolina. Many black lawyers had difficulty taking or passing the bar. For example, the Georgia bar exam became known as the “graveyard for the

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<sup>72</sup> Alexander collection, MSS 223, Box 5, Folder 10.

<sup>73</sup> *Ibid.*

<sup>74</sup> Alexander Interview.

aspirations of many blacks.”<sup>75</sup> 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>76</sup>

After becoming licensed, Alexander set up her law practice in Greensboro, where her husband practiced medicine. In addition to being 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, but the status of African Americans in Greensboro exceeded other North Carolina cities. Greensboro had strong African-American organizations, such as the NAACP youth group established by Ella Baker, an influential civil rights activist, during World War II.<sup>77</sup> By the 1950s, African Americans in Greensboro had a higher median education than they did in other North Carolina cities.<sup>78</sup> Greensboro also housed the best black public schools in North Carolina, including two of the more revered African-American colleges in the South with North Carolina A&T and Bennett College. Along with churches and black community organizations, Greensboro’s black citizens took great pride in their community.<sup>79</sup>

From the inception of her law practice, Attorney Alexander began to make a mark in the Greensboro community. The June 18, 1955, edition of the *Greensboro Record* featured Alexander’s views on upcoming 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 suggested formulating

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<sup>75</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*, Vol. 70, No. ½, (Winter-Spring, 1985), 24-34.

<sup>76</sup> Alexander Interview, 26.

<sup>77</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 edition) 220.

<sup>78</sup> Chafe, *Civilities and Civil Rights*, 17.

<sup>79</sup> *Ibid.*, 28.

interscholastic teacher-student exchanges and integrating parent-teacher associations, adding that “Any practicable program must be based on achieving understanding leading to mutual respect.”<sup>80</sup> Alexander was very active during the school integration period in Greensboro. She worked to organize parents and make the transition for students as easy as possible.<sup>81</sup> Although Greensboro’s attempts to integrate schools progressed faster than many other southern cities, Alexander and fellow advocates still faced opposition from the Guilford County School Board. 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>82</sup> Formal segregation was banned in Greensboro schools in 1957, but like many other southern schools, they were not fully integrated until the mid-1960s.<sup>83</sup>

Alexander also showed her views on segregation with her actions. 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 stated she 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 never seemed to resent the fact that she sat in the black section as she was not often subjected to the rules of racial etiquette due to her professional status. Instead, she aimed to point out the hypocrisy and injustices of segregation. Alexander’s “reverse psychology” extended to water fountains as well. She would approach white judges saying she wanted to “see

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<sup>80</sup> Alexander Collection, MSS 223, Box 3, Folder 2.

<sup>81</sup> Frye Interview.

<sup>82</sup> Chafe, *Civilities and Civil Rights*, 44 – 45.

<sup>83</sup> *Ibid.*, 249.

what the difference is in this white water and this colored water.”<sup>84</sup> In her budding law career, however, Alexander did not take up civil rights cases. Most of her cases dealt with issues between renters and landlords, liquor sales, driving infractions, and small criminal cases.

In the 1950s 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 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>85</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>86</sup> 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, “appeared in a black dress, with high spike heels and with a tan briefcase.” The newspaper also noted, “Negro lawyers have been rare in appearance in Hertford Court and this is the first woman lawyer of either race to appear.”<sup>87</sup> Along with her club work, particularly with The Links – an organization of black professional women, Alexander was eager for a chance to serve in her community.

The 1960s ushered in big changes for Alexander as well as for the City of Greensboro. 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. They were not served food, nor did they expect to be served. But until the rules of segregation changed, they were determined to keep sitting. Inspired by the four men, the sit-in movement took hold among

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<sup>84</sup> Alexander Collection, MSS 223, Box 5, Folder 11.

<sup>85</sup> Alexander Collection, MSS 223, Box 1, Folder 2.

<sup>86</sup> High Point Enterprise, “Attorney Speaks Here Today,” Sunday, May 11, 1952, 9A

<sup>87</sup> Alexander Collection, MSS 223, Box 3, Folder 2.

African-American students in North Carolina and throughout the South. In Greensboro, negotiations between city and African-American leaders over desegregation created a tense environment. Negotiations frequently broke down leading to increases in black students sitting-in at lunch counters in protest. Picketers representing both sides were frequently seen with their signs marching up and down Elm Street. Greensboro, known for its racial progressiveness and direct-action protests, suddenly did not seem so progressive to African Americans.<sup>88</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 about the legal penalties of trespassing. The next thing she knew, according to Alexander, 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 admitted she did not march with other black professionals because her young son, Girardeau, was frightened by the events and rising community tension.<sup>89</sup>

During the early 1960s Alexander was juggling a thriving law practice, her responsibilities as a mother, and her continued marital troubles. Despite her hectic schedule, 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. 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>90</sup> In 1961, she was added

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<sup>88</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.

<sup>89</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>90</sup> Alexander Collection, MSS 223, Box 1, Folder 4.

to the “Who’s Who of American Women” list.<sup>91</sup> But it was the struggles with her son and her husband that dominated a large majority of her time. Her son, Girardeau, began to show symptoms of mental illness that would continue into his adulthood. Alexander frequently corresponded with schools and summer camps in the Northeast where his needs could be met. Tony continued to carry on affairs with various women in Greensboro. His increasing dependence on alcohol often caused violent outbursts, prompting Elreta to leave the family home with Girardeau for weeks at a time. Alexander said, “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 scared for it to ring, you’re scared for it not to ring. No rest, no anything.”<sup>92</sup> Despite the abuse, Alexander remained with Tony over two decades. In a 1950 letter to Tony she 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>93</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. Many African-American women faced similar tribulations as Alexander. When African-American educator Septima Poinsette married a sailor, Nerie Clark, her mother was embarrassed and horrified by her decision. Sailors were not considered to be worthy husbands of respectable young women. When Septima Clark found out Neerie had previously been married and divorced, she was shocked. When her husband asked her to leave, Clark feared returning to her native Charleston. Not only had she made an unpopular decision by marrying a sailor, he had been deceptive and the marriage had failed. “She

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<sup>91</sup> “Twelve Local Names Added to Who’s Who in Women,” Greensboro Daily News, Sunday, July 30, 1961, B9

<sup>92</sup> Alexander Collection, MSS 223, Box 5, Folder 12.

<sup>93</sup> Alexander Collection, MSS 223, Box 1, Folder 1.

never forgave me,” Clark later said about her mother.<sup>94</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 Alexander was willing to put on her family in the 1940s and 50s.

During the first part of the twentieth century African-American women were forced to take great strides to avoid the appearance of any sexual promiscuity. 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>95</sup> As Septima Clark dealt with her mounting marital issues, “she upheld the codes of silence embraced by black women as a defense against stereotypes of their sexual licentiousness.”<sup>96</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 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 challenging life of African Americans during Jim Crow.

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.<sup>97</sup> Domestic violence, such as Alexander experienced, transcended race and class. But most women,

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<sup>94</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 pressure she felt from her family and community in her marriage.

<sup>95</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>96</sup> Charron, *Freedom’s Teacher*, 83.

<sup>97</sup> Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America*, (New York: Penguin Books, 2006 edition), 9.



however, refused to admit they were victims of abuse at the hands of their husbands.<sup>98</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 were considered to be deviants as marriage and motherhood were the ultimate aspirations of many American women. To initiate a divorce from her husband, Alexander likely would have been seen as immoral or selfish.<sup>99</sup> Yet another stigma Alexander could not have afforded as she embarked on her legal career.

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— all demonstrate that she was a strong, proud woman. She ended the statement, however, with perhaps the most important reason she stayed in the marriage: fear of bodily harm or death. Alexander 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>100</sup> In addition, he physically abused Alexander and threatened her life. Once, when Alexander caught Tony with another woman, Tony grabbed Alexander and dragged her across the street, screaming, “Goddammit, I’m going to get my gun and kill you!”<sup>101</sup> Alexander, like many women, remained with her husband because the possible consequences of leaving were too risky.

While she may have had a troubled personal life, she continued to achieve success in her professional life. Hard work paid off for the Alexanders. By the start of the 1960s, she was a successful attorney, and he a successful surgeon. They were able to afford a nice country home

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<sup>98</sup> *Ibid.*, 186.

<sup>99</sup> *Ibid.*, 13.

<sup>100</sup> Alexander Collection, MSS 223, Box 5, Folder 9

<sup>101</sup> Alexander Collection, MSS 223, Box 5, Folder 11

and a housekeeper, even though these luxuries became pawns in their increasingly tumultuous and violent relationship. Alexander became known for her fashion sense and arriving at events in a chauffeur-driven Cadillac. Their professional success and financial security, however, did not make the Alexanders impervious to racial discrimination. In 1962, Tony was involved in a discrimination lawsuit against Moses Cone Hospital, the new “white” hospital in Greensboro over their hiring policies.<sup>102</sup> Tony was also denied full membership to the Guilford County Medical Society, along with thirteen other African-American surgeons.<sup>103</sup>

Similarly, Attorney Alexander faced de facto segregation with her speaking engagements. Alexander’s first speech to an integrated group was at a Nurses’ Association meeting in Greensboro. Alexander was upset over the arrangement that black nurses would not partake in the dinner at the Irving Park Delicatessen and would come in through a side door afterwards. Stating she would stand in the window before walking in the back door, Alexander marched through the front door of the delicatessen and to the back dining room. In her speech she stated, “Your speaker does not choose to use the back door to come and teach.”<sup>104</sup> This is another example of how Alexander fought discrimination in her unique way. She did not picket the delicatessen or even refuse to speak at their event. She simply highlighted the injustice of formal segregation in her daily acts of resistance.

Alexander continued to highlight the injustice of segregation and the treatment of African Americans since slavery, in her book of poetry, *When is a Man Free?* The book made a small splash in Greensboro, with a local newspaper describing it as a book “composed of two narrative

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<sup>102</sup> “Greensboro, North Carolina, Group Files Historic Suit Against Hospital Exclusion,” *Integration Battlefield*, vol. 54, no. 2, p. 259. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2642370/pdf/jnma00684-0131a.pdf>. Also, 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>103</sup> “Negro Doctor Withdraws Bid for Medical Society,” *The Greensboro Record*, Monday, October 24, 1960, B1

<sup>104</sup> Alexander Collection, MSS 223, Box 5, Folder 11.

poems which deal with the meaning of freedom to mankind and individuals.”<sup>105</sup> It did not, however, mention her fiery rhetoric directed at whites saying, “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.”<sup>106</sup> Nor did it mention her extensive knowledge of the Bible and history, with a poem about the book of Revelation which she applies to slavery saying, “Kidnapped black men in a primitive land,/ Who had never against him turned a hand,/Transported them to distance shores,/ In chains, to do his chores.”<sup>107</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 be found in the 1960s South. The book reveals Alexander’s true feelings about the treatment of African American in America, which were much angrier than she relayed in her professional life. At the same time she was writing this poetry, however, she was dealing with racial injustice in court.

Alexander was quickly becoming familiar with legal issues regarding race. One of her biggest cases of the 1960s started out as a rape case and ended up challenging jury selections based on race. After facing situations where her race conflicted with her personal and professional lives, Alexander was well adept at attacking race issues head-on in a court of law. She had established herself as a capable and intelligent attorney in her own right. When the Yoes case was dropped in her lap, she was certain she could pass it off to another attorney. The Yoes case, however, changed the trajectory of Alexander’s career and put her in the middle of the civil rights controversies of the time. Her childhood emphasis on respectability, her legal knowledge gained at Columbia, her personal strife, and her subtle, daily act of resistance all

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<sup>105</sup> Alexander Collection, MSS 223, Box 1, Folder 5.

<sup>106</sup> Elreta Melton Alexander, *When is A Man Free?* (Philadelphia: Dorrance & Company, 1967), 13.

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

made Attorney Alexander the right person to take on what would become a contentious legal battle.

## Chapter Two

Near Penny Road in High Point, North Carolina, an old, run down 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 had their girlfriends with them; one of the men was Charles Yoes. 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. 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 two of the men beat Wilson and subsequently 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.<sup>108</sup> Yoes was apprehended in Virginia 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>109</sup>

Eighteen miles away from the crime scene in High Point, Elreta Alexander was a successful attorney in Greensboro, North Carolina. Alexander, forty-five, had become a well-known attorney and was active in the Greensboro community, having joined civic organizations such as The Links, an association of black, professional women. It was after Alexander returned

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<sup>108</sup> Alexander interview.

<sup>109</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.

to work following a Links conference in Nassau, Bahamas, that she found Charles Yoes's mother sitting in her office. Distraught, Mrs. Yoes, who had been unable to find another attorney willing to take her son's case, asked Alexander to represent her son at the preliminary hearing concerning his rape charge. Initially Alexander was reluctant to take the case herself. "[I] didn't want to get involved in anything this complicated," she later said. After looking at the evidence, however, she became convinced that Charles Yoes was not one of the rapists. The Yoes family suffered from financial hardship, so Alexander agreed to represent Yoes at the preliminary hearing for a flat fee.<sup>110</sup> 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>111</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 issues in the judicial system.

Despite her initial misgivings about the complexity of the Yoes defense, by 1964 Elreta Alexander was already 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 using her self-proclaimed charisma to

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<sup>110</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>111</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape*, (New York: Simon and Schuster, 1975), 369.

convert members of the Ku Klux Klan away from racism, Alexander was never afraid to make a statement. Though seldom physically on the “front lines” of a public protest, she nonetheless paved a new path for fellow African-American, female professionals. Alexander once stated, “Every case to me was a civil rights case; if I’d been a ‘civil rights’ lawyer I couldn’t have done anything else. My job was talking to jurors, bring brotherhood to this state, and speaking around the state, changing people’s minds.”<sup>112</sup> These commitments to civil rights led Alexander both to defend Yoes and to change the way jury selection occurred in Guilford County.

As Alexander prepared for her defense of Yoes, racial tensions in Greensboro, North Carolina, were reaching a boiling point. Just three years after the 1961 Woolworth’s sit-in, Greensboro, the Guilford County seat, was a ground zero in the North Carolina Civil Rights Movement, a movement further fueled by the Civil Rights Act of 1964, signed 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 Act of 1964 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>113</sup> According to Alexander, “People could see every Negro jumping into every white woman’s bedroom.”<sup>114</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

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<sup>112</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>113</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>114</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

decline of ritualized mob lynching. The complex had long been used as a means of racial and sexual suppression.<sup>115</sup> With the increase of racial integration in schools and public facilities, fears of the black rapist lusting after innocent white women were renewed with vigor.

Racial notions of propriety 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.<sup>116</sup> 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>117</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 man's life with the point of a finger. The supposed threat of sexual violence by black men against white women was a key component behind the logic of segregation.<sup>118</sup>

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<sup>115</sup> Hall, Jacquelyn Dowd, "The mind that burns in each body: Women, rape, and racial violence," *Southern Exposure*, 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>116</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)

<sup>117</sup> Hall, "The mind that burns in each body," *Southern Exposure*

<sup>118</sup> 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.



Popular culture also reinforced this over-sexualized stereotype of the African-American man. 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. It was the virtue of white women that had to be protected. Black women, on the other hand, had been the victims of rape by white men since slavery. 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 symbols of white supremacy.<sup>119</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>120</sup> After slavery black women were 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>121</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>122</sup> If black men could vote and participate in politics, then they could also obtain forgiveness or leniency from

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<sup>119</sup> Kristina DuRocher, *Raising Racists: The Socialization of White Children in the Jim Crow South*, (Lexington: The University Press of Kentucky, 2011), 133 – 134.

<sup>120</sup> Hall, “The mind that burns in each body,” *Southern Exposure*

<sup>121</sup> Rosen, *Terror in the Heart of Freedom*, 72.

<sup>122</sup> *Ibid.*, 173.

fellow black politicians or sympathizing Republicans for their supposed crimes against white women, inciting more violence.<sup>123</sup> Emancipation of slaves, and ensuing calls for political rights, led to increased violence and exploitation in an effort to maintain white supremacy.

After World War II 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>124</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>125</sup> Increased racial integration led to fears of increased miscegenation. Increased miscegenation would lead to increased mixed-race individuals which threatened notions of white superiority that white southerners clung to desperately.<sup>126</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."<sup>127</sup> 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 diverse mixed-race clientele. One of Alexander's own secretaries commented that,

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<sup>123</sup> *Ibid.*, 195.

<sup>124</sup> DuRocher, *Raising Racists*, 11.

<sup>125</sup> Hall, "The mind that burns in each body," *Southern Exposure*

<sup>126</sup> Pamela E. Barnett, *Dangerous Desire: Literature of Sexual Freedom and Sexual Violence Since the Sixties*, (New York: Routledge, 2004), xxix.

<sup>127</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

“If those boys did that, they ought to be hanged.”<sup>128</sup> The race of the secretary is not specified, but Alexander undoubtedly faced an exodus of clients if Yoes indeed proved to be a rapist.

The three-hour preliminary hearing, starting on July 13, 1964, was not favorable for the defense. The testimony of Guilford County Sheriff’s deputy D.S. Lee was particularly damning. Lee testified that a .22 rifle was recovered near the scene. He also testified that the four men and two women 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. During the preliminary hearing, Yoes 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>129</sup>

During the preliminary hearing it became evident there were inconsistencies in Mary Lou Marion’s story as well. Marion testified only two of the four men touched her. She also was unable to identify Charles Yoes as one of her attackers, a statement which Alexander recorded on tape. One 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 sheriff. Additionally, Wilson testified he was unable to identify the men who beat him because he had been knocked unconscious.<sup>130</sup> The black women, however, testified that their boyfriends, one of whom was Yoes, never approached the crime scene. The prosecuting attorney, according to

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<sup>128</sup> *Ibid.*

<sup>129</sup> “Four Ordered for Trial on Charges of Rape,” *The High Point Enterprise*, July 14, 1964, B1

<sup>130</sup> Follmer, Don, “Rape Defendants Given Life Terms,” *The High Point Enterprise*, December 19, 1964, 12.

Alexander, was “determined the boys were going to sniff a little gas.”<sup>131</sup> Convinced Yoes was facing an unfair trial for a crime to which he was only an accessory, Alexander decided to stay on the case, hoping it would not last too long. As the case dragged on though, she became determined to change racial injustices she saw in Guilford County’s court system.

Yoes faced the death penalty for this crime, a potential punishment more commonly used for African-American men convicted of rape. White men accused of rape were rarely executed. In fact, between 1930 and 1957, the State of North Carolina executed forty African-American men, compared to four white men, convicted of rape.<sup>132</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, coming to expect, and even accept, the discrimination they faced in all facets of the justice system.<sup>133</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 be more harshly prosecuted for their crimes. Alexander was not willing to accept the status quo, nor was she willing to abandon Yoes to the system of Southern justice.

The racism found in North Carolina’s legal system was prevalent all over the South. Alexander knew that if her client was convicted for rape, he would undoubtedly face a harsher punishment than if he were white, or than if he were convicted of raping a black woman. Between 1945 and 1965 eleven Southern states executed thirteen percent of all convicted black

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<sup>131</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>132</sup> Jack Greenburg, *Race Relations and American Law*, (New York: Columbia University Press, 1959), 336.

<sup>133</sup> Franklin, John Hope and Genna Rae McNeil, eds, *African Americans and the Living Constitution*, (Washington: Smithsonian Institution Press, 1995), 237 – 238.

rapists. 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>134</sup> With these odds, it was imperative for Alexander to have a racially-diverse jury during the trial. Having tried many cases in Guilford County, Alexander surely noticed the lack of African Americans on juries. But for the sake of Charles Yoes, who she believed to be innocent, Alexander decided to challenge the county's jury selection procedures.

Alexander faced an uphill battle trying to prove Yoes' innocence. Originally scheduled to begin on October 28, 1964, the trial was moved to Greensboro, commencing November 30, 1964. Each of the four men faced two charges of armed robbery and one charge of rape. During the interim between trials, Alexander planned to contest 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. Alexander issued subpoenas to Superior Court clerks in neighboring counties asking for court records of rape cases where African Americans were involved. Solicitor L. Herbin, Jr. asked for a recall of the subpoenas, which Judge Robert M. Gambill granted. 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>135</sup> This incident was the first of many times Alexander would face resistance from Judge Robert Gambill.

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<sup>134</sup> Brownmiller, *Against Our Will*, 215.

<sup>135</sup> "Subpoenas Ordered Recalled," *Greensboro Daily News*, Thursday, October 29, 1964, B1.

Jury selection, or voir dire, was a long, drawn-out affair, with the court reviewing over four hundred people before finally establishing a jury. Before the opening of the November 30<sup>th</sup> trial, Alexander subpoenaed the chairman of the Guilford County Commissioners to bring all county records pertaining to the selection of juries.<sup>136</sup> The 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>137</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 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

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<sup>136</sup> Folmer, Don, "Trial of Four for Rape Called in Greensboro Court," *The High Point Enterprise*, Monday, November 30, 1964, B1.

<sup>137</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.

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.<sup>138</sup> This process was repeated every two years and had last occurred in 1963, over a year before the trial began.

Alexander asserted African Americans were being discriminated against during this process. The codes, Alexander claimed, were knowingly used to identify race and keep African Americans off juries. Her claim was well-founded. 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 venires, which are panels of prospective jurors, making discrimination more blatant in jury selection. When minorities did appear on venires, however, they were frequently eliminated and cited as under qualified or used as tokens.<sup>139</sup> Guilford County officials, however, testified this was not the case in the Yoes trial. Court documents state only tax officials knew the meaning of code numbers one and two. 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>140</sup> When Alexander questioned county tax supervisor H.A. Wood in court as to why whites and

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<sup>138</sup> *Ibid.*

<sup>139</sup> "Fair Jury Selection Procedures," *The Yale Law Journal*, Vol. 75, No. 2 (Dec. 1965), pp. 322-334. This article examines jury selection processes in the South one year after the Yoes trial.

<sup>140</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.

African Americans were given distinctive codes on tax forms Wood replied, “Because it’s always been that way, I guess.”<sup>141</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.

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. 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.<sup>142</sup> 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>143</sup> In Guilford County, Alexander argued, being black did not make one a good juror in the eyes of the court.

When the pre-trial proceedings finally began on November 30, 1964, security was tight in the courtroom. Judge Robert Gambill ordered additional deputies on duty in the courtroom to

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<sup>141</sup> “Tax List Distinctions Injected in Grand Jury Selection Test,” *The Greensboro Record*, Wednesday, December 2, 1964. Found in the Alexander Collection, MSS 223, Box 3, Folder 3.

<sup>142</sup> Fukurai, Hiroshi and Richard Krooth, *Race in the Jury Box: Affirmative Action in Jury Selection*, (Albany: State University of New York Press, 2003), 3.

<sup>143</sup> Benokraitis, Nijole and Joyce A. Griffin-Keene, “Prejudice and Jury Selection,” *Journal of Black Studies*, Vol. 12, No. 4, (June, 1982), 427 – 449.



help maintain order. Only court officials, police officers, reporters, and attorneys were allowed to come in and out of the courtroom.<sup>144</sup> Alexander started receiving threats from white men saying “kill that bitch” in the courtroom. Dr. Girardeau Alexander, her husband, began sending a bodyguard to court with her.<sup>145</sup> As in the days of lynching, some white southerners were ready to see the defense, and the defense attorney, hang for this crime.

Judge Gambill was a major impediment for the defense. Frequently referring to the defendants as “niggers,” Alexander claimed he would not allow evidence favorable to the defense to be considered by the jury. Gambill was “a good friend and a good judge, but he could not separate his prejudice from sitting fair and impartial on this case.”<sup>146</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 recordings of previous testimony. 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>147</sup> Encountering judges like Gambill was not uncommon, especially in the South. In Mississippi, District Court Judge William Harold Cox described African Americans as “chimpanzees” from the bench.<sup>148</sup> As in jury selections, the personal biases and beliefs of judges affected sentencing of accused individuals, especially for poor and non-white defendants.<sup>149</sup> For the African-American defendants in this case, getting a fair trial would prove to be extremely difficult.

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<sup>144</sup> “Robbery, Rape Case Set Today,” *Greensboro Daily News*, Tuesday, October 27, 1964, A12.

<sup>145</sup> Alexander Interview.

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

<sup>147</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>148</sup> Jackson, *Judges*, 122.

<sup>149</sup> *Ibid.*, 367.

On the first day of the pre-trial proceedings, Alexander immediately began using jury selection as a defense tactic. She questioned the law because it allowed for “systematic exclusion of qualified jurors,” and filed a motion to suppress the indictments of the four men.<sup>150</sup> Alexander called the county commissioners, the county manager, the sheriff, the tax assessor, and various county employees involved in the jury selection process to prove there was systematic discrimination in the procedure. Alexander was unable to make her case for Judge Gambill, however. He quashed the motion, saying he would only allow evidence of discrimination pertinent to this particular case. Additionally, Judge Gambill denied a motion for separate trials for each of the four men.<sup>151</sup> 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. Knowing two of the men were likely guilty of raping Marion, Alexander now had to try other defense tactics in order to spare Yoes’s life. For two and a half days Alexander argued Guilford County was not selecting jurors as instructed by the North Carolina statutes to no avail.

Alexander’s defense strategy got her nowhere with Judge Gambill. On December 16, 1964, the State of North Carolina asked for the death penalty for the four men. With twelve jury members in place, only one of whom was African American, Solicitor L. Herbin, Jr. 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.” Also testifying on behalf of the prosecution was Guilford County Deputy Frank Smith who stated he found Marion “crying and apparently hysterical,” and Wilson “bleeding from the mouth and arm.” Dr. Almon R. Cross, who

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<sup>150</sup> Price, Charles, “Grand Jury System Here is Challenged,” *The Greensboro Record*, Tuesday, December 1, 1964, B1.

<sup>151</sup> Folmer, Don, “Selection of Juries Issue in Rape Trial,” *The High Point Enterprise*, Tuesday, December 1, 1964.

examined Marion the night of the alleged rape, testified “there was no doubt,” Marion had engaged in sex in the hours before the incident.<sup>152</sup> Newspapers did not address, however, whether Marion and Wilson had been having sex before the rapes, which could put Cross’s testimony into question. 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>153</sup> Additionally, Alexander later stated Marion testified that she had fought off her rapists, but that she “didn’t have a scratch. Nobody had a scratch.”<sup>154</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.<sup>155</sup>

While she had only received payment from Yoes’s mother, Alexander was leading the defense for all four men. Alexander stated the court-appointed attorneys for the other three men attended the hearing with “a clean yellow legal pad, not one bit of preparation. They’d never tried a capital case, or even a serious felony.”<sup>156</sup> Since 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. Alexander, who tried to prove juries treated black men more harshly than white men, was shut down by Judge Gambill, who said, “This matter of punishment is not to be proved with statistics...but is a matter of opinion.”<sup>157</sup> According to Gambill, the guilt or innocence of the four men was not a question. Additionally, none of the men took the stand on their own behalf

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<sup>152</sup> “Death Asked for Four Defendants,” *Greensboro Daily News*, Thursday, December 17, 1964, B1.

<sup>153</sup> DuRocher, *Raising Racists*, 141.

<sup>154</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>155</sup> Brownmiller, *Against Our Will*, 368.

<sup>156</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>157</sup> “Arguments, Motions Slow Trial,” *Greensboro Daily News*, Friday, December 18, 1964, B1.

and the defense largely relied on cross-examinations of the state's witnesses.<sup>158</sup> In the minds of the court-appointed defense attorneys, there seems to have been little doubt regarding guilt as well.

Despite the odds, Alexander still vigorously defended Charles Yoes and the other three defendants. Upon her cross examination of the victim, Mary Lou Marion, Alexander attempted to cast doubt on her credibility. She stated years later that Marion kept referring to her assailants as "they" and never identified her attackers. Alexander herself was convinced Marion had either been raped or had sex with 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 Lou had been convicted of prostitution, but the courthouse records were clean."<sup>159</sup> 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.<sup>160</sup> Whether or not Marion's previous record was intentionally hidden to aid the prosecution was never established.

While Alexander and Yoes were disadvantaged in the case by the racial dynamics of the time, Alexander still 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

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<sup>158</sup> Folmer, Don, "Rape Defendants Given Life Terms," *High Point Enterprise*, Saturday, December 19, 1964, 12.

<sup>159</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>160</sup> *Ibid.*

probability of consent in sexual intercourse.<sup>161</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, were rarely introduced to the jury.<sup>162</sup> In this case, none of the defendants had any prior criminal records. Two of the defendants, however, admitted to having sex with Marion, but testified Marion did not fight them. Additionally, one of the girlfriends testified that Marion pushed her when she tried to get her own boyfriend away from the car.<sup>163</sup> Alexander also stated later that Marion broke down in tears on the stand. Rapid questioning, repeating the same questions, and focusing on minute details were often tactics used by defense attorneys to confuse or embarrass victims.<sup>164</sup> Alexander herself used such tactics during the preliminary hearing and the trial, and felt she had adequately established doubt in Marion's story. But in a southern rape trial word of the white woman still trumped the testimony of a black man. Usual presumptions assumed because the victim is white, there is no way she would have wanted to have sex with the defendants, both black men.<sup>165</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.

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

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<sup>161</sup> Amanda Konradi, *Taking the Stand: Rape Survivors and the Prosecution of Rapists*, (Westport: Praeger Publishers, 2007), 8.

<sup>162</sup> Brownmiller, *Against Our Will*, 372.

<sup>163</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>164</sup> Konradi, *Taking the Stand*, 103.

<sup>165</sup> Catherine A. MacKinnon, *Women's Lives, Men's Laws*, (Cambridge: The Belknap Press of Harvard University Press, 2005), 131.

the fastest way to be removed from that pedestal. While a white woman was not the legal property of the 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>166</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.

Because Marion maintained she was raped, the treatment of the four defendants in the courtroom was particularly harsh. Alexander claimed the “deputies treated them like dogs; they’d throw them around.”<sup>167</sup> Throughout the trial several sheriffs’ deputies constantly surrounded the defendants with their hands on their guns and were instructed to shoot them if they moved. Alexander also claimed they were instructed to shoot her too if they shot one of the defendants. Deputy Hinson, one of the few African Americans on the squad, also quietly informed Alexander that Guilford County Sheriff Jones had wire-tapped the defendants’ jail cells in an attempt to hear one of the defendants confess. Throughout the trial Alexander and the fellow defense attorneys communicated with their clients almost solely in writing. While 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.<sup>168</sup>

On Friday, December 18, 1964, in what had already become the longest criminal trial in Guilford County history, all four defendants were found guilty of rape and sentenced to life in prison. According to Alexander, she requested that the jury, who also recommended

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<sup>166</sup> Brownmiller, *Against Our Will*, 220.

<sup>167</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>168</sup> *Ibid.*

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>169</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.” Judge Gambill sent the jury back in order to come up with a unanimous verdict. The jury arrived at a sentence of life in prison.<sup>170</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 was varied. 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 penalty were justified, it should seem to have been applicable in the cast of those four sullen, brutish Negro men who slipped through the net of justice with their lives,” the editorial stated. It then 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.<sup>171</sup> Undoubtedly, in a southern state in the midst of 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 coming and everyone involved with the case tired, Alexander claimed Judge

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<sup>169</sup> Alexander Interview.

<sup>170</sup> Folmer, “Rape Defendants Given Life Terms,” *High Point Enterprise*

<sup>171</sup> McPherson, Holt, “Good Morning,” *High Point Enterprise*, Sunday, December 20, 1964.

Gambill gave her until the first term in January to file an appeal. In January of 1975, however, Judge Gambill denied the four defendants' request to appeal the case as paupers, citing the fact 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>172</sup> She then requested the court transcript to prepare for the appeal and outline Judge Gambill's prejudice during the trial. Court reporter Nelly Lovin, however, had not finished the transcript which was four volumes thick. Alexander then tried to get the transcript on a writ of certiorari, where the 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 finished before proceeding with the appeal. Meanwhile, Judge Gambill kept Lovin so busy she was unable to finish the trial transcript.<sup>173</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.

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 70,000 prospective juror slips. Gambill subsequently dismissed all jurors serving jury duty for that week until the issue was resolved, ruling 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

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<sup>172</sup> "Judge Turns Down Move by Rapists," *Greensboro Daily News*, Friday, January 15, 1965, A16.

<sup>173</sup> Claimed by Elreta Alexander in the Alexander Collection, MSS 223, Box 5, Folder 13. Alexander's interview also states Lovin testified that Judge Gambill increased her workload so she would be unable to prepare the transcript for appeal.



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>174</sup>

Alexander’s appeal of Yoes’s conviction focused on the convoluted jury selection process in Guilford County. Having spent \$20,000 of her own money in time and expenditures, she eventually received the trial transcript. When the North Carolina Supreme Court finally decided to take the case, it was 1966. Alexander stated the Supreme Court “didn’t want this case...because they knew what Gambill had done...by the time I got to appear in Raleigh, they sustained the whole thing.”<sup>175</sup> The Supreme Court ruled there had been no error in the trial, and the sentence stood. Alexander then left the case, and all four men received court-appointed attorneys as the case went on to federal court. Ultimately none of the four men served life, but all went to prison. Alexander stated over thirty years later, “Yoes should not have been in there, except guilt by association, Yoes and one of the other fellows.”<sup>176</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. Alexander exposed the antiquated and prejudiced jury selection process in Guilford County, potentially helping many future African-American defendants receive fair trials.

After two years working for Yoes on a one-week retainer, Alexander decided to leave the case and run for Guilford County district court judge. 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. Mary Lou

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<sup>174</sup> “Race Code Ordered Off Juror Slips,” *The High Point Enterprise*, Tuesday, January 5, 1965

<sup>175</sup> Alexander Collection, MSS 223, Box 5, Folder 13.

<sup>176</sup> Alexander interview.

Marion was eventually placed in a mental institution. Alexander stated, “the papers say this [the rape] was the cause of her mental illness, but it’s something else.”<sup>177</sup> Alexander did not clarify what she believed to be the cause of Marion’s mental illness, leaving lingering questions about what actually occurred the evening of June 21, 1964.

When Alexander decided to run for district court judge in 1968, she stated the Yoes case was one of the cases 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>178</sup> The repressiveness 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>179</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>177</sup> Alexander Collection, MSS 223, Box 5, Folder 13. In a 1977 interview Alexander stated that she believed all four men were on work release.

<sup>178</sup> *Ibid.*

<sup>179</sup> “Judge Alexander Logs Firsts in School, State. Found in Alexander Collection, MSS 223, Box 4, Folder 2.

### Chapter Three

Elreta Alexander was a ground-breaking attorney before the Yoes case. She was extremely successful and well-known in her hometown of Greensboro, and had already changed the landscape of the judicial system in North Carolina. Her foray into politics after the Yoes case, however, would solidify her place in North Carolina history. The Yoes case changed the way juries were selected in North Carolina. But as a judge and candidate for district and Supreme Court judgeships, Alexander would change policies concerning juvenile sentencing and judicial elections, as well as shine a light on the issues of sexism and racism that were still prevalent in North Carolina's electoral and judicial systems. In the 1960s and 70s, Alexander was at the pinnacle of her professional career. Her successes and her failures demonstrated both the possibilities and limitations that confronted an African American woman in the post-Civil Rights era.

While serving as defense attorney for Charles Yoes, Alexander was a senior partner at Alston, Alexander, Pell, and Pell, located in downtown Greensboro, which was the first integrated law firm in the state of North Carolina.<sup>180</sup> After the legal injustices she witnessed in the Yoes case, and after over twenty years as an attorney in Greensboro, Alexander decided to run for a district court judgeship in Guilford County. She did not do much active campaigning, but placed several ads in Guilford County newspapers. The ads consisted of picture of Alexander, dressed in a dark suit with pearls, and encouraged voters to “elect a living symbol of justice.”<sup>181</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 came

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<sup>180</sup> Speckhard Interview

<sup>181</sup> Alexander Collection, MSS 223, Box 5, Folder 16.

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 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>182</sup> Voter registration among African Americans had increased significantly in 1968. Largely due to the 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>183</sup> The well-publicized campaigns of two prominent African Americans in Guilford County brought many first-time voters to the polls.

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 nationwide only 314 out of an estimated 16,700 full-time judges were black.<sup>184</sup> Not only was there a severe lack of African-Americans in the legal profession, there was also a lack of women. In 1970, out of 16,700 judges in state courts, 183 were women.<sup>185</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. Prior to 1948, most African Americans in North Carolina associated themselves with the Republican Party. But when North Carolina Democrats

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<sup>182</sup> Brown, Joe, "5 Democrats, 1 Republican Winners in Judgeship Race," *The High Point Enterprise*, Wednesday, November 6, 1978, C1.

<sup>183</sup> "Over 110,000 Registered to Vote in County Today," *Greensboro Daily News*, Tuesday, November 5, 1968, A3.

<sup>184</sup> Jackson, *Judges*, 111.

<sup>185</sup> *Ibid.*, 253.

started to advocate against Jim Crow, the shift in party demographics began.<sup>186</sup> By 1968, Alexander was one of the few African Americans left in what had become the conservative party. She stated explicitly that she was not a conservative and believed “integration was the only way for black people to succeed.”<sup>187</sup> 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.

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>188</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 who were seeking to cast their vote.”<sup>189</sup> Despite running from different political parties, local black organizations endorsed both Frye and Alexander. Decades later Frye stated

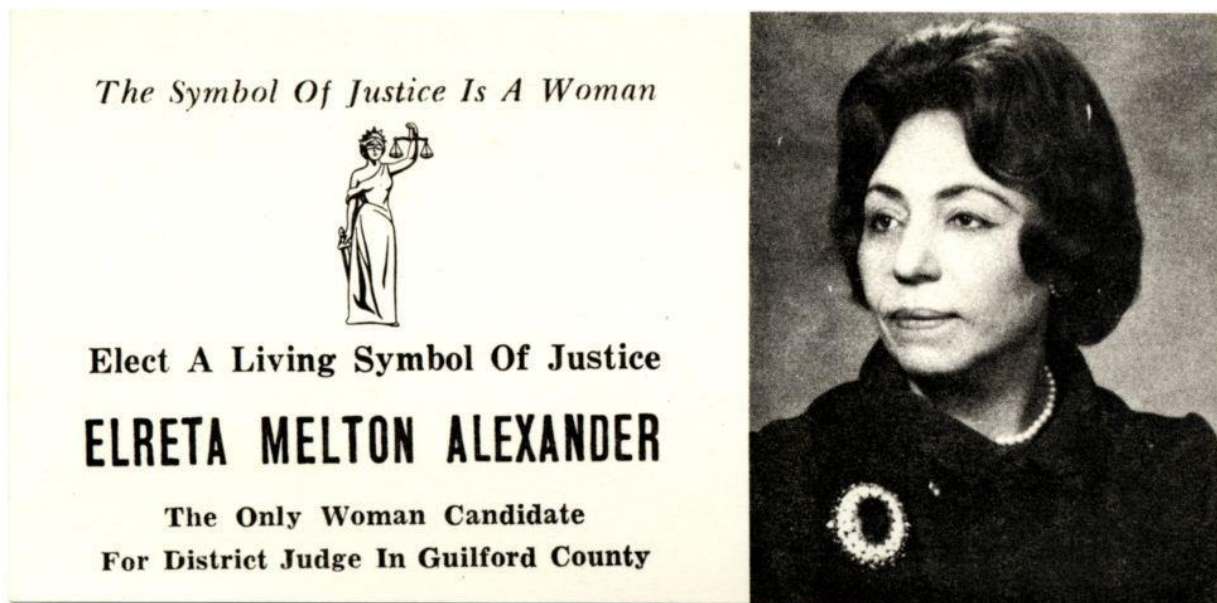
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<sup>186</sup> Christensen, Rob, *The Paradox of Tar Heel Politics: The Personalities, Elections, and Events that Shaped Modern North Carolina*, (Chapel Hill: The University of North Carolina Press, 2008), 204.

<sup>187</sup> Schlosser, Jim, “Judge A Paved Way – With Style,” *Greensboro News and Record*. (March 16, 1998) A1.

<sup>188</sup> 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. For more information on this period see Helen G. Edmonds, *The Negro and Fusion Politics in North Carolina, 1894 – 1901*, (Chapel Hill: The University of North Carolina Press, 1951).

<sup>189</sup> Stevenson, John Marshall, “A New Day Has Dawned: Frye to Legislature; Alexander to District Court,” *Carolina Peacemaker*, Saturday, November 9, 1968. Found in the Alexander Collection, MSS 223, Box 3, Folder 4.



Literature from the 1968 District Court race. Elreta Alexander Collection, MSS 223, Martha Blakeney Hodges Special Collections and University Archives, Jackson Library, The University of North Carolina at Greensboro.

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>190</sup>

According to Alexander, however, the whites in power in Raleigh were not as thrilled with her victory. "When my election was heard about in Raleigh, the power structure said, 'My God, this is opening doors; maybe we're going too fast,'" stated Alexander. After Alexander's win, the election of district court judges was changed in North Carolina. Instead of the top vote-getting candidates winning and then being assigned to their district, the state created a numbered seating plan where judges then had to run for their specific seat against another candidate. A candidate 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

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<sup>190</sup> Justice Frye Interview.

Alexander.<sup>191</sup> Whether or not the plan was to prevent more African Americans from securing judgeships, Alexander went on to have a successful and accomplished tenure as district court judge.

Judge 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>192</sup> It was in the juvenile court where she created the Judgment Day program in 1969, an accomplishment she was particularly proud of. 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>193</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.

When Alexander became the first African-American female district court judge in 1968, she shook up more than just the racial and gender make-up 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>194</sup> Her philosophy was that the bench should be used for something other than punishment. The idea that courts could treat rather than

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<sup>191</sup> Alexander Collection, MSS 223, Box 5, Folder 14.

<sup>192</sup> Speckhard Interview

<sup>193</sup> Alexander Interview.

<sup>194</sup> Jackson, *Judges*, 125 - 126.

punish, also known as rehabilitative justice, came from the progressive movement of the early Twentieth Century. The idea behind 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>195</sup> Pioneered by female sociologists in Chicago, Judge Alexander took these ideas and created a program unique to Guilford County.<sup>196</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>197</sup> Many of the cases Judge Alexander took on dealt with juveniles. In 1968 there were few programs within the North Carolina judicial system for troubled youth, so Judge Alexander took matters into her own hands. 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>198</sup> In 1899, the first separate court for juveniles was established in Cook County, Illinois.<sup>199</sup> Despite the good intentions of progressive reformers, the nature of juvenile crime began to change with the arrival of urbanization and industrialization. With both parents working out of the home, poor children were left to fend for themselves. While these progressive reformers attempted to address these issues, their models did not keep up with the changing nature of juvenile crimes.<sup>200</sup> As a district court judge, Alexander had to work within the framework established by early juvenile reform

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<sup>195</sup> Thomas G. Blomberg and Karol Lucken, *American Penology: A History of Control*, (New York: Aldine De Gruyter, 2000), 63.

<sup>196</sup> *Ibid.*, 99.

<sup>197</sup> Alexander Interview.

<sup>198</sup> Schlossman, *Love and the American Delinquent*, 137.

<sup>199</sup> Feld, *Bad Kids*, 55.

<sup>200</sup> Blomberg and Lucken, *American Penology*, 80.



advocates. In creating the Judgment Day program, however, 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.

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 the 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 the young offenders were given various tasks to perform. The tasks generally consisted of community service, and 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 the judge.<sup>201</sup> On a pre-set date the offender would read their report 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>202</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>203</sup> As a result, there were fewer programs for juvenile offenders. Juvenile courts also varied from state to state,

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<sup>201</sup> John Lowe, "Judgment Day in High Point Gives Young Another Chance," *High Point Enterprise*, December 29, 1977, 1B & 2B.

<sup>202</sup> Blomberg and Lucken, *American Penology*, 93.

<sup>203</sup> Feld, *Bad Kids*, 89.

depending on the courts and statutes of each state.<sup>204</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>205</sup>

Judge Alexander touted the achievements of the program and how it changed the lives of the young people who went through it. A young, overweight woman who pleaded guilty to writing bad checks in return for friendship reported to the court that she went to Weight Watchers, got a job, and had found legal means of obtaining friendship. In another instance, Alexander once 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>206</sup>

Other judges and attorneys, however, attacked the program.<sup>207</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>208</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 were able to reform their lives because in the Judgment Day program they were provided with a support system. She

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<sup>204</sup> *Ibid.*, 66.

<sup>205</sup> Speckhard Interview.

<sup>206</sup> Alexander Interview.

<sup>207</sup> Darryl Lyman, *Great African American Women* (New York: Gramercy Books, 1999), 186.

<sup>208</sup> "Judgment Day Unique for Guilford County," *Greensboro Daily News*, Sunday, September 24, 1978, E8.

stated the young offenders went on to succeed “because somebody cared and they didn’t have to stand up there alone.”<sup>209</sup>

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>210</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. The federal Office of Juvenile Justice and Delinquency Prevention authorized states to “get tough” on juveniles and criminalized children. Those tougher 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>211</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 trail judge’s power to determine the length of an offender’s confinement.”<sup>212</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

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<sup>209</sup> Interview with Judge Elreta Alexander Ralston, Southern Oral History Program, University of North Carolina at Chapel; transcript, 91 - 92.

<sup>210</sup> Andrew von Hirsch, quoted in *Determinate Sentencing: Reform or Regression? Summary Report* (National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 2008), 63.

<sup>211</sup> Michael A. Corriero, *Judging Children as Children: A Proposal for a Juvenile Justice System*. Philadelphia: Temple University Press, 2006, 15.

<sup>212</sup> *Determinate Sentencing, Summary Report*, 64.

Alexander's favorite quote--and her primary judicial philosophy--was "The truth shall set you free."<sup>213</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 was a groundbreaking program, 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>214</sup> When asked what she was going to do about it the girl responded, "I'm not going to steal no more...stealin' don't get you nowhere."<sup>215</sup> Judge Alexander then allowed the girl to go home, as long as she reported to 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>216</sup>

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 workers, and judges. These maternalists focused on the specific problems of young wayward girls, and included progressive reformers such as sociologists 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>217</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

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<sup>213</sup> Alexander Interview.

<sup>214</sup> Jackson, *Judges*, 110.

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*, 111.

<sup>217</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.

classes.<sup>218</sup> Judge Alexander, in her treatment of young offenders, carried on that progressive tradition.

Thursday, December 29, 1977, was Judgment Day in High Point, North Carolina. The program had been in place for over eight years and Judge Alexander was no longer the sole judge making an impact on local juveniles' lives. On this day, Judge Joseph A. Williams listened to a young man describe what he had learned after being charged with reckless driving. He had been required to study North Carolina's reckless driving laws. A nineteen-year-old girl who had been charged with an alcohol violation had to stand before the court and read her essay aloud on the hazards of alcohol abuse. As the girl read, she began to sob. When she finished Judge Williams dismissed the charges but sternly told the girl, "This is the last chance you're going to get...From now on you're on your own." Williams later told a reporter he believed "the future of this country depends on today's youth" and those youth "deserve second chances when committing crimes often prompted by peer group pressure." In Judge Williams's closing remarks he revealed something personal about himself and why the Judgment Day program was important to him. "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>219</sup> Judge Williams did not state specifically if he had been a participant of the Judgment Day program. Although he was only three years out of law school when he became a judge, he probably was too old to have gone through the program. His testimony, however, reaffirmed Judge Alexander's commitment to seeing youth succeed.

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<sup>218</sup> *Ibid.*, 14

<sup>219</sup> John Lowe, "Judgment Day in High Point Gives Young Another Chance," *High Point Enterprise*, December 29, 1977, 1B & 2B.

Less than ten years after Judge Alexander created Judgment Day, she was forced to change the procedure after the program was attacked by a fellow district court judge. 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>220</sup> Although Hatfield was a member of the same political party, he obviously did not share Alexander’s progressive approach to sentencing. By 1980 the future of the Judgment Day program was uncertain when 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 Judges Williams or Alexander to proceed with the program by insisting he have the sole prerogative to dismiss cases.<sup>221</sup>

Deferred sentencing is still popular for a variety of infractions ranging from traffic tickets to more serious offenses by first time offenders. Judgment Day demonstrated that a rigid justice system does not meet the needs of all citizens, especially juveniles. Judge Alexander’s success stories demonstrate her program could be a turning point in many young people’s lives. As a result children’s advocates are pushing for more juvenile rehabilitation resources. While judges may not always have the judicial discretion they would like, there are more juvenile sentencing options now than when Judge Alexander created Judgment Day.

The 1970s saw many career highs and lows for Judge Alexander. She had amassed significant financial wealth, was an in-demand speaker throughout the east coast, a published poet, and leader in the city of Greensboro. Her personal life was also on the mend. After she

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<sup>220</sup> “Court Overrules ‘Judgment Day,’” *The Salisbury Sunday Post*, September 10, 1978. Found in the Alexander Collection, MSS 223, Box 4, Folder 1.

<sup>221</sup> “Judgment Day – Over?” *The Greensboro Record*, Tuesday, April 15, 1980, A6. Found in the Alexander Collection, MSS 223, Box 4, Folder 1.

divorced Tony in March, 1968, their previously turbulent relationship had become 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.”<sup>222</sup>

Also in 1972, Judge Alexander’s name was frequently mentioned as a possible presidential appointee to the 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;” this said despite the fact Alexander had won a district court election as a Republican.<sup>223</sup> An editorial about Alexander’s possible nomination commented on the political nature of Nixon’s possible appointment, and questioned whether appointing a black woman would be a hindrance in his Southern Strategy, where Nixon courted white votes and deliberately elicited fears of racial equality. It said 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>224</sup> Alexander did not receive the nomination, 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

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<sup>222</sup> Alexander Collection, MSS 223, Box 5, Folder 14.

<sup>223</sup> “Alexander Out of Judge Picture?” *The Greensboro Record*, January 27, 1972. Found in Alexander Collection, MSS 223, Box 3, Folder 8.

<sup>224</sup> “Appointment Politics and Judge Alexander,” *The Greensboro Record*, Wednesday, January 12, 1972. Found in Alexander Collection, MSS 223, Box 3, Folder 8.

office.”<sup>225</sup> Her accomplishments began to attract national attention, with a profile of Alexander included in an edition of *The Miami Herald*.

Alexander never 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 chief justice election of the North Carolina Supreme Court in February of 1974. 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.”<sup>226</sup> Judge Alexander’s statement goes on to tout her education, qualifications, her “temperament, judgment, maturity, courage and character,” and her experiences as an attorney and judge in Guilford County.<sup>227</sup> Early in her campaign Alexander established her credentials to Republican voters.

Alexander would not receive the Republican nomination for the North Carolina Supreme Court Justice Position, losing to a fire extinguisher salesman. In what could be attributed to “racism, sexism, or gross ignorance,” it became apparent the best candidate does not always win.<sup>228</sup> The 1974 North Carolina Supreme Court election highlighted the prejudices that still existed concerning gender and race in politics. Being an African-American female, Judge

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<sup>225</sup> Sinclair, Molly, “An Idea Whose Time Had Come: The Judge That Won Without a Campaign,” *The Miami Herald*, April 22, 1972, 5B.

<sup>226</sup> Alexander Collection, MSS 223, Box 5, Folder 16. 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*, an Africa-American newspaper.

<sup>227</sup> *Ibid.*

<sup>228</sup> Hackney, Brent, “Best Candidate Doesn’t Always Win,” *The Salisbury Post*, May 12, 1974. Found in the Alexander Collection, Box 3, Folder 10.



Alexander arguably faced an uphill battle running for state-wide seat in North Carolina. As she was a pioneer in the legal field, she was also a forerunner to other minority political candidates. In North Carolina, the first African-American woman was elected to U.S. Congress in 1992, the first female senator was elected in 2006, and a female governor was elected in 2008.<sup>229</sup>

While Alexander overcame the odds of race and gender to become a district court judge from her hometown, she could not translate her local success into a state-wide victory. Nineteen seventy-four was a mid-term election year, so the press coverage was not as great as it would have been in a presidential election year. 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>230</sup> Sharp ran unopposed for the Democratic nomination, and a historic woman versus woman contest was anticipated. An Alexander/Sharp race was set, until the North Carolina Republican electorate made an error that undoubtedly 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 was not as known 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

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<sup>229</sup> Christensen, *The Paradox of Tar Heel Politics*, 289, 293. Eva Clayton (D) was elected to represent NC-1 in 1992, Elizabeth Dole (R) was elected North Carolina's first United States Senator in 2006, and Bev Perdue (D) was elected North Carolina's first female governor in 2008.

<sup>230</sup> Alexander Collection, MSS 223, Box 2, Folder 1. This article comes from the February 25, 1974 edition of the *Greensboro Record*.

Supreme Court.<sup>231</sup> A white woman, Sharp was well-known in the North Carolina Democratic Party, as well as across the state. While Judge Alexander had won her past two elections, this state-wide campaign would require more money and more travel than her previous Guilford County campaigns.

Alexander never stated a particular event inspiring her to 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>232</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>233</sup> She had been in contact with the North Carolina Republican Party regarding the 1974 chief justice campaign though. In a letter dated January 11, 1974, Judge Alexander wrote North Carolina GOP Chairman Thomas Bennett declining his invitation to 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) publically 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. 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>234</sup> By this time Alexander was likely mulling a

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<sup>231</sup> Hays, *Without Precedent*, 2.

<sup>232</sup> Alexander Collection, MSS 223, Box 5, Folder 16

<sup>233</sup> Hays, *Without Precedent*, 351.

<sup>234</sup> Alexander Collection, MSS 223, Box 2, Folder 1

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.

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." 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>235</sup> Being the "best Negro lawyer in the state" did not make up for the fact that even fellow female legal pioneers focused on Alexander's outward appearance rather than her competency as an attorney.

Fourteen years later, as her probable opponent, Justice Sharp did not describe Judge Alexander as favorably. Sharp was admittedly prejudiced against African Americans. Like many white southerners, she was adamantly against federal intervention in desegregation and described the *Brown vs. Board of Education* decision as "the greatest calamity to befall the South since reconstruction." 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>236</sup> Justice Sharp's assessment of the reaction to Judge Alexander's candidacy, in some circles, was probably spot on. Judge Alexander was not well-known all over the state, yet her name had started coming up for possible appointments to higher courts. Increased name recognition, as

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<sup>235</sup> Hays, *Without Precedent*, 348.

<sup>236</sup> *Ibid.*, 351.

well as increased touting of her achievements, served as beneficial side-effect of running for office. Sharp was also undoubtedly correct that 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.

The antiquated views of old southern Democrats, like Sharp, quickly became the minority views within the party. Judge Alexander decided to run for chief justice during a transitional time in North Carolina politics. After Democratic President Lyndon B. Johnson signed the Civil Rights Act of 1964, old southern Democrats began fleeing to the Republican Party. That same year, Senator Strom Thurmond left the Democratic Party to become the first Republican senator from the Deep South in the twentieth century.<sup>237</sup> When Senator Jesse Helms of North Carolina followed suit in 1971, he replaced Thurmond as “the most conspicuously unreconstructed Republican senator from the South.”<sup>238</sup> Thurmond and Helms' switch in party affiliation signal what Earl Black and Merle Black call the “Great White Switches” of presidential voting and party affiliation in the South. The landscape of southern politics changed, creating a party system where African Americans and liberal to moderate whites became affiliated with the Democratic Party, and the conservative stalwarts of racial segregation aligned themselves with the Republicans. The Republican Party that emerged from the South had little to do with the principles of Lincoln, but was much more in tune with the views of Goldwater instead.<sup>239</sup>

Judge Alexander served as a bellwether for the changing political tides; however, remaining an African-American woman in the Republican Party likely had a negative impact on

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<sup>237</sup> Black, Earl and Merle Black, *The Rise of Southern Republicans*, (Cambridge & London: The Belknap Press of Harvard University Press), 1.

<sup>238</sup> *Ibid.*, 103.

<sup>239</sup> *Ibid.*, 4.

her state-wide campaign. In 1972, two years before the chief justice race, President Richard Nixon implemented his Southern Strategy. In an attempt to solidify a voting bloc in the South, Nixon deliberately pandered to white, conservative voters with threats of increasing racial equality and a loss of southern values.<sup>240</sup> Nixon's Southern Strategy solidified a Republican South and firmly landed the Republican Party on the wrong side of civil rights issues. Two years later a progressive, African-American female on the Republican primary ballot was unlikely to obtain the votes of the same men and women who fell prey to the thinly-veiled racist threats of social and racial equality in the South. While Judge Alexander probably could not have won a Democratic primary against a well-known individual like Susie Sharp, she certainly could not have won against a white male in the newly reformed southern Republican Party.

At the time of her filing, Judge Alexander must have felt confident in her ability to secure the Republican nomination. 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. When Alexander initially filed she did not have a primary opponent. That quickly changed though. Her opponent was arguably 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 Commission in

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<sup>240</sup> *Ibid.*, 210.

1954.<sup>241</sup> Newcomb's lack of qualifications versus Judge Alexander, however, did not seem to dampen his confidence in his ability to secure the Republican nomination.

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>242</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 purposed in filing was to prevent a woman from becoming chief justice." Newcomb certainly allowed divine intervention to be driving force behind his campaign, as his campaign literature consisted only of a one-page "Pledge to the Voters of North 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 absurdity of his campaign.<sup>243</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.

If James Newcomb relied on God to steer his campaign, Judge Alexander relied on hard work and publicizing 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>244</sup> She also established an arsenal of campaign literature with the same slogan she had used in her

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<sup>241</sup> Hays, *Without Precedent*, 350. In Chapter 16 of her biography on Sharp, Hays details the 1974 Chief Justice election and its candidates.

<sup>242</sup> *Ibid.*, n.505

<sup>243</sup> *Ibid.*, p. 350 - 351.

<sup>244</sup> Alexander Collection, MSS 223, Box 2, Folder 1. This folder contains newspaper clippings from 1974; including highlights of her campaign and this clip from the April 11, 1974 *Asheville Citizen-Times*.

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>245</sup> By stacking her qualifications against Newcomb’s, Alexander established her own qualifications and accomplishments, and his lack thereof. 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 voters approved a constitutional amendment requiring members of the state Supreme Court to retire at age seventy-two.<sup>246</sup> If elected, Newcomb would be forced to retire before completing a full term. It comes as no surprise that the media, Justice Susie Sharp, and even Judge Alexander herself, did not consider Newcomb a serious contender.

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>247</sup> The *Raleigh News and Observer* stated that “District Judge Elreta M. Alexander of Greensboro is obviously a better choice for

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<sup>245</sup> Alexander Collection, MSS 223, Box 5, Folder 16.

<sup>246</sup> Hays, *Without Precedent*, 334.

<sup>247</sup> “Judges Recommended,” *Greensboro Daily News*, Sunday, May 5, 1974, D4. Found in Alexander Collection, MSS 223, Box 3, Folder 10.

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>248</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>249</sup> Alexander and Sharp were gearing up for a historic, all-woman contest for the highest judicial post in the state. The North Carolina Republican electorate, however, would thwart those plans.

The results of the May 7, 1974, Republican primary shocked everybody who followed the race. James Newcomb, a fire extinguisher salesman, beat Judge Elreta Alexander, an experienced legal professional, for the Republican nomination with 59.16 percent of the vote.<sup>250</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. Judge Alexander’s candidacy shed light on those issues 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>251</sup> Sharp’s other theory, that because Judge Alexander presented herself to be a credible and formative candidate, forced people to vote for Newcomb to ensure a Sharp victory. She stated, “[E]verybody who voted for Mr. Newcomb was really voting

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<sup>248</sup> Editorial, “Three Choices for Supreme Court,” *News and Observer*, April 28, 1974. Found in Hays, *Without Precedent*, 353 – 354 (n. 102).

<sup>249</sup> Woodin, Rip, “Only GOP Court Primary is for Chief Justice,” Rockingham edition of the *Greensboro Daily News*, Tuesday, April 30, 1974, B1.

<sup>250</sup> Alexander Collection, MSS 223, Box 3, Folder 10. Article from unknown paper, “Legal Novice Beats Judge,” May 8, 1974.

<sup>251</sup> Hays, *Without Precedent*, 354.



for me.”<sup>252</sup> It is true that many voters throughout North Carolina did not know who Judge Alexander was. Although it is true that even fewer knew who James Newcomb was. Alexander, throughout her career, had received state-wide 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 on Justice Susie Sharp, states the North Carolina Republican Party did not devote any resources to Alexander’s campaign. Hays says this was because the party believed she would beat the unqualified Newcomb.<sup>253</sup> If the party 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.

Judge Alexander certainly did her part to ensure voters knew her qualifications. She also ensured that voters knew both her race and her gender by including pictures of herself on her campaign literature. 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 became a staple of Alexander’s wardrobe after assuming the bench. The pictures of Alexander used for her 1968 district court judge race features her natural hair, well-coiffed and giving her the appearance of a strong, confident African-American woman. The picture used in 1974 with the blonde wig, however, lightened Alexander’s overall complexion, making her race potentially ambiguous. The media coverage of the campaign, however, consistently identified her as a “Negro” woman, leaving even uninformed voters certain of her race.

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<sup>252</sup> *Ibid.*, 355.

<sup>253</sup> *Ibid.*, 354.

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, 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 as 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. She wrote, “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>254</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>255</sup> Facing the reality that such an accomplished person, regardless of race or gender, could lose to a fire

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<sup>254</sup> Alexander Collection, Box 2, Folder 1. Folder contains letters Judge Alexander received in 1974. In letter the author, Beth Riddle, described herself as a “white housewife in her 30s.”

<sup>255</sup> *Ibid.*

extinguisher salesman was difficult for many to accept, even if they understood that racism and sexism remained powerful factors in politics.

Regardless of the reasoning behind Judge Alexander's 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 was quoted saying, "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>256</sup> Attributing the loss of an election to phonetics, which in itself has racial undertones, did not sit well those upset over the Republican primary results. The quote not only undermined the intelligence of Republican primary voters, which was probably valid, but it indirectly attributed the loss to gender and/or race. Elreta was obviously a feminine, non-traditional name. While the name itself does not necessarily indicate race, it was a name not necessarily associated with white females. James or Jim, which in no way could distinguish race, were undoubtedly masculine names that white voters could be comfortable with.

Regardless of her name, the fact that Alexander's qualifications could not secure her the Republican nomination troubled many in the judicial system. Many people in North Carolina, including Justice Susie Sharp, began to openly question how judges should be elected as a result of the GOP primary. 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 the

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<sup>256</sup> Hackney, Brent, "Best Candidate Doesn't Always Win," *The Salisbury Post*, May 12, 1974. Found in the Alexander Collection, Box 3, Folder 10.

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>257</sup> Calls for Republican office holders to publically repudiate Newcomb increased. Nobody believed James Newcomb could beat Judge Elreta Alexander; yet he did. The fear he could also beat Justice Susie Sharp, began to swell.

The North Carolina Republican Party faced a difficult situation. While they had not supported either candidate in the primary, they were lambasted for nominating such an unqualified candidate. It became increasingly obvious they could not support Newcomb as their nominee, or face increased backlash. One by one the heads of the North Carolina Republican Party began to publically withdraw their support of Newcomb. Thomas Bennett, state GOP chairman, released the following 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 recommend (Mr. Newcomb) for election as chief justice...”<sup>258</sup> This statement made it clear to fellow Republicans that they too should not vote for the Republican candidate.

Other Republican officials’ statements did not have as strong a subtext, but also did not stand by the Republican nominee. Senator Jesse Helms stated he would not 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>259</sup> The primary results obviously did not dampen Helms’s faith in the ability of

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<sup>257</sup> “Disavowing Newcomb,” *Winston-Salem Journal*, Thursday, May 16, 1974.

<sup>258</sup> *Ibid.*

<sup>259</sup> Woodlief, Wayne, “Helms Won’t Endorse Newcomb Bid,” *Raleigh News and Observer*, May 13, 1974. Found in the Alexander Collection, MSS 223, Box 3, Folder 10.

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>260</sup> While there were no public endorsements of Newcomb on behalf of the North Carolina GOP, they did not endorse Justice Sharp either.

Surprisingly, Judge Elreta Alexander seemed to have little to say over 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 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.” She later said in the article she would not support Newcomb and that she felt neither race nor gender were factors in her loss.<sup>261</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. Her law partner in the 1980s and 1990s stated Alexander never discussed the race, believing it was a difficult time for her.<sup>262</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.

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 former teacher and lawyer in Reidsville while her mother raised Susie and her siblings. In

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<sup>260</sup> “GOP Leaders Shun Court Nominee,” *Raleigh News and Observer*, May 14, 1974. Found in the Alexander Collection, MSS 223, Box 3, Folder 10.

<sup>261</sup> *Ibid.*

<sup>262</sup> Speckhard Interview.

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 first female to serve in both roles and was elected to the Supreme Court post in 1966.<sup>263</sup> With a legal career spanning over forty years, Sharp was a recognizable figure to the voters of North Carolina.

Despite Sharp's recognition, and the bad press he received, Newcomb felt he could translate his primary victory into a general election victory. Stating that he was not surprised by his victory over Judge Alexander, 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>264</sup> Newcomb's lack of qualifications, however, had been 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.

Justice Sharp was not going to 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>265</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>266</sup> Sharp made sure her candidacy and qualifications were

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<sup>263</sup> Hays, *Without Precedent*. The materials spans the highlights in Sharp's life which are detailed in Hays's biography.

<sup>264</sup> Stapleton, Harry, "Newcomb Sees Victory in N.C. Justice Race," *Greensboro Daily News*, Monday, May 13, 1974, B1.

<sup>265</sup> Christensen, *The Paradox of Tar Heel Politics*, 289.

<sup>266</sup> Hays, *Without Precedent*, 356 – 357.

advertised in newspapers and on television and radio across the state, and used her extensive legal connections to ensure she had a campaign presence in all one hundred North Carolina counties.<sup>267</sup> On November 5, 1974, Justice Susie Sharp won seventy-four 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. James Newcomb trailed Justice Sharp, receiving 264,661 votes. As Sharp biographer Anna Hays suggests, Sharp 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>268</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>269</sup> Perhaps the gesture touched Justice Sharp, as she spent the next six years pushing for the establishment of judicial standards in North Carolina.

With Sharp’s push, the 1974 Supreme Court chief justice race changed 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>270</sup> In 1975, legislation was introduced for a constitutional amendment requiring judges to be licensed attorneys. The measure failed.<sup>271</sup> The same happened in 1977 and in 1979, despite Chief Justice Sharp’s strong endorsement. Finally, in 1980, the voters of North Carolina approved a constitutional amendment establishing that all justices and judges of

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<sup>267</sup> *Ibid.*, 353.

<sup>268</sup> *Ibid.*, 365 – 366.

<sup>269</sup> *Ibid.*, 508 (n. 163).

<sup>270</sup> *Ibid.*, 380.

<sup>271</sup> *Ibid.*, 381.

state courts should be licensed attorneys before they could be elected or appointed to the bench.<sup>272</sup> Six years after the fiasco of the 1974 campaign, it was ensured that a judge with Elreta Alexander's qualifications would not lose to someone so blatantly under qualified.

While Judge Alexander seemingly took the loss hard, she may have received a slight boost from her defeat. An editorial in the *Raleigh News and Observer* shortly after the primary election called on Governor Jim Holshouser to appoint Judge Alexander to the Superior Court bench.<sup>273</sup> Holshouser did not appoint Alexander to the Superior Court, but her name continued to circulate when high judicial appointments were being made. In 1976, Alexander was re-elected without opposition to her district court position and in 1979, she was recommended to President Jimmy Carter for a spot on the court of appeals.<sup>274</sup> While Judge Alexander never achieved a seat higher than Guilford County District Court, she had made her mark on Guilford County and the way justice was served in North Carolina.

After the 1974 race Alexander devoted the rest of her career to the citizens of Guilford County. She continued to ignite controversy as a judge, whether it was her handling of a controversial drug case or her four-page open letter to Assistant Attorney General Jean Benoy when he referred to her as a "Negress" in front of the United States Supreme Court in 1975.<sup>275</sup> In her open letter she stated the term "Negress" was vulgar and insulting, and that "It is absolutely incredible that at this time and place in our history any public official... would reach

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<sup>272</sup> *Ibid.*, 385.

<sup>273</sup> "Paper asks Holshouser Select Judge Alexander," May 13, 1974. Found in the Alexander Collection, MSS 223, Box 3, Folder 10.

<sup>274</sup> Judgeships, 1978-1979. Civil Rights during the Carter Administration, 1977-1981, Part 1: Papers of the Special Assistant for Black Affairs, Section B, Jimmy Carter Library, Atlanta, Georgia, Papers of Louis Martin, Special Assistant to the President, in the custody of the National Archives of the United States of America. Accessed April 28, 2011. <http://web.lexis-nexis.com/histvault?q=102609-013-0637&popup=true>.

<sup>275</sup> John W. Lewis, Jr., "'Negress' Slur Irks N.C. Judge," *Afro-American*, May 24, 1975. Found in the Alexander Collection, MSS 223, Box 3, Folder 11.



into the archives of human misery and resurrect ghosts hatred and divisive racism through the use of a slanderous term that denigrated an individual and a community of people who have progressed to the point where good will has brought acceptance of persons and the utilization of talents in whatever color they are cast.”<sup>276</sup> Only one year after her painful Supreme Court loss, Alexander was not going to let this racial issue go without her input. But controversy did not stop her from remaining a prominent public figure. Alexander gave dozens of speeches every year around the state of North Carolina ranging from high school graduations, to law schools, to women’s organizations and churches. She also sat on the boards of philanthropic organizations ranging from the North Carolina Symphony to the Salvation Army Boys Club.<sup>277</sup> Her personal commitments to civil rights for all persons extended beyond the bench and into her non-professional life.

The latter part of the 1970s also signaled a winding down of Alexander’s professional career. After retiring from the bench in 1981 she returned to private practice, but focused more attention on her mentally-ill son, Girardeau, and her second marriage to John Ralston. While her professional career took on a more subdued tone, her influence in the Greensboro community continued. Her personal life, however, would present Alexander with new and unexpected challenges that would test her physical and mental stamina, as well as give her new forums for which to advocate, particularly for the mentally ill.

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<sup>276</sup> *Ibid.*

<sup>277</sup> Judgeships, 1978-1979. Civil Rights during the Carter Administration

## Epilogue

By 1979, Judge Elreta Alexander had become a beloved figure in Greensboro, North Carolina. On August 20, 1979, *The Greensboro Record*, the day after her sixty-and-one-half birthday, ran a cover story entitled, “Judge Alexander at Sixty: Certain of who she is, why she’s here.” The story covered Alexander’s journey from minister’s daughter to ground-breaking legal scholar. It also covered all of “Judge A’s” trademarks that made her a well-recognized and loved figure in the community. From her “Royal Secret” perfume to her “white wig, black robe, red loop earrings, and a necklace of red cherries accented by a small green leaf,” the article captured the essence of Elreta Alexander. 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, nobody could forget the obstacles she overcame to achieve her position. “I belong to the people,” she would say, “The people love me.”<sup>278</sup> 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,

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<sup>278</sup> Greta Tilley, “Judge Alexander at 60: Certain of who she is, why she’s here,” *The Greensboro Record*, Monday, August 20, 1979, A1. Found in the Alexander Collection, MSS 223, Box 4, Folder 2.



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.

don't get Judge A!" As the years went on, however, Donald Speckhard and Elreta Alexander became friends. In 1981, after Judge Alexander retired from the bench she, Donald Speckhard, Donald's brother Stanley, and Alexander's former law partners Jim and Gerry Pell, formed their own law firm.<sup>279</sup> At that law firm Alexander's colleagues would witness her personal highs and lows in the last years of her life.

Alexander's first marriage to Tony Alexander was a turbulent period in her life. "Our marriage lasted thirty years, but it was a traumatic thirty years," she said, "I was living one kind

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<sup>279</sup> Speckhard Interview. The law firm created by the Speckhards and Alexander is still named Alexander-Ralston, Speckhard and Speckhard, fourteen years after Alexander's death.

of life in public, another at home.”<sup>280</sup> Despite years of being an abused wife and their 1968 divorce, Alexander stood by her ex-husband’s side until he died. Bonded by their mentally-ill son, Girardeau, she continued to feed and care for Dr. Alexander, despite his continuing string of girlfriends. In March, 1973, Girardeau accompanied his father to an American Medical Association conference in Honolulu, Hawaii. After Dr. Alexander promised his son he would refrain from alcohol, Girardeau, who lived with his mother, reluctantly agreed to go. After arriving in Hawaii, however, Dr. Alexander became drunk and attacked his son during an argument. Girardeau grabbed a scalpel and stabbed his father.<sup>281</sup> While Dr. Alexander initially recovered from the stabbing, it precipitated a host of other health problems brought on by years of alcohol abuse. On October 17, 1976, after years of heart issues, blood clots in the brain, and general declining health, Tony Alexander died. Judge Alexander handled all the funeral arrangements, and claimed over 10,000 people came to see one of Greensboro’s longest-serving black surgeons.<sup>282</sup>

It was not until after Dr. Alexander’s death that Judge Alexander found love again. The second time around, however, she found someone drastically different from her first husband. On August 23, 1979, Judge Elreta Melton Alexander became Judge Elreta Alexander Ralston, after marrying John Ralston, a white, retired Internal Revenue Service Officer ten years her senior. At the time, interracial marriage in North Carolina, while legal, was not typical. Judge Alexander addressed the issue directly saying, “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 tilled the soil, and probably I am a

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<sup>280</sup> Tilly, “Judge Alexander at 60.”

<sup>281</sup> Alexander Collection, MSS 223, Box 5, Folder 14.

<sup>282</sup> Alexander Collection, MSS 223, Box 5, Folder 15.

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.<sup>283</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. The years Alexander and Ralston spent together were happy times, as recalled by Donald Speckhard. “We went to their house and we socialized. As far as I know they had a very good marriage,” he said.<sup>284</sup> After John Ralston’s death sometime in the mid-1980s, Alexander’s life took a tragic turn.

Aside from her legal career, Girardeau Alexander was the central focus in his mother’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.<sup>285</sup> 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>286</sup> Ironically 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. But because of her experiences with her son, Alexander began to use her platform as a public personality to speak to mental health groups across the state.

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<sup>283</sup> Tilley, “Judge Alexander at 60.”

<sup>284</sup> Speckhard Interview.

<sup>285</sup> *Ibid.*

<sup>286</sup> Speckhard Interview

Despite Judge Alexander's best efforts to keep her son happy, in October of 1990, Girardeau stabbed his caretaker, Eula Mae Rankin, to death while his mother was on vacation in China.<sup>287</sup> There was no trial due to Alexander's financial settlement with the Rankin family. After the settlement, Judge Alexander put her son in a mental health facility in Asheville, North Carolina. In 1994, after his release from the mental hospital, Superior Court Judge Catherine Eagles deemed Girardeau mentally competent and sentenced him 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."<sup>288</sup> 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>289</sup>

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>290</sup> Upon her retirement in 1994 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

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<sup>287</sup> Anand, Anubha, "For Killing His Caretaker, Mentally Ill Man Guilty of Murder," *Greensboro News & Record*, June 15, 1994, BH2.

<sup>288</sup> *Ibid.*

<sup>289</sup> Speckhard Interview.

<sup>290</sup> Donald Speckhard Interview.

South's first integrated law firm, or being the first African-American woman to argue a case before the North Carolina Supreme Court.<sup>291</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>292</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>293</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 without her accomplishments; she would be remembered for her forceful and outgoing personality.<sup>294</sup>

While Alexander's portrait hangs in the Guilford County Courthouse, and she is included in a mural of prominent African Americans at the Greensboro Public Library, the rest of the state seems to have forgotten about her. North Carolina now has prominent women, black and white, serving as governor, U.S. Senator, Congresspersons, and even Supreme Court Justice. As the accomplishments of these women are celebrated, historical memory tends to leave behind one of the pioneering women who opened doors that contemporary women are walking through today.

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<sup>291</sup> McDivitt, Anita, "Pioneer 'Judge A' retires from law," *Greensboro News & Record*, July 9, 1995, B1.

<sup>292</sup> Donald Speckhard Interview.

<sup>293</sup> Donald Speckhard Interview.

<sup>294</sup> Schlosser, Jim, "'Judge A' Paved Way – With Style," *Greensboro News & Record*, March 16, 1998, A1.

While only fourteen years have passed since Alexander's death, it is not too soon to begin to acknowledge her impact on Guilford County and the rest of North Carolina.

Judge Elreta Alexander did not set out to be a civil rights pioneer – and did not want to be remembered as one. She did not work towards any specific agenda, except being the best attorney and judge she possibly could. But regardless of her intentions, 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. Current North Carolina Supreme Court Justice Patricia Timmons-Goodson once stated, “We owe [Alexander] a debt of gratitude for opening doors that had been closed to a significant segment of our community.”<sup>295</sup> 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 most significant accomplishment was her commitment to civil rights and challenging the status quo.

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<sup>295</sup> Timmons-Goodson's remarks to the Greensboro Bar Association. February 17, 2011.



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