

PRESENTATION OF THE PORTRAIT OF THE LATE
CHIEF JUSTICE ROBERT HUNT PARKER TO
THE SUPREME COURT OF NORTH CAROLINA
ON 15 DECEMBER 1972 BY JOSEPH BRANCH
ASSOCIATE JUSTICE OF THE SUPREME
COURT OF NORTH CAROLINA

May it please the Court:

It is an unusual and particularly pleasant experience for me to address this Court. I am highly honored that the family of the late Chief Justice Robert Hunt Parker has allowed me to present to the Court his portrait, which was painted by Mr. Everett Raymond Kinstler of New York. My only professed qualifications for performing this task are that since childhood I have admired and respected the late Chief Justice, and in more recent years enjoyed a priceless relationship which instilled in me a deep and sincere affection for him.

This possibly may be the last public gathering dedicated to his life and memory; however, I am convinced his strong voice will never be stilled nor the tremendous impact of his life lost as long as those who knew him remain on this earth or as long as our system of jurisprudence retains its viability.

When Robert Hunt Parker died on November 10, the eve of Armistice Day 1969, North Carolina and this country lost one of its greatest patriots. Nothing characterized his life more than his loyalty and devotion to his state, his nation and his friends. Had he never entered public service, his intellect, scholarship and strength of character would have ranked him as one of the leading figures of his time. However, more than that, these superlative qualities enabled him to become a predominant figure in the field of law; a jurist of the highest caliber.

Robert Hunt Parker was born in Enfield, North Carolina, on February 15, 1892, the only son of Romulus Bragg Parker and Victoria Coleman Hunt Parker. His father's family had been residents and landowners in Halifax County for almost two hundred years, and his mother was a native of adjoining Granville County, where her family had lived for more than a century. He graduated from the public schools in Enfield, and entered the University of North Carolina in 1908, where he pursued his studies until 1911. He then transferred to the University of Virginia, where he received his A.B. degree in 1912 and his LL.B. degree in 1915. He had obtained his license to practice law at the Fall Term of this Court in the year 1914, and after his graduation from the University of Virginia

Law School he returned to his hometown to practice law. That practice was interrupted in August 1917 when he volunteered for service in the United States Army. He was first sent to Fort Oglethorpe, Georgia, where he was commissioned a Second Lieutenant in Field Artillery, and after subsequent assignments at Camp Pike, Arkansas, and Camp Dix, New Jersey, he sailed for Europe on 29 August 1918. There he served for seventeen months, part of the time as a trial judge advocate to a general court-martial sitting in Paris, France. He was demobilized at Camp Dix, New Jersey, on October 30, 1919, and resumed his practice of law in Enfield.

Robert Hunt Parker first entered public service in 1923, when he was elected as Representative from Halifax County in the General Assembly of North Carolina. His legislative career was one of distinction; thereafter and until his death he manifested a keen interest in and knowledge of legislative affairs.

On February 23, 1924 Governor Cameron Morrison appointed him Solicitor of the Third Judicial District. In that office he rapidly gained a reputation as a fiery prosecutor who acted without fear or favor, and who dealt fairly with both the defendants and the State.

It was during this period of his life that he met, courted and married the former Rie Williams Rand of Greensboro. They were married on November 28, 1925. Judge Parker was often heard to remark that the wisest thing he ever did was to convince his wife she should marry him. Their marriage brought to both of them many happy years of mutual respect, admiration and love. The strength of this relationship is mirrored by her presence here today under difficult circumstances.

Judge Parker continued to serve as Solicitor of his district until he was chosen by the District Judicial Committee on 24 September 1932 to fill the unexpired term of the late Superior Court Judge Garland Midyette. He was elected to fill Judge Midyette's unexpired term and was subsequently renominated and re-elected to that position in 1934, 1942 and 1950. It was not long before Judge Parker became widely known for his knowledge of the law and his acute sense of public responsibility. He was never known to do any act or speak any word which reflected adversely upon the dignity or integrity of the courts, and he was diligent in assuring that the courts over which he presided were accorded proper respect by everyone. I vividly recall a conversation with Judge Parker when I was

a young man. He noted that many people resented the firm manner in which he presided over his courts, but in his usual positive manner he stated that as long as he was a part of the judiciary he would take every precaution to see that there be respect for the courts and our government.

Perhaps one of the most colorful periods of his life occurred during the years in which he presided over Wake County Superior Court in 1940. The News and Observer that year related the following:

“A terrific blow was dealt slot machine operations in North Carolina when Judge R. Hunt Parker, presiding over Wake County Superior Court, sentenced Joe Calcutt of Fayetteville, the largest single slot machine operator in the world, to serve an actual sentence of 12 months on the roads at hard labor.”¹

“*The News and Observer* once more wishes to doff its hat to Judge R. Hunt Parker, now presiding over Wake County Superior Court [for his action in regard to] cleaning up the acknowledged dirty mess surrounding tax delinquency and election law violations in Raleigh”²

During his career as a Superior Court Judge he was given special assignments to cases involving election violations, tax dodgers, the Night Raiders of New Hanover County, the mob cases in Person County, and many other notorious criminal cases as well as many highly involved and technical civil cases.

The news media is replete with accounts of his service in the various counties of the State. A typical news media appraisal of one of his court tenures reads as follows:

“Judge Hunt Parker’s time in the Sixth Judicial District ends with June 30. He came to the district January 1.

“The civil and criminal courts in the Sixth district have functioned smoothly during the past six months. Justice has been stern enough, but has not overshot the mark. The judge’s interpretations of the law have been clear even to laymen. Jurors after being discharged have commented on the ease with which they understood his charges. There have been utmost decorum in the courts,

¹ *The News and Observer*, Raleigh, N. C., Dec. 11, 1940, at 4, col. 2.

² *The News and Observer*, Raleigh, N. C., Oct. 12, 1940, at 4, col. 2.

but persons with business in them have felt fully at ease. There has been proper dignity on the bench. . . .

"Few, if any, judges have ridden this circuit and made a more favorable impression."³

It is somewhat surprising that this sometimes stern, austere, and coldly precise man should have become a political favorite of his people. Yet it was inevitable that his tremendous intellect, erect carriage, patrician handsomeness, and obvious professional dedication would cause him to become a "storied" man and a legend in his own time. History records that in nearly every election in which he was involved during his political career he amassed more votes in his home district than any other candidate. He was boomed as a candidate for Congress and for the governorship of this state, but he never evidenced any desire to remove himself from the judiciary.

In 1952 Judge Parker ran for the North Carolina Supreme Court and won the Democratic nomination for a position as Associate Justice. He was elected in the November 4, 1952 General Election and was re-elected for an 8-year term on November 8, 1960. He was appointed Chief Justice by Governor Dan K. Moore on January 1, 1967, succeeding the retiring Chief Justice Emery B. Denny. Chief Justice Parker was nominated and elected without opposition for a full term of eight years on February 7, 1966.

During his seventeen years on the Supreme Court of North Carolina, Judge Parker wrote so many fine opinions that it is difficult to select the best. His first opinion was filed January 6, 1953,⁴ and his last was filed July 11, 1969.⁵ These opinions are reported in forty volumes of the North Carolina Reports, beginning in 236 N.C. at page 760,⁶ and ending with 275 N.C. at page 399.⁷ Indicative of the quality of these opinions is the fact that 23 of them were selected for inclusion in the American Law Reports.⁸ These opinions reflect the man

³ *Kinston Daily Free Press*, June 20, 1940, at 4.

⁴ *Aiken v. Sanderford*, 236 N.C. 760, 73 S.E. 2d 911 (1953).

⁵ *Wachovia Bank & Trust Co. v. John Thomasson Constr. Co.*, 275 N.C. 399, 168 S.E. 2d 358 (1969).

⁶ *Aiken v. Sanderford*, 236 N.C. 760, 73 S.E. 2d 911 (1953).

⁷ *Wachovia Bank & Trust Co. v. John Thomasson Constr. Co.*, 275 N.C. 399, 168 S.E. 2d 358 (1969).

⁸ "Opinions of Chief Justice R. Hunt Parker Selected for Inclusion in American Law Reports," enclosed in letter from Joseph C. Briggs to Raymond M. Taylor, October 31, 1972, on file in North Carolina Supreme Court Library.

and some of the strong influences upon his life. He might not have personally agreed with a certain proposition, but when he spoke as a Justice he spoke without bias and prejudice and gave the rule of law as he understood it. He resisted the idea that judges make law and insisted that they were interpreters of the Constitution and should, in most cases, follow the doctrine of *stare decisis*. His opinions reflect his love for good literature, particularly the classics. He owned many fine editions of the English masters, and Dickens, Thackeray, Scott, Carlyle and Macaulay became his closest friends, in spirit; their influence is surely reflected in Chief Justice Parker's majestic writings as they appear in the North Carolina Reports. The fact that he collected beautifully bound books illustrates his closeness and genuine love for the classics. He was known to say, "I like the feel of a well bound and a well printed book."

Chief Justice Parker was a man who believed in the importance of tradition. This is not to say his mind was closed to innovation; he insisted that proposals for change must be studied against the wisdom of the past. His judicial thinking was trained against the background of the common law of England.

I think he considered his opinion in *State ex rel. Bruton v. Flying "W" Enterprises*, reported in 273 N. C. 399,⁹ to have been one of his better opinions. In that case, the Court upheld a permanent injunction against commercial diving operations involving three confederate blockade runners in the coastal waters off New Hanover County, and the Chief Justice brought his love of history and the common law to the rescue of the heritage of North Carolina. He wrote:

"We conclude that the hulks or vessels and the cargoes therein involved in the instant case were 'derelicts' which, at common law, would belong to the Crown in its office of Admiralty at the end of a year and a day . . . and are within the purview of the common law and belong to the State in its sovereign capacity."¹⁰

"These sunken vessels contain articles of unique historical significance and value which cannot be replaced."¹¹

⁹ *State ex rel. Bruton v. Flying "W" Enterprises, Inc.*, 273 N.C. 399, 160 S.E. 2d 482 (1968).

¹⁰ *Id.* at 414, 160 S.E. 2d at 492.

¹¹ *Id.* at 415, 160 S.E. 2d at 493.

His desire to preserve North Carolina's heritage was again reflected in his concurring opinion in the case of *In re Department of Archives and History*, 246 N.C. 392,¹² where the Court declared the restoration of Tryon's Palace to be a public purpose. Justice Parker wrote:

"When Tryon's Palace is completely restored by State aid and the generous gifts of citizens of the State, and when countless thousands in the years that are ahead gaze upon the stately building, and stand in the hall where the Assembly met, and where in immediate Pre-Revolutionary and Revolutionary Times patriotic North Carolinians debated and decided upon the principles that lie at the foundation of our constitutional rights as free men, they will stand in the presence of history as those great men live again, and will thrill with pride over how their fathers wrought and won for them their liberties 'in old colonial days.'"¹³

The opinions written by Chief Justice Parker include many other landmark cases, such as *State v. Goldberg*, 261 N.C. 181,¹⁴ a case which drew state and national attention. This was the case affirming the conviction of professional gamblers on several counts of conspiracy to bribe college basketball players.

During his tenure as Chief Justice the State's judicial system underwent wide-ranging reform and substantial enlargement with the creation of the uniform District Courts throughout the State and the creation of the North Carolina Court of Appeals. It became his duty to appoint a Chief Judge of the Court of Appeals and the Chief District Judge in each District. An examination of these appointments reveals that he put aside his personal or political preferences and endeavored to appoint the man he felt best qualified. It is a tribute to his executive talents that these judicial changes were accomplished smoothly and without serious delay in the court processes.

Without too much effort, one could spend a great deal more time counting the contributions made by Chief Justice Parker to the judiciary, to public service and to the State as a whole. However, I think the greatest contribution that he made to society was through his own character.

¹² *In re Dep't of Archives & History*, 246 N.C. 392, 98 S.E. 2d 487 (1957).

¹³ *Id.* at 397-98, 98 S.E. 2d at 492 (concurring opinion).

¹⁴ *State v. Goldberg*, 261 N.C. 181, 134 S.E. 2d 334 (1964).

It is true that Chief Justice Parker devoted the majority of his life to his profession. Yet he did not ignore his civic responsibilities. He was a devout member of the Episcopal Church. He was much in demand in his home and adjoining communities as a public speaker, and his stirring patriotic addresses were widely acclaimed throughout North Carolina. He served as a member of the Federal Centennial Commission and the Governor Richard Caswell Memorial Commission. He was a member of the American Legion, 40 & 8, and the Veterans of Foreign Wars. He was an honorary member of the North Carolina Society of the Cincinnati. He was a loyal alumnus of the University of Virginia and the University of North Carolina. He was awarded the honorary LL.D. degree by the University of North Carolina at Chapel Hill in 1958.

Upon the death of Chief Justice Robert Hunt Parker, his friend, Jesse Helms, spoke these words:

"Robert Hunt Parker was more than the Chief Justice of North Carolina. He was more than a courageous, gallant American who had proudly fought for the principles of his country in war and peace. He was a pervading presence, a man who was influential because he was respected, and respected because he was wise and fair and unyielding in his integrity. . . . [H]e was an unforgettable man, a vital spirit, dominant, towering, his enthusiasm for living and learning constantly engaged. . . . Thus it was with Robert Hunt Parker; soldier, statesman, a citizen of quality, a man of courage, an indomitable spirit and an unforgettable friend. A defender of the faith, he was to the end, and a warrior in the battle to preserve the finer destiny of man."¹⁵

It is more than noteworthy that this man of tremendous intellect also possessed a sure and child-like faith in God.

Twenty-five years ago he dedicated the carillonic bells in the Enfield Methodist Church to the memory of one of his boyhood teachers. He concluded that dedication with these words:

"There comes ringing down through the centuries the cry of the Hebrew Prophet, 'Thy dead shall live.' All does not glut the devouring grave. Surely somewhere, afar, the Spirit in whom she did live, finds occasion to continue the

¹⁵ Editorial by Jesse Helms, WRAL-TV, Raleigh, N. C., "Viewpoint #2211," Nov. 11, 1969.

noble and unselfish service that Miss Mary did upon earth."¹⁶

In his last public utterance at the Annual Meeting of the North Carolina State Bar on October 24, 1969, he closed his remarks by saying:

"Recently, some freethinkers have shouted from the house tops the strange doctrine that 'God is dead.' I do not believe such arrant nonsense. When one stands on the shores of the ocean and sees the waves roll in as at creation's dawn, and stands and sees the majestic grandeur of our mountains, I do not see how one cannot believe that the Supreme Being is alive and still rules the destinies of men and of nations."¹⁷

I am convinced that Chief Justice Robert Hunt Parker died a happy man. He was without fear of the beyond. He had accomplished his life's ambition—to become a great Chief Justice of the Supreme Court of North Carolina. On the way to that goal he added a new and lasting luster and dignity to the profession that he loved and, most significantly, he amassed a host of loyal and devoted friends who will always nurture his memory.

He carried himself proudly among men, yet he humbly faced the wisdom of his Lord.

The portrait of Chief Justice Robert Hunt Parker will be unveiled by his niece, Miss Adah Ruben Parker.

¹⁶ Address by Judge R. Hunt Parker at the dedication of carillonic bells in memory of Miss Mary B. Collins, Methodist Church, Enfield, N. C., 1947.

¹⁷ Address by Chief Justice R. Hunt Parker, N. C. State Bar Annual Meeting, Oct. 24, 1969, in 16 N. C. BAR, No. 4, 48 at 52-53 (1969).

REMARKS OF CHIEF JUSTICE WILLIAM H. BOBBITT
IN ACCEPTING THE PORTRAIT OF THE LATE
CHIEF JUSTICE ROBERT HUNT PARKER
15 DECEMBER 1972

We are grateful to Justice Branch for this informative and impressive memorial address. In addition to bringing to our attention significant events and relationships in the life of former Chief Justice Parker, Justice Branch has portrayed him rightly as a man of integrity and compassion and as a jurist who contributed greatly to the high standards of the Court. Words used to characterize Chief Justice Ruffin appropriately describe Chief Justice Parker: "A man resolved and steady to his trust, inflexible to ill and obstinately just."

All of us knew Justice Parker as a jurist and as a friend. Two of us (Justice Higgins and I) served with him as members of the Court from 1954 until his death in 1969. Incidents come to mind that impressed us and endeared him to us. It is with difficulty that we refrain from speaking of them. However, since Justice Branch has expressed our sentiments so well, the other members of the Court will only say, in legal parlance, that we *concur*.

The Court wishes to express appreciation to the Parker family for the gift of this handsome portrait. The portrait will be a source of inspiration to us and to our successors across the years.

The Marshal will see that the portrait is hung in an appropriate place on the wall of this Chamber as directed by the Court, and these proceedings will be spread upon the minutes of the Court and printed in the next volume of the North Carolina Reports.