



Presentation of the Portrait of
J. FRANK HUSKINS
Associate Justice
Supreme Court of North Carolina
1968-1982
November 8, 2007

OPENING REMARKS
and
RECOGNITION OF
M. KEITH KAPP
by
CHIEF JUSTICE SARAH PARKER

The Chief Justice welcomed the guests with the following remarks:

Good afternoon Ladies and Gentlemen. It is my distinct pleasure to welcome each of you to your Supreme Court on this very special occasion in which we honor Associate Justice J. Frank Huskins, who was truly one of the great members not only of this Court but also of the Judicial Branch of Government. As I am sure you will hear more in a few minutes, in addition to serving on this Court, Justice Huskins tackled a very challenging task when he accepted Chief Justice Denny's request to become our first Director of the Administrative Office of the Courts in 1965. Under his leadership the first employees were hired, and processes and procedures were set in motion that allowed that office to grow to over 5,000 employees that it has today. For Justice Huskins' vision and leadership as he charted the course for the Administrative Office of the Courts, we in the Judicial Branch of Government are indeed grateful.

The presentation of Justice Huskins' portrait today will make a significant contribution to our fine portrait collection. This contribution allows us to appropriately remember an important part of our history and also to honor the memory of a valued member of our Court family.

At this time, it is my distinct pleasure to recognize Keith Kapp, a former research assistant to Justice Huskins and a friend of the family, who will present the portrait to the Court.

Presentation of Portrait

by

M. Keith Kapp

MAY IT PLEASE THE COURT:

I appear before you today on behalf of Mrs. Ruth H. Huskins, widow of the Honorable J. Frank Huskins. I have been asked to present to this Honorable Court a portrait of Judge Huskins.

I present these comments from the perspective of a former law clerk of the judge, someone who appeared before him to argue a case, someone who worked with him on several cases when he returned to private practice following his retirement from the bench, and as a friend with whom I tried to have lunch every other month at each other's mutual expense during his retirement years until his health declined. He was a friend and mentor. I will refer to him as "Judge" rather than "Justice" because that was the title of his era and the title he used.

J. Frank Huskins was a mountain man, born in the Toledo community near Burnsville, Yancey County, North Carolina, on 10 February 1911 to Joseph Irwin Huskins and his wife, Mary Etta Peterson Huskins. He had two brothers and five sisters. He knew the life of a small, close-knit mountain community. From his mountain origins, he gathered a firm foundation in family love and faith in God.

His formal education began at the Yancey Collegiate Institute and continued thereafter at the Burnsville High School from which he graduated in 1927. Judge Huskins stayed in his mountains to attend Mars Hill Junior College from 1927 to 1929. Thereafter began a love that would last him all his earthly life and that was his love of the University of North Carolina at Chapel Hill. He earned an A.B. degree from the University in 1930 and a degree from its law school in 1932. He remained a loyal son of his alma mater. Before I entered law school, I have a vivid memory of coming to a football game early and observing two older men in hats shouting encouragement from the stands to the team as it was warming up. I was told by a law school student friend walking with me, "Those are Supreme Court Justices." It was Carlisle W. Higgins and J. Frank Huskins giving vociferous support to their football team. All 13 of his law clerks were UNC law graduates.

Upon graduation from law school, Judge Huskins returned to Burnsville and began his law practice. He fondly told of his first case

wherein a farmer came in with problems about a stolen horse and proclaimed matter of factly to the judge that the lawyer up the street said he didn't need much of a lawyer for this case, so he had suggested Frank Huskins. Judge Huskins won that case and quickly proved that he was plenty of lawyer. He soon had a number of clients streaming through his Burnsville doors to handle criminal and civil cases in State and Federal Court, where he employed, in his words, "good horse sense."

He embarked upon a political career in Burnsville as a mountain Democrat. In 1939, at the age of 28, he was elected Mayor of the Town of Burnsville, where he served until he joined the Navy for World War II. He served from 1942 to 1946 and was honorably discharged as a Lieutenant Commander.

He returned to Burnsville, and in 1947 began his service in the North Carolina House of Representatives. Judge Huskins chalked up a remarkable achievement as a freshman legislator in developing a compromise on the road bill which guaranteed funds for small counties such as his, as well as the larger counties, for paving and road improvements. The compromise that he worked out caught the eye of a number of folks in Raleigh, particularly a string of future Governors.

Judge Huskins had not supported Kerr Scott for Governor, although he did support Governor Scott's program in the General Assembly. One evening in 1949, he got a call from Governor Scott who asked him to serve as Chairman of the Industrial Commission. Judge Huskins' response was to ask the Governor if he was sure he had the right number. The Governor confirmed he had the right number and the right man. Judge Huskins served as Chairman of the Industrial Commission from 1949 until 1955.

He was appointed by Governor Luther Hodges to the Superior Court bench in 1955 for the Western Division, which included his home county of Yancey. He served as a Superior Court Judge for ten years, holding court with distinction in a number of counties. He enjoyed his years on the Superior Court. He was known as a fair judge. He never embarrassed a lawyer in front of his client or a jury. Quiet discussion with counsel in chambers was the rule in his courtroom. Many lawyers and judges of the generation ahead of mine have told me how much they learned from Judge Huskins.

In 1965, he was called upon by Chief Justice Emory Denny to hold a newly-created post as Director of the Administrative Office of the Courts. This was a new position which required someone who

had total respect of those in the judicial system, which was undergoing major reformation. Even after leaving the Administrative Office of the Courts, he continued to help the administrative arm of the General Court of Justice. He spoke out while on the bench about “random legislative additions of personnel to various offices without following any particular formula,” and in his words the “keg of worms” that results “if you get everybody coming in and recommending Court personnel.”

He held this position until 5 February 1968, when Governor Dan K. Moore appointed him to the North Carolina Supreme Court as an Associate Justice. He was re-elected in 1968 and 1976. His victories were by landslides. One of the editorial endorsements said of him:

He enjoys an excellent personal reputation, and has earned the professional respect of many of this State’s ablest lawyers during his more than 20 years on the State’s trial and appellate courts.

As a member of the Court, he had notable impact upon the civil and criminal laws of this State. His opinions were the major interpretations of the Workers’ Compensation Act prior to his retirement. He was a stickler for precise language. His participation on the Court was marked by wit and a down to earth approach to all matters.

His opinions were clear. His instructions to his law clerks were that “we want them to know what we said, even if we are wrong.” His opinions were concise in structure. He seldom used footnotes, which he characterized as a way for a Court to “take away” or “befuddle” what was said in the body of the opinion. His opinions were also commonsensical. Occasionally, the wit of his private conversations also appeared in the reported cases. He wrote 306 majority opinions, 25 dissenting opinions, and 4 concurring opinions during his service on the Court.

His good friend and fellow member of the Court, Chief Justice Joseph Branch, said of Judge Huskins:

He can be as unyielding as the granite of his beloved mountains, yet his strength of conviction and character is mellowed by a fine sense of humor and real compassion that he does not like to display. A wise and courageous legislator, a talented administrator and an outstanding lawyer and a member of the judiciary whose contributions have enhanced the dignity and the stature of our judicial system.

The Warren Court criminal decisions were not popular with him. His dissent to those opinions does not appear in his reported cases

as he dutifully and fully followed binding precedent. However, in a 1976 speech to the North Carolina State Bar, he said that “concern for whether the criminal defendant is guilty or innocent is lost in technicalities imposed by activist judges.”

On 1 February 1982, he retired from the Court, and Burley Mitchell was appointed to his seat. Judge Huskins entered private practice in Raleigh with Ransdell, Ransdell and Cline. He argued several cases before the Supreme Court. He was also quite active as a mediator and arbitrator. In 1991, the Young Lawyers of this State recognized and honored him with the Liberty Bell Award on Law Day.

Judge Huskins’ personal life was marked with both love and tragedy. He was a loving husband. His first wife, Mary Bailey, died after a long battle with cancer. On 20 October 1963, he married Ruth H. McNeill, a lovely widow. Her children by her first marriage, Robert Glenn McNeill and Ruth Elizabeth McNeill Webb, known as Libby, became his children in every sense of the word. He was a loving father, who grieved terribly, when Libby was tragically killed in an automobile accident. I think it can truly be said that no birth father loved and cherished the memory of any child as much as Judge Huskins cherished that of Libby.

His last two years were troubled by a clouded mind. That once great intellect; that command of concise language; that humor and wisdom—all were lost to earthly colleagues. However, I have no doubt that when J. Frank Huskins met his Maker on 19 November 1995, he did so with a clear mind and a sound spiritual body, as well as tribute and legacy on earth as an outstanding servant of the people of this State.

Now, Judge Huskins was a lover of stories and jokes, and with this Court’s permission, I want to tell two; one by him and one on him.

On the day of the interview for a certain clerk, not me, with the Judge, Judge Huskins came out to greet the interviewee and escorted him into his chambers and to the interviewee’s immediate horror, what he saw prominently displayed on his desk (clearly placed there for his unavoidable consumption!) was a copy of the North Carolina Law Review opened to the note the law student interviewee had authored lambasting an opinion authored by Judge Huskins. Judge Huskins made the prospective law clerk sit there staring at the law review article during the entire interview. As they were finishing up, Judge Huskins finally made reference to the law review article, say-

ing something to the effect of, “Well, I guess you’ve noticed this here on my desk,” as he picked up the “offending” volume. The law student stammered, “Yes Sir, I’m familiar with it,” and sat back fully expecting the worst. It was then that the unmistakable twinkle appeared in the Judge’s eyes that he used to get whenever he felt he had managed to play a trick on us or his secretary, Carolyn Dalton (or both), as he concluded the interview with this comment about the note: “Well, you certainly took me to task, boy, but you know what? You darn near even convinced me that I was wrong myself, so much so that I figured I’d rather have somebody who could do that with me rather than against me, so if you want to come clerk for me for the next year, son, the job is yours!”

The second story is about marriage, religion – and who is or isn’t a Godly man! In 1980, Judge Huskins authored the opinion in *State v. Lynch*, in which the Supreme Court overturned a bigamy conviction on the grounds that the husband’s alleged first marriage wasn’t proven by the State. The evidence in part was that the first ceremony had been performed by the alleged father-in-law of the defendant, who had sent off in the mail for a \$10.00 certificate entitled “Credentials of Minister” from the Universal Life Church, Inc., of Modesto, California. The certificate was signed by one Kirby J. Hensley. Several months after the publication of the opinion, the Judge received an irate letter from Mr. Hensley who, like the Judge, was a native of the North Carolina mountains. His letter began, “For shame, for shame!” and proceeded to chastise the Judge for his failure to recognize the authority of the Universal Life Church and thus not protecting freedom of religion, freedom of speech, God, sovereignty and a host of other cherished ideals and institutions. Mr. Hensley’s letter claimed, as though it was a good thing, that the Universal Life Church “will ordain anyone, without question of his/her faith, for life.”

Well, guess who else got ordained for life in the Universal Life Church, with credentials issued by Kirby J. Hensley? Judge J. Frank Huskins, thanks to his then law clerk John Sasser and his long-time secretary, Carolyn Dalton. Thereafter, the Judge on occasion would, when he launched into a story, say, “Now mind you, I’m not preaching, even though certificated to do so!”

Above all else, I will always remember what a good man Frank Huskins was. Good lawyer, good judge, good public servant of the great State he so loved—yes, he was all these things. But I think I knew him well enough to know that what he would most want to be remembered for was the good husband, good parent, good friend, and just good, decent man that he was.

The portrait, I am pleased to present on behalf of Mrs. Huskins was painted by Kenneth Fox. With the Court's leave, I now present and tender this portrait to you, his successors, the Justices of our great Court.

Thank you!

ACCEPTANCE OF JUSTICE HUSKINS' PORTRAIT

by

CHIEF JUSTICE PARKER

Thank you, Mr. Kapp, for those wonderful and excellent remarks about our former colleague. At this time, I am privileged to call upon Cameron Smith, Madison Smith, and Redmond Smith, to unveil the portrait of their great, great uncle.

Thank you Cameron, Madison, and Redmond. We are delighted that you could be with us today and to have this opportunity to participate in this ceremony. Also, thank you on behalf of the Supreme Court to the family and on behalf of the Court, I am indeed honored and privileged to accept this portrait of Justice Huskins as a part of our collection. We are delighted to have this fine work of art, and we sincerely appreciate the efforts of all who helped to make this presentation a reality.

On behalf of the Huskins family and Justice Huskins' former research assistants, I invite all of you to a reception in the Historical Society room on the first floor of this building. The reception will begin after you have had an opportunity to greet Mrs. Huskins and the members of the Court in a receiving line that we will form in front of the Bench and beside the portrait, immediately following this ceremony.

I thank all of you for being with us today. I look forward to having a chance to meet with you and to talk with you at our reception.