

Supreme Court Of North Carolina Exhibit Commemorates 200th Anniversary

By Russell Rawlings



Chief Justice Cheri Beasley, left, presents a Friend of the Court Award to Scott Miskimon. On the right: Willis Whichard provides remarks at the ribbon-cutting ceremony for N.C. Supreme Court bicentennial exhibit.

“Your mission, should you decide to accept it . . . ?”

Thus begins the familiar opening line from “Mission Impossible,” a popular television series of the previous century and later a movie followed by multiple sequels in this century.

In this instance, however, we’re not talking about a television show or a movie, but an exhibit at the North Carolina Museum of History: “Law and Justice: The Supreme Court of North Carolina, 1819–2019.”

The mission, which Willis Whichard readily accepted as project chair, was to tell the story of the Supreme Court of North Carolina, all 200 years of it.

Whichard, in his role as N.C. Supreme Court liaison to the Celebrate North Carolina Courts Committee, enlisted the assistance of Scott Miskimon and Andrew Simpson. Miskimon is a partner with the Raleigh law firm of Smith Anderson, and was an accomplished photojournalist before he became a lawyer. Simpson was clerking for Justice Sam Ervin IV at the time and had met Whichard while attending UNC School of Law.

“Without those two involved,” Whichard said, “I am frank to say it could not have been done. The three of us were sort of the linchpins. There were also three people at the Administrative Office of the Courts – Sharon Gladwell, Chris Mears and Jody Lanning – who worked with us and the Museum of History to set up the exhibit.”

And what an exhibit it is! Over the course of a few dozen

panels, each roughly the size of a large movie poster, the story of North Carolina’s highest court is told. It is a remarkable story, and no one in this state could be better suited to help tell that story than Whichard.

Living History

In many ways it is the story of his professional life. Whichard began his legal career 55 years ago as a clerk for Justice (and later Chief Justice) William Bobbitt, and served on the court himself from 1986-98.

“And at times in between I argued a few cases in it,” Whichard added.

His background, coupled with Miskimon’s keen interest in legal history and attention to detail, is evident throughout the exhibit and their authorship of the panels.

“We would meet periodically and go over it,” Whichard said, “and make suggestions, the two of us along with Andrew and the AOC folks, and ultimately we agreed on what we went with.”

Karen Essic of Karen Essic Creative was entrusted with the graphic design for the exhibit.

“The museum has an independent contractor that they insisted we employ to do the design work, and they were right,” Whichard said. “They have a working relationship with her from previous exhibits, and Karen was very good.”

Whichard could not say what was the most difficult thing to



Gathering after the premiere of the documentary “North Carolina Supreme Court at 200” are, from left, NCBA/ NCBF President-elect Mark Holt and President LeAnn Nease Brown, Chief Justice Cheri Beasley and Tom Earnhardt.

leave out of the exhibit.

“That would be like asking me what was the most important opinion I ever wrote,” Whichard said. “I don’t even know if I could recover from my notes the things that we left out. We would say ‘let’s do that’ and move on. It was an excellent working group.

“At the very outset the museum said it would be 32 to 33 panels, and we knew the space where it was going to be, although that changed a time or two. But we knew the amount of space and the number of panels within that space, so obviously we had to work through problems of inclusion and exclusion.

“I am very pleased with what we settled on.”

And his reaction to seeing the finished product for the first time?

“I don’t mind telling you, it felt good. When you work on something for a long period of time, and like anything else you are not sure it will work, when it not only works but works very well, that has to be pleasing.”

Labor of Love

Miskimon came aboard last March, at which time they were essentially starting from scratch.

“We started with a blank sheet of paper and had to decide what we needed to do to fill the space,” Miskimon said. “This couldn’t be something as limited as a portrait gallery or hall of fame. That approach would not do justice to the Supreme Court’s history and would not sufficiently educate the public or be all that relatable to the general public.

“The job grew and grew, and the more I got into it the more I realized that there was going to be a lot of work needed to get this done. I had never served as curator before. I now know a lot more about what it takes to put on an exhibit than I did a year ago.”

Research and writing, Miskimon quickly learned, was just the beginning.

“Then came the very hard part of getting the images needed to make the written content come alive,” Miskimon said. “That proved to be a great challenge. That was probably as time consuming a process as anything.

“It was combination of searching through images at the North Carolina Archives, licensing photographs from the Associated Press, and I took a number of photos myself that are incorporated into the exhibit. I also have a friend who is an accomplished photographer who has his own drone. We used the drone with a high-resolution camera to capture some of the images in the exhibit, including the photo of the statue on top of the Supreme Court building.”

If you’ve never noticed the statue, which is featured prominently in the exhibit, you’re not alone.

“I was taking pictures of buildings that the Supreme Court had used over the centuries,” Miskimon said, “and I looked up at the Supreme Court building and noticed that statue for the first time, and wondered, ‘What the heck is that?’

“I have lived in Raleigh since the ’80s, been in and out of the Supreme Court building countless times, but never noticed it. I thought, ‘that is something unusual; let’s utilize that.’ And when I saw beneath the statue the words ‘Law and Justice,’ it became apparent that should be the name of the exhibit, tying that into the history of the Court.”

Tip of the Iceberg

Although the exhibit was designed by lawyers and a former judge and justice, that was not their target audience. The exhibit, Miskimon noted, is for everyone, including school children.

“Two hundred years is a lot to cover, and with the different issues that the Supreme Court has addressed over two centuries, it is an incredibly broad assignment to whittle down in a way that is understandable and meaningful.”

To help achieve this goal, the exhibit is broken out into three sections.

“The first section covers the institution of the Court,” Miskimon said. “We talk about the reasons why there is a Court as well as what the Court does, and some of the early history of the Court. For about 50 years, there was no Supreme Court, so we talk about why there was a need for a Supreme Court, and once it was established, what that was like in those early years.”

The second section is devoted to the people of the Court, from the prominent justices to those justices who have also been pioneers on the Court. And the third section is devoted to the issues that come before the Court.

“That’s where you get into things as diverse as environmental protection, education, separation of powers, constitutional and civil rights, and judicial review,” Miskimon said. “One of the issues we address is the death penalty, which has been one of the core functions of the Supreme Court throughout its existence.

“We trace how the death penalty has evolved from capital crimes being determined by the General Assembly in the 1830s, when there were literally dozens of capital crimes, to how the U.S. Supreme Court has since limited the death penalty to first-degree murder cases.”

The organization of the exhibit exemplifies the heartfelt effort that went into the seemingly impossible mission of telling the story of the Supreme Court of North Carolina in a single museum gallery.

“With 101 justices,” Miskimon said, “every one of those justices has a story. There is no way in one exhibit to tell the story of

all 101 justices, but they all have a story. They've have been approximately 49,000 cases, and every one of those litigants has a story, but there is no way we could tell all of those stories.

"This exhibit covers a lot, but it truly is the top of the tip of the iceberg."

"Law and Justice: The Supreme Court of North Carolina, 1819-2019" made its debut on Nov. 14 during a special ceremony at the North Carolina Museum of History. During the ceremony, Willis Whichard and Scott Miskimon received Friend of the Court Awards from Chief Justice Cheri Beasley.

The exhibit is a collaboration of the North Carolina Museum of History, the North Carolina Supreme Court Historical Society and the North Carolina Judicial Branch. Chief Judge Linda McGee of the N.C. Court of Appeals served as chair of the Celebrate North Carolina Courts Committee.

The ribbon-cutting ceremony was followed by the premiere of the documentary "North Carolina Supreme Court at 200" by Tom Earnhardt, a multi-talented attorney, producer, writer and host of "Exploring North Carolina." Funding for the documentary was provided in part by the North Carolina Bar Foundation Endowment.

A Letter To Chief Justice Taylor

Willis Whichard, speaking at the ribbon-cutting ceremony for "Law and Justice: The Supreme Court of North Carolina, 1819-2019," shared the following letter to The Honorable John Louis Taylor, North Carolina's first chief justice, who served from Jan. 1, 1819, until his death on Jan. 29, 1829.

Dear Mr. Chief Justice:

You started all this. Well, you together with Judges Leonard Henderson and John Hall. And actually, that's not exactly right either. Richard Caswell, James Iredell, and the other drafters of the 1776 state constitution commenced it by providing that the General Assembly should appoint judges of the supreme court. The General Assembly ignored this provision, however, until 1799, when it enacted into law the practice of the state's trial judges sitting together to decide appeals. Even then, though, there was no independent appellate court. The supreme court, constitutionally contemplated forty-two years earlier, was at length established by legislative enactment in November 1818. Your brother-in-law, prominent New Bern attorney William Gaston, was the bill's sponsor, and later would become one of the court's most illustrious members.

Now it was indeed your turn, with Judges Henderson and Hall, to start something. You three first sat as an independent appellate court on January 5, 1819. On January 7, 2019, 200 years and two days later, that court held a ceremonial session to celebrate its bicentennial. On October 10, 2019, the court's Historical Society sponsored an impressive Gala to celebrate the court's first 200 years. Tonight we bring the celebration full cycle with the premiere showing of a documentary on the life and work of the court and the opening of a Museum of History exhibit that documents and displays various aspects of that life and work.

You would be pleased with the exhibit. Space limitations precluded a full recounting of the court's history. Differences of opinion on inclusion and exclusion decisions are legitimate, perhaps inevitable. But you should be pleased with what you see in this exhibit entitled "Law and Justice: The Supreme Court of North Carolina, 1819-2019."

It begins with the bold but entirely defensible declaration that "North Carolina can rightly take pride in its Supreme Court, an institution that has lasted for 200 years and produced a remarkable

body of law that is vital to the everyday lives of its citizens." Your image is there, with those of your fellow original jurists Henderson and Hall. Images of other prominent jurists in the court's history are there, too, including some that would surprise you. There have now, for example, been eight women justices on the court. In your time they could not even have voted in elections. Today they cast significant votes as the court decides its cases. Four of them, indeed, have occupied your chair as the chief justice. Seven African-American justices have served on the court. In your time they probably would have been enslaved persons. Today they are free, are vital participants in our democracy, and like the female justices, are casting votes as members of the court. Two of them have occupied your chair as the chief justice.

To quote the author of the Biblical book of Hebrews, "time would fail me" to discuss the extensive factual information in the exhibit and the several, though limited, areas of the court's jurisprudence on display. For these, you will just have to see the exhibit.

Of course we know you really can't do that. Indeed, this letter will not reach you at the address shown. Yet we believe you are with us in spirit, as are all the men and women who have served on our supreme court and could not join us tonight. You, and they, will also be present in spirit in the coming months as thousands of the citizens of North Carolina view this exhibit, especially as the state's school children learn of the history and work of their state's highest court.

At the January ceremonial session we concluded a brief history of the court by quoting from Lord Coke's *Fourth Institutes*, where he wrote, "[L]et us now peruse our ancient authors, for out of the old fields must come the new corne." We noted that the seven justices now privileged to serve are mining "the old fields," initially plowed by their ninety-four predecessors, as they seek "the new corne" from which to resolve the cases before them. We noted that they, too, are contributing to what will become "old fields" from which their successors will mine "new corne." Finally, we concluded with the wish that "this grand old institution [may] not only survive, but thrive, in the third century of its existence."

May it indeed, and may the exhibit we now formally open have a small but significant role in educating the public about it and thereby contributing to its survival and success.

(Signed) Very truly yours,

Willis P. Whichard