

HUNTON, WILLIAMS, GAY, MOORE & POWELL
Electric Building
Richmond 12, Virginia

C
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p
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November 17, 1955

Hon. Homer A. Holt
Messrs. Jackson Kelly Holt & Moxley
1601 Kanawha Valley Building
Charleston 22, West Virginia

Dear Homer:

Referring to your letter of November 8, Dr. Modlin has been out of the City a great deal these last two weeks and I have not had an opportunity to have a conference with him about your letter, but, in general, I felt that he would probably not wish to adopt your suggestion about contacting the Presidents of the colleges and universities in the South about this matter while Dr. Gaines was away.

I assume you will be receiving advice from Dean Williams some time next week after Dr. Gaines has returned and I suggest you write me promptly thereafter or call me on the telephone, because if we are going to carry on any effective fight we will need to be organizing it without much more delay.

In the meantime, I have taken the liberty of writing to the Deans of the Law Schools at Wake Forest College and Duke University, as indicated by copies of letters hereto attached and hope to have advice on that matter from them by the time you hear from Dean Williams.

I expect to talk with Dr. Modlin about this matter either tomorrow or Monday and will be in position to discuss it definitely with you after you hear from Dean Williams.

Sincerely yours,

(sgd.) T. Justin Moore

P.S. Since dictating the above, it has occurred to me to suggest that if we receive favorable response from Wake Forest and Duke University, or either of them, and if Dr. Gaines

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and Dean Williams favor our making the fight, we should as the next step invite the Deans of Wake Forest and Duke to meet with us and then we will work out our plan for soliciting the support of other schools, dividing up the names of the Deans of other schools and planning about attendance at the Chicago meeting, etc. We would, of course, be glad for the meeting to be held in Richmond, or some of us from the University of Richmond will meet at whatever other convenient point may be agreed upon.

(sgd.) T. J.

T. Justin Moore

15:44

11/25/55 - copies made for:

✓ Dr. Francis P. Gaines
James R. Caskie, Esquire
Dean Williams

DUKE UNIVERSITY
Durham
North Carolina

School of Law
Office of the Dean

November 18, 1955

T. Justin Moore, Esq.
Hunton, Williams, Gay, Moore & Powell
Electric Building
Richmond 12, Virginia

Dear Mr. Moore:

This will acknowledge your letter of November 17 with regard to the Articles of the Association of American Law Schools with reference to the requirement that as a condition of membership a law school must accept qualified Negro students on the same basis as white students.

It is my own opinion that this proposed action is beyond the scope of the purposes and jurisdiction of the Association of American Law Schools and I urged this point strongly in a memorandum filed some three years ago with the Special Committee on Racial Discrimination. It is obvious, however, that the majority, if not at least two-thirds, of the member schools of the Association take a contrary point of view on this question.

The Duke University School of Law because of the fact that there is division of opinion among its faculty and for other reasons of policy will register a vote of "Pass" on the two Amendments under consideration, if and when they come before the meeting in Chicago during the Christmas holidays.

In these circumstances our School could not be of assistance to you in organizing to oppose these Amendments at the Chicago meeting. It is my personal opinion that the Association has made a major mistake in undertaking to assume jurisdiction of this question but so far that argument has made a very little impression, if any, upon the overwhelming majority of the schools.

Sincerely yours,

S(J. A. McClain, Jr.

J. A. McClain, Jr.
Dean

M:lw

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November 22, 1955

Mr. J. A. McClain, Jr.
Dean, School of Law
Duke University
Durham, North Carolina

Dear Mr. McClain:

I appreciate your letter of November 18 in regard to the American Law School racial discrimination resolutions and regret to note that, in view of a division of opinion among your faculty and for other reasons of policy, Duke University's vote will be in favor of the amendments.

I understand that Dr. Modlin, President of the University of Richmond, may discuss this matter with the President of your University some time during the next few days, so that the question may need to receive further consideration between you and your faculty and your President.

Sincerely yours,

(sgd.) T. Justin Moore

15:44

bc - Hon. Homer A. Holt
Dr. George M. Modlin
Mr. William T. Muse

Dear Homer: I have again talked with Dr. Modlin about this matter and he is quite interested in following up this matter in cooperation with you and Dr. Gaines and Dean Williams. I understand he has also talked with Dr. Gaines about it. It seems to us that an ideal arrangement would be for Dr. Gaines to go to Chicago to the meeting with Dean Williams and for Dr. Gaines, with all his force and eloquence, to present the Southern Law Schools' side of this matter.

(sgd.) T.J.

T. Justin Moore

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James R. Caskie, Esquire
Dean Williams

THOMAS B. JACKSON
ROBERT G. KELLY
HOMER A. HOLT
CHARLES W. MOXLEY
WM. T. O'FARRELL
W. GOODRIDGE SALE
WILLIAM M. DRENNEN
ANDREW L. BLAIR
WILLIAM J. CARTER
DAVID D. JOHNSON
CARL J. NUTTER
JACK E. MOXLEY
GARY J. TRIPLETT
ROBERT K. KELLY
WM. C. WEAVER

JACKSON, KELLY, HOLT & MOXLEY
ATTORNEYS AT LAW
1601 KANAWHA VALLEY BUILDING
CHARLESTON 22, WEST VIRGINIA

November 25, 1955

Personal

Dr. Francis P. Gaines, President
Washington and Lee University
Lexington, Virginia

Dear Frank:

I enclose you herewith copy of letter of November 17 from Justin Moore to me, and also a copy of a letter of November 22 to Dean McClain of Duke from Mr. Moore, to which is appended a note from Mr. Moore to me, and to which is attached a letter from Dean McClain to Mr. Moore.

I am likewise sending copies of these letters to Jim Caskie and Clayton Williams.

I must say that, so far as the limited investigation has gone, the results are most discouraging. While I do not mean to be critical, the position of Dean McClain of Duke, to me, seems to be indefensible. He evidently feels strongly that the Association of American Law Schools should not take the step, while at the same time he is willing to acquiesce because of some difference of opinion among his faculty.

You will recall that when this matter first came up, I immediately took the position that this was a matter for the trustees and not for the law school faculty. I am inclined to think that when you bring this matter to the attention of some of the presidents of Southern universities, and Jim Caskie to the attention of Rectors or Chairmen of Boards, we may get a little more action.

Since writing you last, I have received from Clayton Williams a copy of the report, with recommendations which the special committee will make. It seems to me that if this program is adopted the situation will be little, if any, better than the original proposal for the mandatory requirement for membership. It calls upon university boards and administrative officers to yield their independence in respect to the selection of students to be admitted and then invites evasiveness if not hypocrisy on the part of law school deans and faculties.

I await your further advice and instructions.

Yours sincerely,



Homer A. Holt.

h/d

cc: Messrs. Caskie & Williams

JACKSON, KELLY, HOLT & MOXLEY
ATTORNEYS AT LAW

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November 25, 1955

Honorable T. Justin Moore
Messrs. Hunton, Williams, Gay, Moore & Powell
Electric Building
Richmond 12, Virginia

Dear Justin:

I thank you for your letter of November 17 with enclosures and also for the copy of your letter of November 22 to Dean McClain of Duke with which you enclosed copy of letter of November 18 from Dean McClain to you and also added your own note.

I note that Dr. Modlin continues to be quite interested in following the matter up, and I am sure Dr. Gaines and Dean Williams are. Whether, if we are unable to enlist any further active interest in opposition, it would be advisable to call upon Dr. Gaines to enter into a seemingly hopeless fray, I do not know. In the presence of open minds I know he would be effective, but in this situation there seem to be so many minds which are closed, even though closed against the real convictions of those in whom the minds are found, that it might be asking too much of him to make an appearance under the circumstances.

Do not let me create the impression that I regard this as a hopeless undertaking. I do not. I will be unable to reach any definite conclusion until you, Dr. Modlin, Dean Williams, and Dr. Gaines have completed making your contacts and inquiries.

I am sure Dean McClain must be a fine man; nevertheless, it does perplex me to see how one of his apparent standing acquiesces in going along with a program which he states to be ill-conceived.

I am sending to President Gaines, Rector Caskie, and Dean Williams of Washington and Lee, a copy of your letter of November 22 to Dean McClain with your note thereto and copy of Dean McClain's letter to you and also a copy of your letter of November 17.

COPY

Honorable T. Justin Moore
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I expect I will hear from them shortly, and of course I will give you any information I can from time to time, though I rather imagine that Dr. Gaines and Dr. Modlin will be in close contact and you probably will get the situation from Dr. Modlin more promptly than may be relayed through me.

With best wishes, I am

Yours sincerely,

h/d

Homer A. Holt.

bcc:

✓ Dr. Francis P. Gaines
James R. Caskie, Esquire
Dean Clayton E. Williams

November 28, 1955

Dear Rocky:

Please allow me to cover two items in the same letter.

First of all I want to thank you for sending me the confidential information that you are leaving the Board of Carbide. Of course you know that anything that happens in your life is important to me. It would be silly for me to write to you about age, and yet I know perfectly well that you should conserve your strength as far as possible for the many valuable services you can perform.

About your letter of the 25th: George Modlin is attending the meeting of the Southern Association in Miami right now. He will try to talk personally with as many presidents as he can buttonhole (I could not go because of conflicting engagements). When George gets back he will telephone me and we shall do everything that we can. If I may say to you what I certainly would not say to anybody outside our immediate family, I shall go on to say that I think Mr. Moore made a slight mistake in writing to that dean instead of writing to the Board chairman or at least to the president. Of course he did not know the dean and I had already been given some information that told me that no help could be expected from that quarter.

With kindest regards to the whole tribe, I am

As ever,

The Honorable Homer A. Holt
Post Office Box 553
Charleston 22, West Virginia