

# Desegregating Carolina: McKissick vs. Carmichael



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# Welcome

Desegregating Carolina: McKissick v. Carmichael marks the courageous efforts that led to the integration of the UNC School of Law and opened doors for generations of Black lawyers across North Carolina and beyond.

In 1951, following a landmark court order, Harvey Beech, James Lassiter, J. Kenneth Lee, Floyd McKissick, and James Robert Walker became the first African American students admitted to Carolina's law school. Their legacy continues to shape our profession and our mission.

The same legal ruling that opened the door for Carolina's first African American law students also made way for Oscar Diggs, in 1951, to become the first African American to attend Carolina's medical school. Diggs graduated in 1955, becoming the first African American doctor of medicine from the University.

By the mid-1950s, Black students were admitted to the College of Arts and Sciences.

## Schedule

5:30-6:00 Reception

6:00 Welcome Remarks

6:05 Individual Speakers

- Poetry from Donovan Livingston
- Donna Nixon
- Ralph Frasier
- Irving Joyner
- Rodney Pierce
- Poetry from Nick Courmon

7:15 Panel Discussion

- Floyd McKissick, Jr
- Gene Nichol
- Samuel Scarborough
- Ted Shaw
- Lloyd Kramer, moderator

# The Integration of UNC-Chapel Hill--Law School First

Donna L. Nixon, University of North Carolina School of Law

*The following is an excerpt from an article originally published in Vol 97 of the North Carolina Law Review (2019).*

Between 1940 and 1951, four law schools continuously operated in North Carolina: Carolina Law, Wake Forest University School of Law, Duke University School of Law, and North Carolina College School of Law. The American Bar Association (“ABA”) accredited only Carolina Law, Wake Forest University School of Law, and Duke University School of Law between 1938 and 1949. The unaccredited North Carolina College School of Law was the only institution open to African Americans for enrollment. It was specifically created by the state in 1939 to avoid integrating Carolina Law, the state’s flagship university, and the only public law school at the time. Creating parallel school systems was an expensive proposition and programs created for African Americans were far more poorly resourced than their whites-only counterparts. North Carolina College, including its law school, was one of those under-resourced entities.

The McKissick case against UNC-Chapel Hill, originally *Epps v. Carmichael*, spurred the state to upgrade the North Carolina College School of Law facilities, which the North Carolina College law students had, up to then, been petitioning and picketing for to no avail. After the upgrades, the state applied for the North Carolina College School of Law’s accreditation, which the ABA granted in February 1950. However, significant disparities remained between the schools.

The discrepancies between the facilities, academics, and opportunities at Carolina Law and those at North Carolina College School of Law gave the NAACP an opening for its efforts to desegregate UNC-Chapel Hill. In October 1949, Harold T. Epps and Robert D. Glass, both African Americans, filed suit in federal court



C. O. PEARSON, Durham Negro attorney, will speak here tonight at 7 o'clock in the basement of the Presbyterian Church. Pearson is the lawyer handling the Harold Epps-Robert Glass suit demanding that Negroes be admitted to the University Law School. Pearson will speak on the facts in the controversial case.

*The Daily Tar Heel,  
Jan 27, 1950*

seeking admission to Carolina Law. Conrad Pearson [the Durham civil rights lawyer who had litigated the suit filed in state court against UNC-Chapel Hill to force the admittance of Thomas R. Hocutt, an African American applicant to the pharmacy school], represented the plaintiffs in the litigation in both the trial and appellate proceedings, along with [Thurgood] Marshall and the NAACP legal team. Epps and Glass had applied to Carolina Law and were denied admission. The rejection letters from the UNC-Chapel Hill administration and correspondence from the UNC System president to the UNC-Chapel Hill chancellor made it clear that the denial was because of their race.

### Winners In UNC Segregation Fight



These four North Carolina College Law School students were plaintiffs in a case that sought to obtain admission of the quartet to the University of North Carolina's Law School. The NCC students charged they were refused admission to UNC because of their race. They argued further that NCC's 10-year-old Law School was inferior to the 80-year-old Chapel Hill institution. After losing initial action in Middle District Federal Court last Fall, the four won an appeal in the Circuit Court in Richmond, Va., on March 15. The State of North Carolina appealed to the United States Supreme Court. On June 4 the

U. S. Supreme Court refused to review the State's petition. Action is expected to be set in motion to admit the Negro students to the all-white UNC Law School.

The law school students pictured are James Lassiter, Rocky Mount; Solomon Reavis, Raleigh; J. Kenneth Lee, Greensboro, and Floyd McKissick, Asheville.

McKissick and Reavis were graduated from NCC at 40th commencement exercises on June 4. Lassiter and Lee have said they plan to enter UNC.

*From The Carolina Times Jun 9, 1951*

The NAACP legal team's core argument was that segregated higher education violated the Equal Protection Clause of the Fourteenth Amendment to the Constitution. The litigation progressed slowly, taking so long that Epps graduated from North Carolina College School of Law before the case was settled. The trial court also determined that Glass was ineligible to remain a plaintiff because he was not a North Carolina resident. Therefore, the NAACP asked McKissick and others to join the

litigation to keep the case from becoming moot. McKissick, Beech, Lassiter, Lee, and Solomon Revis, all of whom had attended North Carolina College School of Law and had applied to Carolina Law, were allowed to intervene and became plaintiffs in the ongoing litigation.

A judge on the United States District Court for the Middle District of North Carolina heard *Epps v. Carmichael* in Durham, in August 1950, but he issued a decision dismissing the case. In his written opinion, referring to Carolina Law as “the University Law School” and the North Carolina College School of Law as the “College Law School,” he compared the two schools favorably to one another, dismissing contrary expert testimony from several witnesses, including the deans of Harvard Law School, Howard University School of Law, and University of Chicago School of Law. He instead focused on testimony by other leaders in legal education who testified to the “equality of opportunity” between the two schools and upon the planned upgrades which, the court held, would leave the schools “substantially equal” once completed. In skewed reasoning, the judge voiced approval for the claim that because no white person was likely to hire an African American lawyer, the African American students would be better off at a school where they could meet potential African American contacts from throughout the state.

The plaintiffs disagreed. They appealed the decision to the Court of Appeals for the Fourth Circuit. Judge Soper wrote for the unanimous three-judge Fourth Circuit panel in an opinion released in March 1951. After enumerating the disparities, the Fourth Circuit panel came to the opposite conclusion from the trial court. Addressing the trial court’s statement that it was better for the African Americans to attend the segregated school because they were not likely to have white clients, Soper wrote that the race problem is one that merits consideration, but he dismissed the idea that having the students acquiesce to being segregated was the appropriate response. The panel ruled in favor of McKissick and the other African American plaintiffs, ordering that the lower court grant the relief plaintiffs sought: admission to Carolina Law.

**Scan the QR code for the full essay  
and for additional resources on the  
fight against segregation at Carolina.**



# Desegregating Carolina: the struggle continued

*"The State of North Carolina having spent millions of dollars in providing adequate and equal educational facilities in the undergraduate departments of its institutions of higher learning for all races, it is hereby declared to be the policy of the Board of Trustees of the Consolidated University of North Carolina that applications of Negroes to the undergraduate schools of the three branches of the Consolidated University be not accepted."*  
- UNC Board of Trustees in response to petition to admit three African-American undergraduates

In 1955, John Brandon and Ralph and Leroy Frasier applied to the University of North Carolina at Chapel Hill as undergraduates. Even though the UNC law school had been integrated a few years earlier, they each received letters from the admissions director stating that the University trustees would not admit Black students because they were eligible to apply to a black college in the state.

The three young men filed suit against the Board of Trustees in federal court arguing that the rejection violated the U.S. Supreme Court *Brown v. Board of Education* decision. Among the legal team were Conrad Pearson, who co-represented the Black UNC law school students several years earlier, and Floyd McKissick who was himself one of the plaintiffs in the suit to be admitted to the law school. The three judge panel of the federal district court ordered the university to admit the students, but the university sought to have the decision reversed through appeal to the U. S. Supreme Court. The North Carolina attorney general requested that the district court not put its judgment into effect until the appeal could be filed.

The U.S. Supreme Court upheld the original district court decision.



*Ralph Frasier, John Lewis Brandon, and Leroy Frasier (left to right), on the steps of South Building, 1955, from the UNC Photographic Archives, Wilson Library,*

# SPEAKERS & PANELISTS



**Nick Courmon** is a poet, spoken word artist, educator, and community organizer. He uses poetry and spoken word as a vehicle to educate about African American history and because of this work, he has had the pleasure of being featured in the Los Angeles Times, NBC's Today, VICE News, and Narratively. Learn more and support Nick: <https://www.ndcpoetry.com/>

**Ralph Frasier, Jr** is one of the founding partners with Frasier & Griffin, PLLC. Attorney Frasier serves on numerous community boards including the Board of Directors of The Boys and Girls Club of Greater Durham and Orange Counties, the North Carolina Central University School of Law Board of Visitors and the Museum of Durham History Board. He has served on the Durham Committee on the Affairs of Black People, the Durham Human Relations Commission and the North Carolina Central University School of Law Alumni Association. He has also served as an adjunct professor at North Carolina Central University School of Law. Attorney Frasier is an advisor and investor in numerous small businesses and ventures throughout the region.



**Irving Joyner** has been a professor at the North Carolina Central University (NCCU) School of Law since 1982. Professor Joyner provides legal counsel to several political, religious and community organizations and to needy individuals in civil rights and criminal appeals cases. He served as the vice-chair of the 1898 Wilmington Race Riot Commission. He is also a regular legal commentator for local, state and national media primarily in the areas of law, politics, civil rights and racial justice. He co-hosts the highly acclaimed "Legal Eagle Review," which is dedicated to a discussion of current local and national legal issues and is heard each Sunday evening on WNCU 90.7 FM. In 2004, Professor Joyner was honored as the Lawyer of the Year by the George H. White Bar Association, an organization of African-American lawyers in Durham County, and is a past recipient of the Lawyer of the Year Award by the North Carolina Association of Black Lawyers.



# SPEAKERS & PANELISTS

**Lloyd Kramer** is Emeritus Professor of History at UNC, where he served as Director of Carolina Public Humanities from 2014 to 2024. Professor Kramer's teaching and research has focused on Modern European History with an emphasis on nineteenth-century France. He is particularly interested in historical processes that shape cultural identities, including the experiences of cross-cultural exchange and the emergence of modern nationalism.



**Donovan Livingston** is an award-winning educator, spoken word poet, and public speaker, currently serving as Chapel Hill's Poet Laureate. In 2016, his Harvard Graduate School of Education convocation address, "Lift Off," went viral, reaching over thirteen million views and prompting Hillary Clinton to praise, "It's young graduates like [Livingston] who make it clear that America's best days are still ahead." Dr. Livingston earned a BA in History from Carolina, MA degrees in education from Columbia University and Harvard University, and a Ph.D. from the UNC-Greensboro in Educational Leadership & Cultural Foundations. He serves as Teaching Assistant Professor of Music as well as the Director of College Thriving at UNC where is also the Chair of the Carolina Black Caucus.



**Floyd McKissick, Jr.** received an AB degree from Clark University in Massachusetts, as well as a Master's degree in Regional Planning from UNC-Chapel Hill, North Carolina. He went on to receive his Master's degree in Public Administration from Harvard University and later received his JD degree from the Duke University School of Law in Durham, North Carolina. His current areas of practice include business law, criminal defense law, administrative law and family law. He joined the firm of McKissick & McKissick in 1990. He is an active member of his community and has previously served as a member of the Durham City Council and currently serves as a member of the North Carolina Senate.



# SPEAKERS & PANELISTS



**Gene Nichol** is an award-winning professor of law teaching courses in the constitution and federal courts. He was president of the College of William & Mary (2005-2008), law dean at the University of Colorado (1988-1995) and dean at UNC from 1999-2005. He has authored several books – most recently *NOW WHAT: How North Carolina Can Blaze a Progressive Path Forward*. He's been a columnist for the *Raleigh News & Observer* for 20 years and for the *Charlotte Observer* and *Durham Herald* for many years. He's also written for *The Nation*, the *Washington Post*, *Southern Cultures*, and *Slate Magazine*.

**Donna Nixon** is a Clinical Professor of Law and Electronic Resources Librarian. She teaches Advanced Legal Research and Introduction to Law of the U.S. She manages the library's databases of journals, electronic books and other resources and provides reference and research assistance to students, faculty and other patrons. Professor Nixon received her law degree from Stanford Law School and her M.S.L.S. degree from the University of North Carolina at Chapel Hill.



**Rodney Pierce** represents North Carolina's House District 27, covering Halifax, Northampton, and Warren counties. A former award-winning social studies teacher and advocate for educational equity, he champions fully funding public schools, protecting voting rights, and expanding economic opportunities in northeastern North Carolina. Throughout his career, Representative Pierce has been a dedicated advocate for educational equity and social justice. He has served on the North Carolina Governor's Teacher Advisory Committee and is affiliated with organizations such as the State Employees Association of North Carolina and the American Federation of Teachers. As a legislator, Pierce aims to address issues like affordable housing, healthcare access, and economic development to improve the quality of life for his constituents.



# SPEAKERS & PANELISTS

**Samuel Scarborough** is a third-year student at Carolina double majoring in History and Black Studies. From co-founding the Black Student Union at the nation's #1 ranked public high school, to serving as the youngest member of the Durham Community Safety and Wellness Task Force, and his current advocacy work at UNC's Black Student Movement, Samuel is deeply committed to building on the foundation of our ancestors' sacrifices to imagine and create a better world for our people.



**Ted Shaw** is the Julius L. Chambers Distinguished Professor of Law and the Director of the UNC Center for Civil Rights. Shaw teaches Civil Procedure, Election Law, and Social Justice Lawyering. His research areas include the Fourteenth Amendment, affirmative action, housing policies regarding fair housing. Among his scores of honors are the 2012 Harlem Neighborhood Defenders Office W. Haywood Burns Humanitarian Award and the 2012 Office of the Appellate Defender Milton S. Gould Award for Outstanding Advocacy. Shaw has published many book chapters, articles and essays on civil rights, including the introduction to *The Ferguson Report: United States Department of Justice, Civil Rights Division*. Shaw attended Columbia University Law School as a Charles Evans Hughes Fellow. He then practiced as a Trial Attorney in the Honors Program of the U.S. Department of Justice, Civil Rights Division in Washington, D.C. In 1982 Shaw joined the staff of the NAACP Legal Defense Fund (LDF). He worked for over 26 years, including litigating cases related to elementary, secondary and higher education, housing, voting rights and capital punishment. He also directed LDF's education docket. In 1987, under the direction of the LDF's third Director-Counsel, Julius Chambers, Shaw established LDF's Western Regional Office in Los Angeles. In 1993, Shaw returned to LDF and in 2004, became its fifth Director-Counsel.





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