

PRESENTATION OF THE PORTRAIT

OF

JUSTITIMOUS THADDEOUS VALENTINE

Associate Justice
SUPREME COURT OF NORTH CAROLINA
1951-1952

December 5, 1994

RECOGNITION OF STEPHEN VALENTINE

BY

CHIEF JUSTICE JAMES G. EXUM, JR.

Chief Justice James G. Exum, Jr. welcomed official and personal guests of the Court. The invocation was pronounced by Honorable Rachel M. Horner, Clerk of Superior Court, Nash County. The Chief Justice then recognized the Valentine family and Stephen Valentine, who would make the presentation address to the Court:

I am pleased to welcome on behalf of the Court former Justice Itimous Thaddeous Valentine's large family. The court especially welcomes Mrs. Hazel A. Valentine, who today is 99 years old. We understand this ceremony was planned on the part of the family as a 99th birthday gift to Mrs. Valentine, the widow of the former justice. And what an appropriate gift it is. We also welcome the children of the former justice, Congressman Tim Valentine and his wife Barbara, Jim Valentine and his wife Kay, and Justice Valentine's daughter, Mary Hobbs McIntyre. We welcome a number of his grandchildren, Susan Greene, Myra Robertson, Walter Jessup, David McIntyre, and those grandchildren who bear his surname, Stephen, Mark, Phillip, Beth, Jay, Timberly, Craig, Thad, and Meredith. We welcome his great-grandchildren and two great-great-grandchildren, and others that may be more distantly related to the Valentine family and all of the family's loved ones and friends who honor us with their presence

It is now our pleasure to introduce Stephen Valentine, the grandson of Associate Justice Valentine and the son of Congressman Tim Valentine. Stephen is a graduate of the University of North Carolina at Chapel Hill and the Wake Forest University Law School. He practiced law with his father in Nashville for two years and after, as he says, "getting a little restless," he joined the United States Air Force as a member of the Judge Advocate General's Corps, where he served eight years before reentering private practice in 1991 with Claud Wheatly and the Beaufort Law firm of Wheatly, Wheatly, Nobles and Weeks. Stephen is the County Attorney for Carteret County. He practices Domestic, Criminal and Personal Injury law. He was married in 1992 and has a five and one-half month old baby, Matthew Armstrong Valentine, who is here today.

PRESENTATION ADDRESS

BY

STEPHEN VALENTINE

If it please the court:

I am honored to have been asked by my grandmother, who today celebrates her 99th birthday, to present to the Court this portrait of former Justice Itimous Thaddeous Valentine. It is a rare privilege for a young lawyer to have this opportunity regarding his grandfather and I am truly thankful. I also wish to express my appreciation and that of my family to Mr. Ned Bittenger, the fine artist who created the portrait, and to the North Carolina Supreme Court Historical Society which made this presentation possible.

While many of the people in this room knew my grandfather, many did not. I hope that my remarks will bring him to life for those of you who did not know him. During a life that stretched from 1887 to 1970 he was a soldier, a patriot, an advocate, a civil servant, a scholar and a devoted husband and father. He loved his country, he loved his profession and he loved his family. All three institutions benefited immeasurably as a result.

To some people he was "Mr. Valentine"; to others he was "Justice Valentine"; to most he was simply "Itimous"; but to me and most of our family in this chamber he was and always will be—"granddaddy." Of course, my earliest memories include granddaddy usually at Christmas or a birthday or frolicking around the rambling home in Nashville that he shared with grandmother for nearly 40 years. Three photographs of me playing in granddaddy's lap when I was about my own son's age hang in a prominent location in our home in Carteret County.

Granddaddy was born in Nash County, North Carolina on November 14, 1887. He attended school at Castalia Boarding School in Nash County and obtained his higher education in bits and pieces as opportunities presented themselves. He graduated from Guilford College in 1917. He studied law under Dr. Gulley at Wake Forest University and was admitted to the Bar in 1917 before his graduation from college.

At Guilford he was President of the Senior Class and Editor-in-Chief of the Guilfordian, the student publication, in his senior year. While at Guilford, he crossed paths with many students and faculty members, but two of those individuals had an extraordinary impact

on his life. One was Hazel Armstrong who eventually became his wife. The other was Kerr Scott—future governor of this state. Much as president Abraham Lincoln became good friends with an individual he once beat in an wrestling match, granddaddy became lifelong friends with Kerr Scott after besting him in a debating contest in which Kerr Scott represented North Carolina State University. I say that granddaddy won because that is the version of the story told in our family! That relationship with the future governor eventually brought granddaddy to this Court.

After graduation from Guilford, he volunteered for service in the United States Army, then engaged in World War I, and served from December 15, 1917 until March 29, 1919. He served with North Carolina's own 30th Division with the American Expeditionary Force in France and saw action in five major engagements in France and Germany including the fierce battle of the Argonne Forest. He once told me that he, along with other American soldiers, was responsible for capturing several of the German "Big Bertha" artillery pieces. They found many silk bags of gun powder which they split open and dumped in one place while running a trail of gun powder a safe distance back from the bulk of the gun powder. They then set fire to the trail of gun powder. The fire ran back to the dumped gun powder which erupted with a flash of fire and heat. Granddaddy then sent several of the silk bags back to his family in America where his mother created shirts, pants and other articles of clothing out of them. While that story always fascinated me, a more accurate gauge of his feelings about the war and his mission are revealed in a letter that he wrote to his uncle Albert May on the 22nd of August 1919, a copy of which is here today and available for your review. The following excerpts from that letter reveal much about my grandfather and provide a glimpse of the eloquence which was to serve him so well for the next fifty years:

I may not reach the mark of some but you may bet that I am doing my best to serve faithfully the people and country I love better than life. I think I thoroughly realize the gravity of the situation and its probable results. Yet the vision of America's future, spreading as it will, democracy's wholesome influence to the uttermost parts of the earth lends courage that will not be daunted.

He then goes on to make reference to his perception that the Germans were about to launch an invasion of this country near the city of Wilmington:

Just imagine the scene such as they tried to pull off on Wilmington and couple it with the mass barbaric records of ancient history and you have a fair conception of their purpose. How can humanity submit to it? Are my mother, father, sisters and all who are dear to me safe while such are allowed to infect the world? They are not safe, but it is my purpose as it is of my comrades to see that Prussianism with all its attendant vices is forever driven from our midst. What is the ulterior motive of Prussianism? Belgium, France and Serbia are solemn sentinels to answer such an inquiry and they, not alone, reeking in blood shall be aided by all who profess the love of human rights. I mean to fight them to the last ditch and as long as my ammo holds out. I believe I am coming back but if I don't you may always know that I died like a soldier with my face toward the enemy trying to preserve a decent place for my people and their children yet unborn.

Fortunately, granddaddy did not have to die to preserve a decent place for his people and their unborn children. He and his comrades accomplished the purposes described in that letter and he was discharged to return to his beloved Nash County. Upon his return, he established a law practice first in Spring Hope and later in Nashville—a practice to which he devoted, with notable exceptions, the next fifty years of his life.

In 1924, he married the former Hazel Armstrong of Hobgood. They enjoyed a long and happy marriage and she bore him 5 children, the second of which is my father. In addition to 5 children, that union produced 14 grandchildren, 9 great grandchildren and, at last count, 2 great-great grandchildren.

In addition to attending to his law practice and his growing family in the years after WWI, granddaddy was quite involved in assisting veterans of that war. As I have described, he believed very strongly in the righteousness of the American cause in WWI. This feeling was transferred into his concern for and work with veterans of that war. A campaign flyer compiled by prominent attorneys who supported him in his re-election bid for this Court in 1952 contained the following reference:

For years after WWI, he devoted his entire time on each Saturday to the work of veteran's affairs and aided thousands in the transition from military to civilian life and other pressing problems. For this service he received no compensation from the veterans or the government and he personally bore the necessary

expenses of this service, including stenographic hire and postage. For himself, he asked nothing.

He never spoke of these things and never sought any special recognition or credit. He was and always remained the epitome of the motto of this great state—Esse Quam Videri—To Be Rather Than To Seem.

He served as Prosecuting Attorney of the Nash County Recorder's Court from 1922 until 1934. He served on the governing board of the Town of Nashville from 1937 until 1941. From 1940 until 1943, he served on the North Carolina Board of Charities and Public Welfare.

Though in his mid 50's when America entered the Second World War, an abiding sense of duty and patriotism compelled him to join the war effort. On March 9, 1943 he accepted a commission as a Major in the Judge Advocate General's Department, Army of the United States. He was 56 years of age and the maximum age requirement had to be waived for him to serve. Following a course of instruction at the University of Michigan in Ann Arbor, he was assigned overseas to the China-Burma-India Theater where he served with distinction for two years. He was promoted to the rank of Lieutenant Colonel and served on the Board of Review (a military appellate court) in India reviewing Courts-Martial from units in that theater of operations.

For meritorious achievement, he was awarded the Bronze Star medal and, after serving in the office of the Under Secretary of War in Washington, he was discharged with the rank of Colonel on October 16, 1947.

I believe his experience, during WWII profoundly affected him because he told me many stories about India when I was a child. He described in vivid detail the suffocating heat he encountered upon stepping off the airplane in India the first time. He had pictures of bird hunts and numerous souvenirs and mementos from his travels in India. Much to my delight, he had a detailed answer to my urgent question as a 5-6 year old child as to which animal would win in a fight between a lion and a tiger. I was convinced that one of the finest possessions in all the world must be a lamp granddaddy brought back from India whose base was a carved elephant pushing against a tree trunk which held the light fixture and lamp shade.

After his discharge from the army in 1947 granddaddy again returned to Nash County where he resumed the practice of law. He

was always very active in politics and campaigned and worked for Democratic candidates at both the state and local level. It is my understanding that the dinner table conversation in the Valentine household almost always involved politics. Granddaddy supported his college debating opponent, Kerr Scott, when Scott ran for governor and was elected in 1948. When Chief Justice Walter Parker Stacy died in office, Governor Scott appointed granddaddy to complete the unexpired term on this Court of the justice who moved up to replace Chief Justice Stacy. My father traveled with him to Raleigh to make the necessary arrangements to assume his seat on the Court. During the completion of the paperwork, granddaddy was so excited, he forgot the names of all his children. However, that lapse proved to be a minor inconvenience and he assumed his seat on the Court. His opinions written for this Court, as with his work in the JAG Corps, were models of clarity and judicial reasoning. You can all appreciate the pride I felt as an undergraduate at the University of North Carolina when a North Carolina Supreme Court opinion written by my grandfather was passed out to a business law class I was taking. He served this Court faithfully but, as has been recently demonstrated, politics can be difficult and unforgiving. In 1952, the political winds changed direction and granddaddy did not gain his party's nomination for his seat on the Court. Once again, as he had at the end of his previous periods of public service, granddaddy returned to his law practice in Nashville where he was shortly joined by his son who is my father.

His years in Nashville after his service on this Court were happy and productive. His keen intellect and populist appeal combined to make him very successful. He was never overly impressed with rank and privilege and was equally comfortable and at ease whether hosting a family reunion or meeting with the governor or other dignitaries. He was, to paraphrase Kipling, able to "Walk with Kings but not lose the common touch. All men counted with him but none too much."

He was truly a man of the people. When his doctor prescribed goat's milk he bought a goat and milked it himself until his children were old enough to assume that chore. He raised Togenburg goats and was quite fond of the milk they produced. He also kept bees in hives behind his home in Nashville. He took the honey himself and to his everlasting credit never delegated that chore to anyone! He was an accomplished wood worker, advancing that craft to the level of actually producing violins my grandmother still owns. I am told, how-

ever, that he was a better violin maker than a violin player. He also built the revolving book cases that for many years held the law books in his office.

He was a passionate advocate with a nearly scholarly command of Latin. My father has told me that he *never* asked granddaddy to define a word he was unable to define. I have a vague, long ago and distant memory of going into the Superior Court Room in Nashville with my mother to watch a portion of the Mimms trial, a will contest—the largest in Nash County's history up to that time—in which granddaddy and my father participated. I was six years old at the time and remember seeing the two of them up beyond the large, ornate bar in the courtroom working to defend the will. They succeeded. The entire county watched or kept up with the trial and I proudly reported to my first grade teacher who asked me the result of the trial the following day—"We won!!"

He kept the verses of many favorite poems in his head. His favorite was "I Have A Rendezvous With Death" no doubt because of his experiences in WWI. He often said that of all the things he accomplished in life he was most proud of his service in both world wars—the times when his country and countrymen needed him most. Fortunately, granddaddy's own rendezvous with death did not occur until 1970 when he passed on to his reward at the age of 82. Chaplain Ben Lacy, with whom he fought in the First World War and who later became president of Union Theological Seminary in Richmond, delivered the eulogy. I recall a story he told about their war experience. It seems that Reverend Lacy and granddaddy had been taken into the home of a French farmer that was very happy to make the acquaintance of the American soldiers. The Frenchman presented his daughter to the Reverend Lacy and granddaddy and proudly asked her to speak for the Americans the English she had learned. The girl gleefully responded by saying to the soldiers—"Keesse me queek!" the only English she knew which had no doubt been taught her by other Americans.

Another of granddaddy's favorite poems is called The Bridge Builder by William Allen Droomgole. I am certain this poem has significance to all his descendants but it has always had special meaning to me since I followed both granddaddy and my father into the practice of law.

An old man going a lone highway,
Came in the evening, dark and gray,
To a chasm, vast and deep and wide,
The old man crossed in the twilight dim—
The sullen stream held no fear for him;
But he stopped when safe on the other side,
And built a bridge to span the tide.

“Old man,” said a pilgrim near,
“You are wasting your strength with building here.
Your journey will end with the ending day;
You never again will pass this way.
You’ve crossed the chasm, deep and wide,
Why build you this bridge at evening tide?”

The builder lifted his old gray head.
“Good friend, in the path I have come,” he said,
“There followeth after me today
A youth whose feet must pass this way.
This chasm which has been as naught to me
To that fair-haired youth might a pitfall be.
He too, must cross in the twilight dim;
Good friend, I am building the bridge for *him*.”

Thank you very much for this opportunity to speak with you about my grandfather. I believe grandmother will now present the portrait to the Court.

(Chief Justice Exum introduces Mrs. Valentine at this time.)

ACCEPTANCE OF JUSTICE VALENTINE'S PORTRAIT
BY CHIEF JUSTICE EXUM

The Court gratefully accepts the portrait of former Associate Justice I.T. Valentine, and we thank the family for its thoughtfulness and generosity in making this gift to the Court and this occasion possible. The proceedings here will be spread upon the minutes of the Court, and the portrait will be hung in the hallway on the building's third floor with other portraits of former associate justices. There it will remind us of the man, the lawyer, and the judge, his many accomplishments and his contributions to the ongoing work of this Court.

This is the last time the Court as it now exists will publicly convene. Associate Justice Meyer and I will be soon departing. It is fitting that a ceremonial session such as this should mark our last public appearance on this bench. To all who remain, let me take this opportunity, for the two of us, to say a public "thank you" for the collegiality and good spirit with which we have been able to work together as we have helped shape the law of our state. We wish all of you well and Godspeed as you continue the work our predecessors, such as Justice Valentine, began and have continued through these last two centuries.