

**The Supreme Court of North Carolina and a look at its Historical Decisions with
State v. Mann and *State v. Will***

Overview

Students will learn about the Supreme Court of North Carolina and its relevance to every North Carolinian. Students will examine the historical decision made by Supreme Court of North Carolina justices in *State v. Mann*. Then, students will take on the roles of justices on the Supreme Court of North Carolina to make a decision regarding the facts in the important Supreme Court of North Carolina case: *State v. Will*.

Grade

10

North Carolina Essential Standards for Civics and Economics

- CE.C&G.5.2 - Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).

Essential Questions

- What is the role of the Supreme Court of North Carolina?
- How does a case make its way to the Supreme Court of North Carolina?
- In what ways does the Supreme Court of North Carolina play a part in protecting the rights of individuals?
- Why are the decisions of the Supreme Court of North Carolina relevant to each North Carolinian?
- What are the roles and responsibilities of North Carolina's Supreme Court Justices? What skills and qualities should NC Supreme Court Justices encompass?
- What was the opinion of the Supreme Court of North Carolina in *State v. Mann*? How does *State v. Mann* illustrate that the North Carolina Constitution is the law of the state?
- What was the opinion of the Supreme Court of North Carolina in *State v. Will*?

Materials

Day 1

- Who Are We?, Images 1 & 2 attached
- Who Are We Now?, Images 3 & 4 attached
- History of the Supreme Court of North Carolina, handout attached
- History of the Supreme Court of North Carolina, Response Sheet and Answer Key attached
- NC Supreme Court Justices, writing prompt attached

Day 2

- Stickers, for voting
- *The State of North Carolina v. Mann*, 1829; 3 page worksheet attached

- Whom from history do we remember, and how do we remember them, writing assignment attached

Day 3

- *State v. Will*, handout attached
- In the News: The NC Supreme Court, worksheet attached

Duration

Two or three class periods

Procedure

Day 1

Introduction to the Supreme Court of NC

1. As a warm-up, project the attached images 1 and 2 along with the question “Who Are We?” Instruct students to write down who they think both of these people are. Chances are that students will struggle with answering this correctly.
2. After a few minutes, project images 3 and 4 and ask students if they now have a better idea of who these two people are. Allow students to share their thoughts out loud. While students will be able to guess that these two people are judges given their wardrobe, most likely they will not know that they are former NC Supreme Court justices:
 - **Susie Marshall Sharp**- the first woman to become a Superior Court judge in North Carolina and an associate justice on the Supreme Court of North Carolina; she was elected Chief Justice in 1974, which marked the first election of a woman to the highest judicial post of any state!
 - **Henry E. Frye**- elected to the North Carolina General Assembly as a state representative in 1968, he was the only black North Carolina legislator, and the first elected in the 20th century. In 1983, Governor Jim Hunt appointed Frye to the Supreme Court of North Carolina as an associate justice, the first African-American to hold that position in North Carolina history. Frye was elected to the Supreme Court of North Carolina in 1984 and re-elected in 1992. IN 1999, Governor Jim Hunt appointed Frye to the state's highest judicial post, Chief Justice.
3. Ask students to comment on why most students did not know who these two North Carolina “firsts” were. This will perhaps highlight the fact that students are not highly aware of the Supreme Court of North Carolina and its relevance to their lives. Invite students to discuss the significance of North Carolina’s Supreme Court:
 - First, what do you already know about the Supreme Court of North Carolina? How would you compare your knowledge of our state’s highest court to your knowledge of the US Supreme Court? (If most students note that they are more familiar with the US Supreme Court, ask them to clarify why they think this is. Explain that in actuality, the Supreme Court of North Carolina is just as relevant, if not more relevant to their lives than the decisions made in the US Supreme Court.)
 - What role does the Supreme Court of North Carolina play for citizens?
 - Why is the Supreme Court of North Carolina necessary and important?
 - How does the Supreme Court of North Carolina influence your lives as young people?

The Supreme Court of North Carolina: Past and Present

4. Tell students that they will be learning about North Carolina's highest Court in today's lesson. Give students a brief overview of the Court, noting facts such as:
 - North Carolina's **General Court of Justice** is composed of three divisions: an **Appellate Division**, a **Superior Court Division**, and a **District Court Division**.
 - The Appellate Division is made up of the **Supreme Court** and the **Court of Appeals**. Both the Supreme Court and the Court of Appeals have **appellate jurisdiction**.
 - The Supreme Court has a Chief Justice and six associate justices.
 - The Court hears cases appealed from the Court of Appeals and some cases that bypass the Court of Appeals, such as death penalty cases, which must be heard by the Supreme Court.
 - Parties must petition the Supreme Court to hear their case, and in most cases, the Supreme Court can decide whether or not it will hear the case. The exceptions to this rule are death sentence cases, Utilities Commission cases, and Court of Appeals decisions with one dissent, all of which are automatically heard by the Supreme Court of North Carolina.
 - The role of the Supreme Court is to determine legal error or interpretation of the law. The Court does not hear cases to determine fact and does not have a jury.
 - Supreme Court justices are elected to eight-year terms.
5. Pass out the attached "History of the Supreme Court of North Carolina" and instruct students to read it individually or in partners and fill out the "Response Sheet." Once students have completed the reading and questions, discuss their responses as a class.

Should NC Supreme Court Justices be Elected or Appointed?

6. Optional homework assignment: Assign the attached writing prompt on whether NC Supreme Court Justices should be elected (as they currently are in our state) or appointed (as US Supreme Court Justices are).

Day 2

Qualities and Skills of a Justice

7. As a warm up, have students brainstorm the following question:
 - What qualities and skills should a justice on the Supreme Court of North Carolina possess?
8. Have students consider this question individually for a few moments, noting their thoughts on paper. Then, ask students to report back to class regarding their thoughts. Teachers should write student thoughts on chart paper. Ensure that students give reasons for why the skills/qualities they have noted are important.
9. Next, ask students to think about what they feel are the three most important qualities/skills for a NC Supreme Court justice to have. Give each student three stickers, and tell them that once they have made their decision on which qualities/skills are most important, they should walk to the chart paper and place their stickers beside their choices. Students may choose to place more than one of their stickers beside the same skill/quality if they feel incredibly strongly about it. Once all students have voted, discuss what appear to be the most popular choices.

Justice Thomas Ruffin and *State v. Mann*

10. Tell students that they will be taking a look at one of the NC Supreme Court's early justices, **Thomas Ruffin**. Tell students that Thomas Ruffin was a Justice from 1829 to 1852 and again from 1858 to 1859. He was Chief Justice of the Supreme Court of North Carolina from 1833 to 1852. In 1829, Ruffin's first year serving on the Court, he wrote the opinion of one of the Supreme Court of North Carolina's most important cases regarding slavery, *State v. Mann*.
11. Divide students into partners or small groups, and distribute the attached 3-page handout, "*The State of North Carolina v. Mann, 1829*." Tell students that they will explore this case, as well as the Justice who wrote the Court's opinion, by examining circumstances of the case, the period of history in which it occurred, as well as direct quotes from Ruffin himself. Allow groups time to read through the handout, interpret and discuss the questions and quotes, and then note their final answers on their handouts.
12. Once most groups are finished, discuss the case and Ruffin as a class, allowing students to share their group's thoughts on each question. Teachers should use the attached answer key and their own clarifying questions to ensure students have a firm grasp of the case and Justice Ruffin's opinion. Also, further discuss:
 - What struggle does Ruffin seem to experience within himself as he overturns the lower Court's decision?
 - Why do you think he so openly acknowledged this struggle between what he personally/emotionally felt versus what the law outlined? Does his acknowledgement of this struggle matter to you? Explain.

How Should Ruffin be Remembered?

8. Redirect student attention to the last two quotes on their handout, regarding how Thomas Ruffin should be remembered. Ask students to comment on how they characterize Thomas Ruffin, based on what they have read and learned:
 - What is your opinion of the man Thomas Ruffin? How would you characterize him as a person?
 - Consider Thomas Ruffin as a justice through today's lens. How many of you said that he exemplified some of the skills/qualities necessary for a NC Supreme Court justice? Explain which you feel he had and why.
 - Did Thomas Ruffin make the right decision in *State v. Mann*? Why or why not?
 - Do you feel he was forced to make the decision he made, given the time period in which he lived and the laws that existed? Explain.
- **Teacher Note:** It is always important to consider the differing historical perspectives throughout various periods. *State v. Mann* obviously occurred during the period of slavery, when African and African American human beings held very limited rights. Slave codes and common law certainly leaned in favor of protecting the rights of masters/owners. However it is important to remember that a lower court, where Mann was tried by a "jury of his peers" consisting of 12 white men, found him guilty. Similar issues were considered in previous cases heard by the Supreme Court of North Carolina. For example, in **State v. Moses Paine and Samuel Bunch**, 1826, and **State v. Thomas Mathias**, 1828, the NC Supreme Court indicted white men for assaulting other men's slaves. Thus, one could argue that had Thomas Ruffin wanted to likewise condemn Mann, he need only make the conclusion that Mann was not the owner/master of Lydia, only a borrower who did not share the same rights as an owner.)

9. Ask students to consider how historical figures such as Ruffin should be remembered. Hand out the attached assignment, “Whom from history do we remember, and how do we remember them” and go over it together. Ensure students understand the assignment. Teachers may want to let students express a few views out loud in order to get the class thinking. Instruct students to complete this assignment for homework.

Day 3

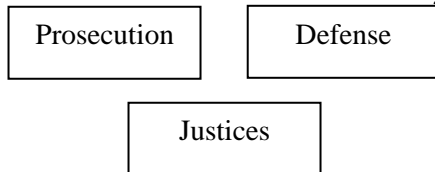
10. As class begins, allow volunteers to share their homework. The remainder of the class should assume the role of the Board of Trustees, and after each volunteer reads their proposed policy, allow the Board to ask questions and vote on whether to approve it.
11. Next, review some facts regarding the Supreme Court of North Carolina, as well as discussion points, from the previous classes. Remind students of the list of qualities/skills they felt Justices should have, as well as how Ruffin held up in comparison to this list.
12. Ask students to consider what they feel would be the most difficult part of being a justice serving on the Supreme Court of North Carolina, and discuss that while it may be easy for citizens to have particular opinions and criticisms of our judicial system, the work is often difficult.

State v. Will, 1834

13. Explain to students that today they are going to experience the difficulty themselves as they grapple with a decision actually considered by the Supreme Court of North Carolina in 1834.
14. Divide students into groups of 6. Each group will represent a mini-Supreme Court of North Carolina, in which 2 students will serve as **justices**, who will hear the two sides and make the final decision; 2 students will serve as the **prosecution**, which argues that the lower court’s decision should stand; and 2 students will serve as the **defense**, which brings the appeal before the Supreme Court of North Carolina. Remind students that the Supreme Court of North Carolina does not retry cases; rather it determines if errors were made in the lower court’s interpretation of the law.
15. Introduce the case students will be working by distributing copies of the attached student handout on *State v. Will*. Discuss the basic facts and issues of the case, clarifying any questions students may have.
16. Next, assign roles for the mini-NC Supreme Courts. Each group of 6 will break into three sets of partners as they work to prepare for Court. Once prepared, each group of 6 will reconvene as a large group to act out the case. (For classes that are not evenly divided by six, add an extra person to any particular group.)
17. Instruct students to prepare for the simulation:
 - The prosecution and defense teams will prepare a two-minute opening statement, a two-minute arguments (at least 3 solid reasons) supporting their positions on the issue raised in the case, and a two-minute closing statement that summarizes their position on the case.

- While the prosecution and defense are preparing their presentations, the justices will review the case and prepare questions that they would like to ask of the prosecution and defense during the presentation phase of the activity. These questions should be designed to clarify positions on the issue that the justices will be called upon to decide: Is Will guilty of murder, or was he acting in self-defense; and, if he was acting in self-defense, does a slave have a right to defend himself against an abusive master?

18. Once students have sufficiently prepared, arrange the classroom. You will have multiple courts in session simultaneously; therefore, arrange the desks in the classroom into groups of six, two for each of the roles in the activity:



19. Allow students to conduct their mini- Supreme Court of North Carolina hearings:

- Instruct the justices that to call the Court session to order.
- The justices should first hear opening statements by the defendant (appellant), followed by the prosecution. A two-minute time limit should be imposed on these statements.
- The defense makes arguments and is questioned by the justices.
- The prosecution makes arguments and is questioned by the justices.
- The justices ask each side for brief rebuttal/closing statements.
- The justices confer and determine whether to reverse the lower court’s decision, or to uphold it.
- Remind students, particularly the justices, that the Supreme Court of North Carolina does not retry the cases; rather, they look for errors in the lower court’s interpretation of the law.

20. Debrief the activity:

- Begin by asking each group of justices to share with the class their decision on *State v. Will* and the reasoning supporting it. Discuss the facts and arguments presented in the appeal and evaluate the strengths and weaknesses of the positions taken.
- Next, allow students to predict how they think the Supreme Court of North Carolina actually ruled on this case, regardless of their own outcomes in their simulated Court.

The Supreme Court of North Carolina’s Opinion in *State v. Will*

21. Discuss how the Supreme Court of North Carolina actually ruled in *State v. Will*:

- This case has been considered as initiating a “philosophical discussion of the conditions of slavery and the relations between the slave and his master in his country in the year 1834.”
- James Battle, Will’s owner, was harshly criticized by many in his community for defending a slave. It was common belief that a ruling in favor of Will would be a step towards “dangerously loosening the bands of authority of the master over the slave, and that the result would be disastrous.”
- Chief Justice Thomas Ruffin, Justice Joseph J. Daniel, and Justice William Gaston presided over the case, with Justice Gaston writing the Court’s opinion.
- Project the following quotes from Justice Gaston’s opinions for students to interpret and discuss:

- “Unconditional submission is the *general* duty of the slave; unlimited power is, in general, the *legal* right of the master. Unquestionably there are exceptions to this rule. It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has a right to defend himself against the unlawful attempt of his master to deprive him of life.”
- “The general rule is that which has been before declared. There is no *legal* limitation to the master’s power of *punishment*, except that it shall not reach the life of his offending slave. It is for the legislature to remove this reproach from amongst us, if, consistently with the public safety, it can be removed. *We* must administer the law, such as it is, confided to our keeping.”
- According to the Virginia Law Review, Justice Gaston “recognized the necessity for preserving the authority of the master over the slave in order to secure the safety of a slave society. He was compelled to admit the harsh rule of law that the master could not be indicted by any assault upon the slave, however highly cruel or unreasonable, unless it led to death. He conceded, therefore, that in the case at bar the act of the overseer in shooting and in pursuing the slave was not a crime. But he asserted the novel principles that an act may be so offensive as to constitute a legal provocation and to justify homicide, even though that act is not technically a crime.”
- Project the following quote from the Virginia Law Review regarding Justice Gaston for students to interpret and discuss:
 - “It is evident from the opinion of Justice Gaston that his feelings were profoundly touched and his emotions deeply moved. For this there was a peculiar reason. Justice Gaston was by religion a Catholic. Although he was one of the most distinguished and best loved men of his time, yet he had known the intolerance and bigotry of the period...he was consequently all the more disposed to sympathize with the desolate and the oppressed.”
 - Do you think the background and experiences each justice has had affect him/ her in the way the rule on cases? Is this acceptable in your opinion?
 - Interestingly, the prosecution referred to the 1829 case, *State v. Mann*, for which Chief Justice Thomas Ruffin had written the opinion, who was again on the panel of justices for *State v. Will*. The prosecution argued that in *State v. Mann*, which declared that masters must have complete control over their slaves.
 - “And so the Supreme Court of the State of North Carolina served notice upon all slave owners of that State that though they undoubtedly had the right to punish their slaves in order to maintain discipline, yet if that right was exercised with unreasonable cruelty, then the slave too had his right—the great right of self-defense. And so far did the court carry this reasoning that they announced to the slave owners of the State in such case a slave might slay his master without incurring the guilt of murder...the court showed not only a deep spirit of humanity and justice, but also remarkable courage in taking this position.” (Virginia Law Review)
 - How do you imagine North Carolina’s slave owners responded to this decision? How do you imagine abolitionists responded?
 - The Virginia Law Review reported that the Supreme Court of North Carolina’s decision in *State v. Will* curbed “the excess of cruel and thoughtless masters. It served to foster the principles of humanity in the dealings between owners and slaves. It was a long step forward in human progress.”

- Facilitate student discussion regarding historical perspective and the irony of this statement (while it is true that the Court ruled in favor of a slave defending himself, the inhumane institution of slavery was not ended for over 30 more years.)
- Students may be interested to know what became of Will. After he was discharged from the indictment of murder of the overseer, Will was moved to a plantation in Mississippi, where he unfortunately killed another slave and was hung.

Additional Activities

- Move students into examining NC Supreme Court cases from modern times; have students search current news for articles on the Supreme Court of North Carolina and note their findings on the attached worksheet, *In the News: The Supreme Court of North Carolina*.
- Have students focus on a NC Supreme Court case that illustrates the relevance of the Court on their own lives, such as *Leandro v. State of North Carolina*; see the Consortium's lesson "A Deliberation on School Funding in North Carolina," available in

Who Are We?
Images 1 & 2



Source: www.northcarolinahistory.org

Who Are We Now?
Images 3 & 4



Source: www.aoc.state.nc.us

History of the Supreme Court of North Carolina



The **Supreme Court of North Carolina** is the state's highest court, and there is no further appeal in the state from their decisions. This court has a chief justice and six associate justices who sit together as a panel in Raleigh. An appeal to the Supreme Court is *not* a retrial or a new trial of a case. The Supreme Court does not consider new witnesses or new evidence. Appeals in either civil or criminal cases are usually based on arguments that there were errors in the trial's procedure or errors in the judge's interpretation of the law. Thus, the Supreme Court has no jury, and it makes no determination of fact; rather, it considers error in legal procedures or in judicial interpretation of the law.

The origins of the Supreme Court of North Carolina lie in North Carolina's **State Constitution of 1776**, which empowered the General Assembly to appoint "Judges of the Supreme Courts of Law and Equity" and "Judges of Admiralty." Today, Article IV, Sec. 5 of the NC State Constitution states "The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals." Article IV, Sec. 6 goes on to further describe the membership and sessions of the Supreme Court.

North Carolina did not actually institute an **appellate court** (a court empowered to hear appeals) until 1799. That year, two of the State's four **Superior Court** judges were commissioned to meet in Raleigh and review appeals arising from **circuit courts**. Meeting two times a year, this gathering of trial judges became known as the "**Court of Conference**."

By an 1805 statute the Court of Conference was renamed the Supreme Court, but still consisted of Superior Court judges who reviewed the decision of lower courts. In 1810 the Court became a tribunal of public record and the judges were ordered to reduce their opinions to writing and to verbally deliver them in open court. They also were authorized to elect from among them a **chief justice; John Louis Taylor**, a twelve-year veteran of the N.C. Superior Court bench, was chosen for this position. By the same act it was determined that any party in a case judged in the Superior Court was given the right of appeal.

In **November 1818**, the General Assembly established the separate Supreme Court as described in the 1776 Constitution. The new Court was to be composed of a chief justice and two "judges," and was commissioned to exercise exclusive appellate jurisdiction over questions of law and equity arising in the Superior Courts. Legislators elected **John Louis Taylor, Leonard Henderson, and John Hall** the first members of the Court. Being empowered to elect their own chief justice, Judges Henderson and Hall chose Taylor to fill his old post. The first meeting of the Court took place on January 1, 1819. The Court began holding two sittings, or "terms," a year. Vacancies on the Court were filled temporarily by the Governor, with the assistance and advice of the Council of State, until the end of the next session of the state General Assembly.

The General Assembly's creation of an **independent appellate judiciary** was not well received by all North Carolinians. From the beginning opponents objected to the judges' salaries, which at \$2,500 per year were considered extravagant (the Governor's salary was only \$2,000). Some people also thought that the Court was an elitist institution too far removed from the people. Also, the fact that the judges were to "hold office during good behavior"--a virtual guarantee of life tenure--angered others. The growing population of the western counties, naturally given to criticizing an unresponsive, distant state government dominated by eastern planters, protested the long journeys their lawyers had to undertake in order to argue cases from the overburdened western circuits before the Supreme Court. To their voices were added those of the Superior Court judges who resented being reversed on appeal.

Throughout the 1820s regular attacks were leveled at the Supreme Court by legislators who believed that the chief justice and the two judges should be elected at large, by the people. In 1835, a constitutional amendment

was even proposed to dissolve the Court outright. However, the fact that these suggestions were defeated was probably due to the personal prestige of the judges themselves. The election of former Superior Court Judge and State Bank President **Thomas Ruffin** to the bench in 1829 effectively ensured the Court's survival.

The Court experienced four major reforms as a result of North Carolina's adoption of a new constitution in 1868. First, in an extensive revision of the judicial article, the Court became a "constitutional" tribunal that owed its existence to the fundamental law of the State rather than to a legislative enactment. Second, the number of judges was increased from three to five, with the chief justice retaining his title and the other judges receiving the titles of "associate justices." Third, the selection of Supreme Court judges was removed from the General Assembly and entrusted to **popular sovereignty**; the justices, including the chief justice, were to be elected by the people for eight-year terms. In the event of a vacancy, the governor was to appoint a substitute to sit until after the next general election for members of the General Assembly. Finally, in a progressive move, the new judicial article merged the formerly separate law and equity jurisdictions of the Court into a single "form of action for the enforcement or protection of private rights or the redress of private wrongs."

In 1936 the judicial article of the State Constitution was amended to provide that the Court should consist of a chief justice and not more than six associate justices. The following year the General Assembly authorized the Governor to appoint two additional associate justices, bringing the membership of the Court to seven, where it now stands.

The Supreme Court of North Carolina has also experienced some important "firsts" in recent history. The election of **Susie Marshall Sharp**--the first woman to become a judge of the Superior Court and an associate justice of the Supreme Court--as chief justice in 1974 marked the first election of a woman to the highest judicial post of any state. In 1983 **Henry E. Frye**, a Greensboro lawyer, became the first African-American to serve on the Court. In 2006, **Patricia Timmons-Goodson** became the first African American woman to sit on the Court.

In 1987, the General Assembly established a Judicial Selection Study Commission to review North Carolina's method of judicial selection and retention. The Commission recommended that Supreme Court justices be appointed, rather than elected, and proposed a constitutional amendment creating an appointive system. An amended version of this plan has passed the Senate repeatedly in recent years but has failed to gain a three-fifths vote in the House of Representatives. Whether appellate judges should be elected or appointed continues to be debated.

The primary function of the Supreme Court is to decide questions of law that have arisen in the lower courts and before state administrative agencies. The justices spend most of their time outside the courtroom reading written case records, studying briefs prepared by lawyers, researching applicable law, and writing opinions exposing the reasoning upon which the Court's determinations are based. The agreement of four justices generally is required for a decision; each of the seven justices participates in every case except in unusual situations in which a justice may feel compelled to **recuse**, or withdraw, from sitting.

In addition to cases awaiting decision, the justices consider numerous petitions in which a party seeks to bring a case before the Court for review. Although most such requests are denied, the justices read hundreds of records and briefs and spend many hours in conference deliberating their merits. Each justice writes several hundred printed pages of opinions each year. These opinions are published in the North Carolina Reports and in several unofficial publications, and may be found in major law libraries throughout the world.

Sources: <http://www.aoc.state.nc.us/www/copyright/sc/facts.html>; <http://www.nccourts.org/Courts/Appellate/Supreme/>
Adapted from an overview by Martin H. Brinkley

Name: _____

History of the Supreme Court of North Carolina – Response Sheet

1. How did the Supreme Court of North Carolina originate? In what document (and specifically where) is its power outlined?
2. What is the primary function of the Supreme Court of North Carolina? How does this differ from lower courts?
3. What was the Supreme Court of North Carolina called until 1805?
4. a) Originally, how did some North Carolinians feel about the Supreme Court of North Carolina? Why do you think they felt this way?

b) In your opinion, how do most North Carolinians view the Court today?

5. What changes has the Supreme Court of North Carolina undergone since its inception?

1810	1818	1868	1936

6. In 1868, the General Assembly granted citizens the right to vote for Supreme Court of North Carolina justices rather than have them appointed by the Governor. Thus, in contrast to the US Supreme Court, to which the President of the US appoints justices, North Carolinians elect the NC Supreme Court justices.
 - a) What are the positive aspects of electing our NC Supreme Court justices?
 - b) What are the negative aspects of electing our NC Supreme Court justices?
 - c) In 1987, the General Assembly established a Judicial Selection Study Commission, which recommended that Supreme Court justices be appointed, rather than elected. What is your personal opinion on this debate?
7. Why is the Supreme Court of North Carolina important to each citizen of our state?

History of the Supreme Court of North Carolina – Response Sheet ANSWER KEY

1. How did the Supreme Court of North Carolina originate? In what document is its power outlined?

The origins of the Supreme Court of North Carolina lie in North Carolina’s State Constitution of 1776, which empowered the General Assembly to appoint "Judges of the Supreme Courts of Law and Equity" and "Judges of Admiralty." Today, Article IV, Sec. 5 of the NC State Constitution states “The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.” Article IV, Sec. 6 goes on to further describe the membership and sessions of the Supreme Court.

2. What is the primary function of the Supreme Court of North Carolina? How does this differ from lower courts?

The primary function of the Supreme Court is to decide questions of law that have arisen in the lower courts and before state administrative agencies; the Court makes no determination of fact; rather, it considers error in legal procedures or in judicial interpretation of the law.

3. What was the Supreme Court of North Carolina called until 1805? Court of Conference

4. a) Originally, how did some North Carolinians feel about the Supreme Court of North Carolina? Why do you think they felt this way?

Originally, the Court was not well received by all North Carolinians; opponents objected to the judges' salaries; some people also thought that the Court was an elitist institution too far removed from the people; people felt that there was a virtual guarantee of life tenure for the justices; Westerners protested the long journeys their lawyers had to take to the NC Supreme Court; Superior Court judges resented being reversed on appeal.

b) In your opinion, how do most North Carolinians view the Court today?

Answers will vary; teachers can use this opportunity to discuss the lack of education existing around the NC Supreme Court, and why students think this is the case

5. What changes has the Supreme Court of North Carolina undergone since its inception?

1810	1818	1868	1936
<p><i>In 1810 the Court became a tribunal of public record; judges were ordered to reduce their opinions to writing and to verbally deliver them in open court; Judges authorized to elect from among them a chief justice; it was determined that any party in a case judged in the Superior Court was given the right of appeal.</i></p>	<p><i>General Assembly established separate Supreme Court to be composed of a chief justice and two "judges"; was commissioned to exercise exclusive appellate jurisdiction over questions of law and equity arising in the Superior Courts; Court began holding two sittings, or "terms," a year; Vacancies on the Court were filled temporarily by the Governor</i></p>	<p><i>Court became a "constitutional" tribunal that owed its existence to the fundamental law of the State rather than to a legislative enactment; the number of judges was increased from three to five, with the chief justice retaining his title and the other judges receiving the titles of "associate justices"; the justices, including the chief justice, were to be elected by the people for eight-year terms - in the event of a vacancy, the governor was to appoint a substitute to sit until after the next general election for members of the General Assembly; Court merged into a single "form of action for the enforcement or protection of private rights or the redress of private wrongs."</i></p>	<p><i>Court will consist of a chief justice and not more than six associate justices; The following year (1937) the General Assembly authorized the Governor to appoint two additional associate justices, bringing the membership of the Court to seven, where it now stands.</i></p>

6. a) What are the positive aspects of electing our NC Supreme Court justices? Answers will vary

b) What are the negative aspects of electing our NC Supreme Court justices? Answers will vary

c) In 1987, the General Assembly established a Judicial Selection Study Commission, which recommended that Supreme Court justices be appointed, rather than elected. What is your personal opinion on this debate? Answers will vary

7. Why is the Supreme Court of North Carolina important to each citizen of our state? Answers will vary

**Writing Prompt:
Supreme Court of North Carolina Justices**

The Supreme Court of North Carolina is the state's highest appellate court. It consists of 6 associate justices and one chief justice who are elected by the people to 8 year terms in statewide nonpartisan elections. In recent years, there has been much controversy over judicial selection and retention in the NC Supreme Court. Some people believe that good justices are being removed from office by the people for reasons entirely unrelated to their performance in court. Instead of the people electing justices statewide, some argue the governor should appoint justices to take office immediately and then require them to participate in a "retention election" at least 18 months after their appointment. In a retention election, the people would simply vote "yes" or "no" as to whether or not the justices should be retained.

Write a letter to your representative in the NC General Assembly explaining whether or not you think state Supreme Court justices should be elected by the people or appointed by the governor. You may use the following information, your own experiences, observations, and/or readings.

"Only Russia, Switzerland and the United States elect any appellate judges. Here, only a small handful of states still elect their appellate judges by statewide partisan elections. Study after study has shown that the public of North Carolina simply is not informed about statewide judicial candidates for our appellate courts. The great majority of our citizens never bother to mark their ballots for either candidate in elections for appellate judges or justices. This makes it very easy for single issue groups of the right and left, which can only be described as extreme, to have an impact on appellate judicial elections far disproportionate to their numbers or to the public's acceptance of their views."

-Former NC Supreme Court Justice Burley

Mitchell

"The principal argument of those who advocate nonpartisan election for the selection and retention of judges is that it removes partisan political considerations while ensuring the same type of judicial accountability as do partisan elections. Thus, so it is argued, judges are more likely to be selected based upon qualifications than upon political affiliation. Proponents of nonpartisan election also argue that such a system permits the people to retain their right to vote for judges, while at the same time reducing the frequent turnover on the bench that occurs in many partisan election states."

- Peter D. Webster, Florida State University Law

Review

"The best method of selecting Supreme Court Justices is appointment by the Governor with the assent of a supermajority of the Senate. The supermajority requirement would be intended to prevent the appointment of persons known to be partisans of marginal political views that they might be tempted to impose on the people. Because governors and senators are themselves politically accountable to the people to be served if they seat a bad Justice, the case for Voter Confirmation as an additional requirement is less strong. It would, however, serve to emphasize that the Justices are not solely indebted for their power and status to partisan politicians, but also owe their power to all the people.

-Paul Carrington, Former Dean of Duke Law

School

As you write your letter, remember to:

- Clearly state and support your opinion.
- Consider the purpose, audience, and context of your letter.
- Organize your letter so that your ideas progress logically.
- Include relevant details that clearly develop your letter.
- Edit your letter for standard grammar and language usage.

Group Members: _____

The State of North Carolina v. Mann, 1829

Circumstances of the Case

In 1829 Elizabeth Jones, who owned a slave named Lydia, hired her out for a year to John Mann of Chowan County. Lydia was unhappy with the arrangement, and at one point Mann decided to punish her, possibly by whipping her. But Lydia escaped during the punishment and began to run away. Mann shouted to her, ordering her to stop, but Lydia continued to run. Mann then shot her in the back and wounded her.

A local grand jury took the unusual step of indicting Mann for assault and battery against a slave. During the trial, the judge told the jury that if it believed that the punishment Mann inflicted was "cruel and unwarrantable, and disproportionate to the offense committed by the slave that, in the law the Defendant was guilty," particularly since he was not even her owner. Mann was found guilty of battery by a jury of twelve white men drawn from his community and the court imposed a five dollar fine. Mann then appealed to the Supreme Court of North Carolina.

If Mann was not considered Lydia's owner, North Carolina law would plainly have condemned this battery. Keep in mind, those enslaved were viewed as property, and damaging such property was viewed as a crime. On the other hand, had Mann been Lydia's permanent owner, North Carolina law would clearly have exonerated him. Mann was neither. He was a temporary owner, a leaseholder. *State v. Mann* therefore appeared to present the question of whether a leaseholder could be convicted of battery for injuring a slave.

Sources: <http://law.jrank.org/pages/2446/State-v-Mann-1829.html>; *The Perils of Public Homage, State v. Mann and Thomas Ruffin in History and Memory*

1) Why do you think the jury in Chowan County found John Mann guilty?

2) Given the facts presented thus far, how to you predict the NC Supreme Court ruled in *State v. Mann*? Explain your reasoning.

The Supreme Court of North Carolina's Opinion

As you know, opinions of the NC Supreme Court are written once a decision is made. Justice Thomas Ruffin wrote the Court's opinion in *State v. Mann*. Read the following quotes and summarize his point in the space below each to determine what decision was made.

“The struggle...in the Judge's own breast between the feelings of the man, and the duty of the magistrate is a severe one, presenting strong temptation to put aside such questions, if it be possible. It is useless however, to complain of things inherent in our political state. And it is criminal in a Court to avoid any responsibility which the laws impose. With whatever reluctance therefore it is done, the Court is compelled to express an opinion upon the extent of the dominion of the master over the slave in North Carolina.”

3) _____

The State of North Carolina v. Mann, 1829 – cont.

“Here the slave had been *hired* by the Defendant, and was in his possession; and the battery was committed during the period of hiring. With the liabilities of the hirer to the general owner, for an injury permanently impairing the value of the slave, no rule now laid down is intended to interfere...The enquiry here is, whether a cruel and unreasonable battery on a slave, by the hirer, is indictable. The Judge below instructed the Jury, that it is. He seems to have put it on the ground that the Defendant had but a special property. Our laws uniformly treat the master or other person having the possession and command of the slave, as entitled to the same extent of authority. The object is the same--the services of the slave; and the same powers must be confided. In a criminal proceeding, and indeed in reference to all other persons but the general owner, the hirer and possessor of a slave, in relation to both rights and duties, is, for the time being, the owner.”

4) _____

“The power of the master must be absolute, to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition, I feel it as deeply as any man can...But in the actual condition of things, it must be so.”

5) _____

“I repeat, that I would gladly have avoided this ungrateful question. But being brought to it, the Court is compelled to declare, that while slavery exists amongst us in its present state, or until it shall seem fit to the Legislature to interpose express enactments to the contrary, it will be the imperative duty of the Judges to recognize the full dominion of the owner over the slave...And this we do upon the ground, that this dominion is essential to the value of slaves as property, to the security of the master, and the public tranquility, greatly dependent upon their subordination...”

6) _____

Evaluating Thomas Ruffin’s Opinion

7) In your *personal opinion*, do you think Thomas Ruffin made the right decision to reverse the lower Courts decision and rule in favor of John Mann, the defendant? Why or why not?

8) Given the *laws of 1829*, do you think Thomas Ruffin made the right decision to reverse the Chowan County Court’s decision? Explain.

The State of North Carolina v. Mann, 1829 – cont.

“Writing the Supreme Court of North Carolina’s opinion, Thomas Ruffin cast the legal question more broadly and did not focus on the potential distinction between temporary and permanent ownership. Instead, Ruffin determined that the common law could not criminalize any owner’s brutality toward his slave (temporary or permanent). Slaves could be compelled to a lifetime of work only if they lacked independent will, and the only way to strip them of will was to ensure the slave’s owner had “uncontrolled authority of [her] body.” “The power of the master must be absolute,” Ruffin wrote, “to render the submission of the slave perfect.” And that power protected the owner from criminal responsibility even for “instances of cruelty and deliberate barbarity.” Ruffin noted that the legislature might, if it wished, pass a statute extending the crime of battery to reach a slave owner. But a court could not do so through a judicial opinion.

From: The Perils of Public Homage, State v. Mann and Thomas Ruffin in History and Memory

9) NCDPI classifies *State v. Mann* as a case that illustrates that the NC Constitution is the supreme law of the state. Consider the relationship between the NC Supreme Court and the NC Constitution, which lays out the roles of the legislative, judicial, and executive branches of state government. Why did Ruffin feel that the NC Constitution required he make the decision he made? _____

10) Other than the NC Constitution, what else might influence a Justice’s decisions?

11) Do you feel that Justice Thomas Ruffin possesses the qualities and skills you defined as necessary for a NC Supreme Court Justice to possess? Why or why not? Use evidence to back up your answer.

How Should Ruffin Be Remembered?

"The election of former Superior Court Judge and State Bank President Ruffin to the bench in 1829 effectively ensured the Supreme Court of North Carolina's survival"... Ranked by Harvard Law School as one of the ten greatest jurists in American history, Ruffin singlehandedly transformed the common law of North Carolina into an instrument of economic change. His writings on the subject of eminent domain--the right of the state to seize private property for the public good--paved the way for the expansion of railroads into North Carolina, enabling the "Rip Van Winkle State" to embrace the industrial revolution. Ruffin's opinions were cited as persuasive authority by appellate tribunals throughout the United States. The influence his decisions exercised...made Ruffin a celebrated figure at home."

Source: Wikipedia.org

“A Southern judge with little sympathy for slavery rendered a powerful and logical pro-slavery opinion, further entrenching Southern slavery, while opening it to Northern attack. North Carolina had fewer slaves than most other states in the future Confederacy. But in the two decades leading up to the Civil War, that state's Supreme Court produced one of the most notorious pro-slavery opinions in American history.”

Source: <http://law.jrank.org/pages/2446/State-v-Mann-1829.html>

The State of North Carolina v. Mann, 1829
ANSWER KEY

1) Answers will vary

2) Answers will vary

3) Ruffin alludes to an internal struggle between how emotionally, he feels what happened to Lydia is wrong, or that he feels the political state of slavery is disagreeable as it exists; yet, he is confined to follow the outline of the law and not his feelings, and in his interpretation the law dictates that a master must have dominion, or control, over his slaves.

4) When John Mann hired Lydia, he became her owner, and even though temporary, as her owner the law grants him the right to control Lydia, and punish her, as he sees fit. Thus, Mann cannot be punished since he did not break any law. He must be given the rights the law provides to masters, which is to have complete command and authority over his slaves. So, when he shot Lydia as a means of disciplining/controlling her, he was within his legal rights as a master.

5) With slavery being a part of society, the current law grants masters complete control over their slaves; Ruffin acknowledges that this may sound harsh, and even alludes to feeling bad about having to make such a harsh decision, but it he is bound to follow the laws of the time.

6) Ruffin once more portrays the attitude that he is very torn in his decision, but that his dedication to the law and to upholding his duty is more important than his personal feelings, so he thus must rule fairly, according to the law and not according to his heart. He reiterates his interpretation of the law as being that masters must have complete control over their slaves, that slaves are viewed as property, and that without the right to complete control over their slaves, the public could be in danger or disrupted. Thus, Ruffin has ruled in favor of the defendant, John Mann; he overturns the lower Court's decision.

7) Answer's will vary

8) Answer's will vary

9) The North Carolina Constitution defines the powers of the legislative, judicial, and executive branches of government. As a Justice, Ruffin's role is to interpret the laws that are in existence, not create new laws; creating law, he notes, is the job of the legislature. Ruffin pointed out that as the law was currently, there was no precedent to punish a master for treating his slave in a cruel or barbaric manner; thus his hands were tied in finding Mann innocent.

10) Answer's will vary

11) Answer's will vary

Whom from history do we remember, and how do we remember them?



A decade ago, law professor and author Sanford Levinson, raised the following provocative questions about Judge Thomas Ruffin:

“Can one have ... ‘deep respect for the man’ Ruffin even as one despises the system that he served? Would we, for example, wish to honor him by placing his portrait in American law schools as a presumed inspiration to further generations of law students as to what it means to be a “distinguished” lawyer or judge, or does authorship of *State v. Mann* disqualify him from any such honor? This is simply part of a much broader question in regard to what might be described as the semiotics or “political economy” of public homage. **By what criteria do we decide whom to build statues of, or whose statues to leave up throughout time, or whom to place on currency or put on postage stamps?”**

For example, consider the University of North Carolina at Chapel Hill, just a few miles south of Thomas Ruffin's Hillsborough gravesite and a few miles west of his imposing statue in the foyer of the state's Court of Appeals (shown in the image above). At UNC, a portrait of Judge Ruffin, who served as Chief Justice for the state court for almost twenty years, *has* graced the walls of the law school, and a dormitory proudly bears his name. Official university biographies recall that “university presidents frequently sought his advice” and that he was “great as a lawyer, great as a judge, great as a financier, great as a farmer, rugged, indomitable soul in a frame of iron, made to conquer, and conquering every difficulty on every side.” His authorship of the notorious *Mann* opinion, with its cold claim that “the power of the master must be absolute to render the submission of the slave perfect,” go unmentioned.

This debatable issue certainly goes well beyond Thomas Ruffin, since college campuses across North Carolina have dormitories and buildings named after Civil War slave owners; one can still drive down “Jefferson Davis Highway” in North Carolina; so the question remains, as posed by Mr. Levinson:

“By what criteria do we decide whom to build statues of, or whose statues to leave up throughout time, or whom to place on currency or put on postage stamps?”

Imagine that you are the Chancellor of a North Carolina university and write a policy outlining the criteria for naming the buildings, dormitories, and streets on your campus after historical figures. Assume that a statue of Thomas Ruffin currently stands in front of your university’s law school. Your policy must also include a decision regarding what to do about already existing structures and names properties. This policy will be presenting to your university’s Board of Trustees for approval, so make sure you include the reasoning behind your decisions.

*The State of North Carolina v. Negro Will,
a Slave of James S. Battle, 1834*

CIRCUMSTANCES OF THE CASE

On January 22nd, 1834, an enslaved man by the name of **Will**, property of **James S. Battle**, killed **Richard Baxter**, an overseer employed by James S. Battle. Edgecombe County Circuit Court records recount that early on the morning of January 22nd, Will and another slave by the name of **Allen**, serving as foreman, had a dispute over a farm tool, described as a hoe. Will was angered since he was generally the exclusive user of the hoe, but Allen had instructed another slave to use the tool on that day. After a verbal dispute with Allen over the tool, Will went to work on packing cotton approximately ¼ mile away.

Later, the foreman Allen informed James Battle's overseer, Richard Baxter, of the verbal dispute between he and Will, upon which the overseer went into his house to retrieve a gun. While he was retrieving his weapon, his wife was heard commenting, "I would not my dear," to which Baxter replied, "I will." Shortly after, Baxter emerged from his home and told Allen that he was going after Will, and that the foreman was to follow him with a cowhide strip. Baxter then rode to where Will was working and ordered him to come down from the box upon which he stood packing cotton. Will was described as having followed directions, taking off his hat "in an humble manner" as he dismounted the box. Baxter is then said to have "spoke some words" to Will that were not heard by three other slaves present, but that caused Will to begin to retreat from Baxter. When Will was approximately 10-15 steps away from the overseer, Baxter shot Will in the back. Although it appeared the wound could cause death, Will began to run away, upon which Baxter ordered the foreman to pursue him on foot, while he mounted his horse to chase Will. Baxter, catching up to Will after a 6-8 minute chase, hit him with his right hand and struggled with Will. The foreman then arrived and also tried to physically subdue Will, who at this point struck out with a knife at Allen. Will missed the foreman and cut Baxter. Wounded, Baxter lost his hold on Will, who then continued to run into the woods. Baxter sat bleeding on the ground and commented, "Will has killed me; if I had minded what my poor wife said, I should not have been in this fix." Due to a wound on his thigh, chest, and right arm, all delivered by Will in the struggle, Baxter died from blood loss. Later that same day, Will presented himself to his master, James S. Battle, and surrendered. Will was arrested the following day.

When Will was tried in the Circuit Court of Edgecombe County before Judge Donnell and a jury, they determined that Will was guilty of murder and pronounced a sentence of death. However, James Battle, Will's owner, appealed the verdict to the Supreme Court of North Carolina. The case was heard by Chief Justice Thomas Ruffin, and his associates Justice Joseph J. Daniel and Justice William Gaston. These men were charged with ruling on a very important question: Was Richard Baxter within the law in his treatment of Will, and **does a slave have a right to defend himself against an abusive master?**

DEFENSE

James S. Battle was described as "a just and humane man who thought it to be his duty to see that the rights of his slave were fully protected." Battle hired Bartholomew Moore, the head of the North Carolina Bar, to defend Will. The legal position of the defense was:

- The overseer had no right to kill the slave merely because he had been disobedient and was avoiding chastisement.
- If the overseer in shooting the slave under these circumstances had killed him, the overseer would have been guilty of manslaughter or murder.
- Considering the illegal behavior of the overseer, the slave had the right to resist and defend himself. If in doing so, he killed the overseer, the act was at the most manslaughter, and not murder.

Quotes from the Defense:

- "...I cannot bring my mind to the conclusion that this case is of higher grade than manslaughter, if of that; and whatever may be the prisoner's fate...I do not recognize in his conduct the moral depravity of a murderer, nor any high degree of inaptitude (inappropriate behavior) to the condition of slavery. He was disobedient, it is true, and ran to avoid chastisement. Three-fourths of our slaves occasionally do this. He slew his overseer, it is true, after having been *dangerously shot, pursued, and overtaken.*"

- “I feel that if he must expiate the deed under the gallows <be hung for his crime>, he will be a victim...a sacrifice offered to the policy which regulates the relation of slavery among us.”
- “The interests of society demand that it should be fixed, and permanently fixed, that the master may know the extent of his authority, and the slave prepare himself to its accommodation.”
- “I feel and acknowledge, as strongly as any man can, the inexorable necessity of keeping our slaves in a state of dependence and subservience to their masters...But when shooting becomes necessary to prevent insolence and disobedience, it only serves to show the need of proper domestic rules...never can a punishment like this effect any other purpose, but to produce open conflicts or secret assassinations.”

PROSECUTION

North Carolina’s Attorney General, J.R.J. Daniel, led the prosecution. The legal position of the prosecution was:

- The authority of the master over the slave is uncontrolled, except that he may not take his life under circumstances which would be manslaughter or murder if the slave were a free man.
- Therefore, the shooting of the slave in this case, inasmuch as it did not cause his death, was within the authority of the overseer and was, therefore, lawful.
- As the act of the overseer was lawful, the slave had no right to resist or to defend himself, and if he did so in such manner as to cause the death of the overseer, the act of the slave was without legal justification and provocation, and amounted to *murder*.

Quotes from the Prosecution:

- “It will be necessary to consider the relation of master and slave, in this State; the rights and dominion of the one, and the duty and submission of the other. What right and dominion then, by the laws of North Carolina, does the master possess over the slave?...I hold that his authority is absolute and uncontrolled.”
- Although the law in its present advanced state of humanity and religion, has thrown the mantle of its protection around the life of the slave, as well as against the wanton and unprovoked cruelty of the master...he is [still] regarded as *property*; may be the subject of traffic; will pass under the description, “goods and chattels”; and is liable to be sold.
- “I do not insist that the slave is bound to submit to every attempt of violence on the part of the master. It has already been conceded, that the life of the slave is under the protection of the law. If, therefore, the master attempts to take the life of the slave, in a wanton or cruel, unjustifiable or inexcusable manner, the slave may resist the attempt, even unto death, upon the principle of self-defense...If the necessity to slay his master in order to protect his own life has ceased, and he kills without such necessity, it will be *murder*.”
- “If, instead of knowing that the authority of his master is unlimited, except by those restraints for the protection of his life, he is given to understand that it is abridged still further, and that for violence inflicted by the master, with any weapon calculated to produce death, be it a gun, rod, or cane, he may wreak his vengeance without incurring the punishment of death, what will be its tendency” It will increase the importance of the slave, and beget a spirit of insubordination, the most dangerous to the peace and safety of the community. Begin the humane work of advancing them in the scale of moral beings, and it may be discovered, when too late, that such policy must result in the destruction of the rest of society, or of the slave population. They would become discontented; one privilege or indulgence would beget desires for another, until nothing short of absolute emancipation would satisfy.”

HISTORICAL CONTEXT

- “In 1817, the legislature, determining to abolish the last remnant of that barbarous and inhuman spirit, which had previously characterized their legislation, placed the killing of a slave on the same footing, under like circumstances, with the killing of a free man.”
- In the 1830s, Northern feelings in favor of abolition were growing. Even in the South, there was said to be a growing sentiment that slaves should be treated less inhumanely. Some believed that “the hardness of the law which originally defined the power of a master over the slave should be modified according to the dictates of humanity.”
- In 1831, three years earlier, Nat Turner, a slave, led a slave revolt in Southampton, VA. The band of slaves killed over fifty white men, women, and children, and left the white community on edge. After the episode, the concept of preserving discipline over slaves for the “sake of safety of human society in the slave-holding states” became priority.

Source: George Gordon Battle, <http://www.jstor.org/>

Name: _____

**In the News:
The Supreme Court of North Carolina**

Directions: You have looked at several cases that were reviewed by the Supreme Court of North Carolina in its early years, but what are they up to today? Review the newspaper and/or news sites on the Internet and find an article involving at least one current Supreme Court of North Carolina decision. Fill out the following information on the article you read, attached a copy of the article to this worksheet, and be prepared to share this information with class.

What is the title of your article? _____

What source is it from? _____

Who wrote the article (if an author is listed)? _____

What kind of case is mentioned (criminal, civil)? _____

Give a brief summary of the facts of the case. _____

Is the article stating facts, an opinion, or both? _____

If it states an opinion, what is the opinion? _____

If an opinion is stated, do you agree or disagree and why? _____

Has the NC Supreme Court made a decision regarding the case? Is so, what is the decision? _____

Do you agree or disagree with the decision and why? _____

If the NC Supreme Court had not yet made a decision regarding the case, what do you think their decision should be and why?
