An Afternoon with Donald Russell:

Recollections on the Life and Career of a South Carolina Statesman

April 9, 2005

The Russell House, University of South Carolina
AN AFTERNOON
WITH
DONALD RUSSELL

A Symposium on the Life and Career of
A South Carolina Statesman of the 20th Century

April 9, 2005
Russell House Theater, USC
Columbia, South Carolina

Hosted by The University South Caroliniana Society
John B. McLeod
Moderator
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This event is hosted by the University South Caroliniana Society which was founded in 1937 to preserve South Carolina’s heritage. Membership is open to all who are proud of this State’s history and want to make others aware of it. The Society welcomes gifts of manuscripts and other items pertaining to South Carolina which will be housed at the South Caroliniana Library.

The University Archives and Modern Political Collections have collaborated on a related digital exhibit, Donald Russell: A Life of Public Service. Please go online to view it at http://www.sc.edu/library/socar/exh/russell.
A Brief Look at the Career of Donald S. Russell

Few individuals achieve the success that Donald S. Russell enjoyed in life; fewer still achieve success in such a wide range of arenas; and even fewer have active careers of the duration of Russell’s. Donald Russell held several important positions in the Roosevelt administration during World War II. Following the war, he returned to the private practice of law and gained wealth and influence in South Carolina.

In 1952, Russell was named president of the University of South Carolina. He took no salary while president and used his personal funds to establish important endowments and refurbish the president’s home.

He resigned as president in 1957 to run for governor. He was unsuccessful in his first attempt, but in 1962, was elected governor. Russell will be remembered forever for opening his inaugural reception and barbecue to all South Carolinians and personally greeting many black and white well-wishers who attended the event.

Upon the death of Olin Johnston, South Carolina’s senior senator, Russell stepped down as Governor. He was succeeded by his Lieutenant Governor, Robert McNair, who appointed Russell to serve as South Carolina’s senator until such time as a special election could be held. Russell was praised for his acumen and activities as senator, but was defeated by Fritz Hollings in the 1966 special election.

President Lyndon Johnson appointed Russell a U.S. District Court judge in 1967. In 1971, he was appointed to the U.S. 4th Circuit Court of Appeals. He served as an appellate court judge until the time of his death, in 1998, on his 92nd birthday.
The Symposium

Mr. MCLEOD: Good afternoon. My name is John McLeod. I am President of the University South Caroliniana Society. On behalf of the Society, I would like to welcome you to this occasion at the Russell House on a glorious spring afternoon.

The University South Caroliniana Society, founded in 1937, is very proud to host this Symposium to honor the memory of a very distinguished South Carolinian of the 20th Century. A man of humble origins who rose to the pinnacle of power and prestige. A man who was at the right hand of power in World War II and afterwards. A University President who transformed this institution in which we are now sitting, and for whom this building is named. A Governor, Senator, and federal jurist for more than 30 years. We gather to perpetuate the memory of this Noble Roman for future generations so that they might profit from his example, a person of great intellect and compassion who influenced the lives of so many people. We are honored by the presence of Judge Russell's son, Donny, and his lovely wife, Yvonne, and their sons Donald Russell, III, and his guests, Lynn and Paige Swanson, as well as David Russell and his guest, Lindsay Hancock.

I would like to thank those who assisted in the preparation of this event. First of all, our thanks go to Dean Paul Willis and the development office of the USC libraries. We are also most appreciative of the hard work of the staff of the South Caroliniana Library. These proceedings are being transcribed for the benefit of scholars and for the general public. Hopefully it will be published in the near future in the society's annual publication. We appreciate the efforts of Debra Jernigan, official court reporter for the United States District Court in this regard. We are particularly honored by the number of distinguished speakers who are here today to share their thoughts about various aspects of Donald Russell's life and career.

In retrospect, it is interesting that his future mother-in-law, Mrs. Utsey, thought that Donald would never amount to very much. Some 60 years later, President Reagan remarked, “there is no telling what Donald could have done if he had put his mind to it.” I think we all agree with that.

Starting us off today is the Honorable C. Bruce Littlejohn, retired Chief Justice of the South Carolina Supreme Court. Judge Littlejohn was born in Pacolet, went to Wofford College, USC law school, and began to practice law in Spartanburg in the 1930s. He was Speaker of the South Carolina House of Representatives for three years in the 1940s. He was appointed a circuit judge in 1949 and went on the Supreme Court in 1967 and became Chief Justice in 1984.

He has written three entertaining books, including Laugh with the Judge. The purchase of these books was mandatory in order to remain a member in good standing of the South Carolina Bar. Judge Littlejohn.

JUDGE LITTLEJOHN: Now, most of us here today know a great deal about the life and career of Donald Stuart Russell and the many things he did during his lifetime of 92 years. A few things, however, I want to call to your attention which happened before many of you were born, which will be of interest today.

In 1906, he was born in the state of Mississippi. At the age of three, he found out he was not in South Carolina, so, he rectified the matter. He moved to Chester, South Carolina. He remained a bona fide resident of our state for 89 years and we are appreciative of the many things he accomplished and the fact that he was one of our own.

The death of Donald Russell at the age of 92 on his birthday, February 22, 1998, marked the close of a life of service that brought him eminence at the bar and distinction as a public servant and citizen.
So, it is fitting for us today who were his friends to assemble to honor his memory and pay tribute to his character, his courage, his accomplishments, and example. Today we can only symbolize by leaving a few brief tributes to a man who left his monuments in the hearts of men. Now, what is said here today will soon be forgotten, but his influence will be felt for generations in the administration of justice and in the development of human standards.

After graduating from Chester High School, Donald had a distinguished career here at the University of South Carolina where he was an honor student and graduated Phi Beta Kappa. It was there he met his lovely wife, Virginia Utsey of St. George. His marriage to her was a most happy union for approximately 70 years until the time of his death.

Now, after leaving the University of South Carolina, Donald went to Union to practice law. At that time, in the late twenties, early thirties, the leading firm in South Carolina was Nicholls, Wyche and Byrnes. It was located in Spartanburg. Stories are told that he came to Spartanburg to try a case against them and he put a licking on them. Since then they had decided to invite him to join the firm. He moved to Spartanburg and accepted the invitation. By modern standards, the firm of any Nicholls Wyche and Byrnes was not a great big firm because there were only four of them. Today it seems to be in the scheme of things that 40, or 50, even a hundred sometimes practice law together. So, while it was not a big firm, it was in one sense of the word a most important one because it participated in all of the important litigation in the upstate of South Carolina.

In the fall of 1930, the firm began to fall apart. Byrnes went to the United States Senate. Nicholls died. Wyche took a federal judgeship. This left Donald Russell in charge of the law business. In 1941, Senator Byrnes was appointed a member of the Supreme Court of United states by President Franklin Roosevelt. After Pearl Harbor in December of '41, the United States entered World War II. And it became the duty of the President as commander in chief to direct all war activities. He requested Byrnes to leave the Supreme Court of the United States and take an assignment as war mobilizer.

Byrnes requested Russell to close the law office and come to Washington as assistant to the mobilizer. While there, he served as assistant to Mr. Byrnes when Mr. Byrnes was war stabilizer. Roosevelt and Truman both needed Byrnes. Byrnes needed Russell. It was more important for Byrnes to leave the United States Supreme Court to help with the war than it was to continue his service there. If we didn't win the war, I don't know what would have become of the Supreme Court of the United States.

But in 1947, Russell returned to Spartanburg, and resumed the practice of law. In 1952, he was appointed President of the University of South Carolina. In 1962, he was elected Governor of the state. In 1965, he was appointed United States Senator. In 1967, he was appointed United States District Court judge. In 1972, he was appointed to the United States Circuit Court of appeals which sits in Richmond.

While he was a District Court judge, a vacancy occurred in the Supreme Court of the United States. President Nixon and Attorney General John Mitchell were looking for a Southern conservative judge to fill the vacancy. It is unfortunate that Russell did not receive that appointment. Strom Thurmond sought it for him and told me this story about it. He said that his first choice for the job was Donald Russell. He was supportive of Haynsworth, but was not greatly excited about him. If he had had his first druthers, he would have got the President and John Mitchell to appoint Donald Russell. I
have no doubt that had Donald been appointed or nominated, he would have been affirmed and history would have been different.

Senator Thurmond told me that Attorney General Mitchell said that he had been reading some of Clement Haynsworth’s opinions on the Fourth Circuit and liked him. Said he didn’t know a great deal about Judge Russell’s views. You will remember that Haynsworth actually got the nomination and was rejected by the Senate. It is unfortunate the Supreme Court of the United States never had the wisdom of Donald Russell. But for the stupidity of John Mitchell, who ended up in prison, Russell would have served on the Supreme Court and would have done so with great honor.

History reveals Mr. Byrnes relied heavily on Donald Russell in all of his important undertakings. In a memorial tribute to Judge Russell at a program in Richmond at the Fourth Circuit Court of Appeals, Judge Emory Widener, who was one of Judge Russell's very dear friends, had this to say, and I quote: “Judge Russell was the epitome of everything a South Carolina gentleman is supposed to be. He is everything a judge should be. He was proud but not vain. He was brilliant, but not condescending. He was courteous, but not syrupy. And last but not least, he was possessed with complete integrity and courage, and he was a man's man.”

After Mr. Byrnes resigned from the Roosevelt Administration, he returned to Spartanburg and was temporarily living at the home of Donald Russell. It has been often rumored that the decision to drop the atomic bomb on Japan was made at the home of Donald Russell in Spartanburg. The story is confirmed by the words of Judge Russell himself, in an interview which he gave to the Bar Foundation in 1997. In response to a question, here is what Judge Russell said about it. There is a lot of history in this. “The scientists raised the big question as to whether they should drop the bomb. Well, President Roosevelt had just died. President Truman had just come in. Truman was going through all sort of problems hooked to the transaction. This was the biggest problem he had to deal with. So, he delegated to Mr. Byrnes the duty of hearing from these scientists and making recommendations which he could follow about whether to drop the bomb or not.”

“So, he was living at my home”, Judge Russell continues, “He was living at my home, which was then on Woodburn Drive and that is where he received them. So he listened and he decided that they had to drop it. He recommended it. That was that.” That is the end of Judge Russell's quotation at the interview in 1997.

There are many ways to describe a good judge. I have my own definition. First of all, a good judge must have a basic sense of right and wrong, which is another way of saying he must be a person of integrity. Secondly, he must have knowledge of the law. And, thirdly, he must have the courage of his convictions. Judge Russell had all of these. He presided over this Court with dignity and wrote orders and opinions of which the bench and bar can be proud. Not every legal scholar makes a good judge. The genius of our friend was not only in his ability to recite legal precepts, but also in the wisdom to apply precepts to the facts at hand. Technical knowledge of the law is oftentimes needed, but more often a judge is called upon to use what we sometimes refer to as hard common sense. In this area, our honoree excelled.

Now, it is in the scheme of things that lawyers and citizens, too, are inclined to denote judges as being liberal or conservative. They have that right. It is a compliment to Judge Russell that neither label was ever attached to his judicial work. I considered him a middle of the road sort of judge in quest of the right answer in each case as it arose. That is as it should be. I look upon him as one who was compassionate without being sentimental and soft-hearted. He had determination and firmness without being cruel. He was careful without being indecisive. He stood on principle without being self-righteous. He honored the law with decisiveness without being incapable of change.

The most beautiful tribute that can conclude a life and the most coveted epitaph that can grace one's farewell are to be found in the words of the Master when he said, “Well done, thy good and faithful servant. Thou hast been faithful over a few things. I will make you ruler over many things.
Enter thou into the Joy of the Lord.” The one we honor today lived a useful, devoted, unselfish life. He will be remembered as a good and faithful servant. He has fought the good fight. He has kept the faith.

**MR. MCLEOD:** Thank you, Judge Littlejohn. In early 1942, 36-year-old Donald Russell answered his country's call and went to Washington in the War Department's Office of Price Adjustment, an appointment arranged by Mr. Byrnes with Undersecretary of War Robert Patterson. It was a tedious assignment involving the renegotiation of government contracts. The position was located in the Pentagon, which was still under construction. Mr. Russell's office was in a long corridor whose roof leaked.

Therefore, Mr. Russell must have been very happy when Mr. Byrnes stepped down from the Supreme Court and called him to be his assistant at the newly created Office of Economic Stabilization. You can imagine his disappointment when, on October 5, 1942, he, Mr. Byrnes and Mr. Byrnes's long-time secretary Cassie Connor toured their new offices in the East Wing of the White House which were being remodeled and didn't have a stick of furniture. The teletype machine was set up in the men's restroom. Many generals visited that rest room to learn the news.

FDR dropped by a few days later and was taken aback by the austerity of their new digs. On parting, he said, “Tell Jimmy,” who was out of the office at the time, “I want him to get some pictures for his wall; Ickes should be able to furnish him some of those done by the WPA artists during the Depression.” The shabbiness of the office was offset by its proximity to the Oval Office, allowing Mr. Byrnes immediate and frequent access to the President. The Office of Economic Stabilization had broad control over many aspects of the U.S. economy. Perhaps the most significant accomplishment of OES under Mr. Byrnes’ leadership was the “hold the line” order drafted by Donald Russell and Ben Cohen. This directive capped wages and prices but allowed OES to make exceptions which caused Mr. Byrnes to receive a lot of supplicants. Mr. Byrnes soon tired of having to listen to so much special pleading that he asked Roosevelt to give him another job. Thus, Russell and Cohen were tasked with drafting the Executive Order creating the Office of War Mobilization in May of 1943.

Mr. Byrnes now had authority over all civilian manpower related to war production. He was now the Assistant President and Donald Russell was his assistant. This vast authority was exercised by a staff of less than ten. Only Walter Brown, Byrnes's other Spartanburg protégé, was added to handle research and press relations.

Mr. Byrnes's main role as Director of the Office of War Mobilization was to settle disputes between agencies such as the War Manpower Board and the War Production Board and the Army and Navy over such things as, and this is very important, the production and allocation of landing craft. As you can imagine, Eisenhower wanted landing craft in the European theater, and McArthur wanted them in the Pacific, and the difficulty of having to settle those disputes.

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Mr. Russell described the way the OWM operated in an interview 40 years later. “Mr. Byrnes dealt with the fact that all persons in the office were supposed to be general staff officers and not specialists. We operated so much in an informal way we didn't try to gain any publicity for ourselves. We wanted these people to think that we were fair and weren't trying to upstage them at any time. That would have been the worst thing you could have done because these were all prima donnas.”

Oddly enough, the OWM office had an unmarked file in an unlocked safe containing the most closely guarded secret in the United States and perhaps the entire world. It was the Manhattan Project for the development of the atomic bomb. Mr. Byrnes' stenographer, a lady from Iowa who was in her mid-twenties, had no security background, but was custodian of the file. She didn't know what was in it. She said, nobody told me to look at it and I didn't look at it. She would carry the file to the Oval Office every time Mr. Byrnes would take the matter up with the President. One may assume that Mr. Russell was privy to this top secret project.

In September of 1944, Donald Russell went on active duty as an Army major, assigned to General Eisenhower's headquarters in France. This was a rather strange development since Russell did not hold a commission and was quite busy at the seat of government. My guess is that Mr. Byrnes advised him you need to be in service for a while if you want to run for office in post-war South Carolina. A gentleman named Carter Burgess, who was then Secretary of the General Staff of the Supreme Headquarters Allied Expeditionary Force, and later a close friend of Mr. Russell, even worked for him as President of Carolina, recollects that Major Russell was thrilled when he gave him several recent issues of the New York Times.

When Mr. Byrnes visited the front in the fall of 1944, he collected Major Russell and they were taken on a tour of the area around General Omar Bradley's headquarters by General George Patton. They spent the afternoon driving around in his staff car in an unsuccessful attempt to locate the spot where Patton was wounded in the First World War, but couldn't find it. I still recall a photograph of Mr. Byrnes, Major Russell and General Patton proudly displayed in the Judge's chambers.

Russell was back in Washington in January of 1945 as Deputy Director of the expanded Office of War Mobilization and Reconversion, which dealt with the transition to a peacetime economy. In April, he and Mr. Byrnes resigned from the government and returned to Spartanburg. FDR died ten days later. Mr. Byrnes always thought that his abrupt resignation had something to do with that. President Truman immediately involved Mr. Byrnes in matters of policy, particularly the decision on when to use the atomic bomb.

Mr. Byrnes assumed the office of Secretary of State on July 3, 1945 and left with President Truman three days later on the heavy cruiser USS Augusta for a meeting of the “Big Three” at the Potsdam Conference. Russell and Walter Brown, unofficial advisors to Secretary Byrnes, traveled by plane, a C-54, to Berlin after stopping off in Paris to tour the Versailles Palace. The American delegation stayed at a villa located at 74 Kaiser Strasse in Babelsburg, which was sort of a Hollywood of Germany right outside of Berlin. The family that owned the villa had been disposed of by the Russians prior to the delegation’s staying there. Mr. Truman and Mr. Byrnes were quartered in the so-called Little White House, which was near the quarters of Stalin and Churchill.

Mr. Russell was apparently not in attendance at the plenary sessions of the Tripartite Conference, held at the Cecilienhof Palace, since he was not yet appointed to the State Department. Mr. Byrnes had three principle advisors with him: Ben Cohen, Chip Bohlen and Doc Matthews. General Lucius Clay from Georgia, military governor of the American Zone, was also there and stayed with the American
delegation. I would imagine that Secretary Byrnes consulted Mr. Russell and Mr. Brown and his other advisors after the foreign ministers met in the mornings of the conference that went for almost two weeks, and prior to the conference of the Big Three in the afternoons. Mr. Byrnes and Mr. Russell drafted an ultimatum sent by Truman informing the Japanese that their cities would be annihilated if they did not capitulate, if they did not heed that warning — we know the result.

On September 14, 1945, Russell was appointed Assistant Secretary of State for Administration, a position which was created by statute in December of 1944. Upon his resignation on January 20, 1947, Mr. Russell wrote the incoming Secretary of State, General George Catlett Marshall that, “he had no special background in the administrative field. I accepted the post reluctantly because Secretary Byrnes, to whom I owe the deepest personal obligation, had to have someone to throw immediately in Frank McCarthy's shoes, when the latter's health forced his retirement.”

Mr. Russell was being rather modest since the record reveals he took a very active role for a man with no diplomatic background during his brief tenure at the State Department. From the outset, and this is very germane for today, he was involved in high-level discussions about the establishment of a central intelligence agency. He had a proposal that was presented at the outset, accepted by the President. The President's initial plan was to have all the national intelligence coordinated by the State Department. As you can imagine, there was some opposition that came from the Navy, the War Department and even the FBI Director, J. Edgar Hoover. Hoover had his own spy network set up down in South America during the war and apparently wanted to keep it.

At the same time, there was a proposal for the creation of a centralized agency within the State Department to coordinate its intelligence operations, which were previously the exclusive province of the Foreign Service. Mr. Byrnes was initially in favor of this new setup and had Undersecretary Dean Acheson appoint Colonel Alfred McCormack as the first Special Assistant to the Secretary of State for Research and Intelligence in September 1945. Although not a career employee, Russell led the opposition of the Foreign Service's policy offices, which wanted to retain control of intelligence gathering throughout the world. Dean Acheson strongly supported the centralized concept, but who do you reckon prevailed? Mr. Russell. He told Mr. Byrnes to issue an order on April 22, 1946 adopting Russell's plan for the decentralized organization. Colonel McCormack resigned the next day.

When Truman abolished the Office of Strategic Services, some 4,000 of its employees were assigned to the State Department over Byrnes's objection. Really, without his knowledge. There was widespread concern that a number of OSS people were pro-Soviet. Mr. Byrnes assigned Russell, assisted by Carter Burgess and Joe Panuch to review over 3,000 personnel files. You can imagine the task of weeding out any disloyal employees. By early 1946, Russell had established a three-tiered system of security clearances. The final decision was made after an independent investigation by the Department's security committee, chaired by Russell and overseen by Mr. Byrnes. As Mr. Byrnes noted in his autobiography, when there was doubt about an employee, but no overt proof of Communistic leanings, Russell's practice was to have the employee assigned to a menial position in order to force or encourage a resignation. One of the examples given was to put this fellow in the basement of the old German embassy in Washington sorting through old German documents. He left shortly thereafter.

In July of 1946, Byrnes issued a public report that 285 State Department employees had received adverse evaluations, and of that number, only 75 were fired. When a Congressman complained, Mr. Russell wrote, “Neither you nor the people of this country would countenance the use of Gestapo methods or the harassment and persecution of loyal employees who are American citizens on flimsy evidence or dubious hearsay and innuendos supplied by confidential informants.”

Perhaps Assistant Secretary Russell's most lasting achievement was the passage of the Foreign Service Act of 1946, which did much to improve the independence and morale of the career diplomatic corps. There was indifference on the part of Congress and opposition to the bill by other departments.
After a week of intense lobbying by Mr. Byrnes and Mr. Russell, both houses of Congress passed it unanimously in July of 1946.

After Mr. Byrnes and Mr. Russell resigned from the State Department in January of 1947, they became associated with the Washington law firm of Hogan and Hartson. There was an “of counsel” arrangement; lawyers here will know what that is about. He spent some of the time in Spartanburg. Their clients included DuPont, 20th Century Fox, but they would not take on any matters which would involve dealing with United States government, except for the ICC.

In 1949, attorney Russell took one case to the Supreme Court, where he represented an insurance company that challenged a South Carolina law prohibiting life insurance companies from owning funeral homes. The Supreme Court said that was a legitimate objective. Despite the fact that his good friend, Fred Vinson, was Chief Justice of the United States at the time, the Supreme Court ruled unanimously against the insurance company. This representation must have been somewhat painful for Mr. Russell because of his strong feeling that courts should be deferential to the legislative branch of government.

The Russells’ house in Washington was on California Avenue in the northwest part of the city. They inherited a driver named Truman McCrae from Mr. Byrnes. Apparently, he was an interesting fellow and they tell the story that during the war, he was sort of Mr. Byrnes's boy Friday. Mr. Byrnes liked to have a cup of coffee at his desk mid-morning and Truman would bring it to him. One day Truman didn't bring it on time, about 10:30. Mr. Byrnes yells out, “Truman, where is my coffee?” Truman walked in with his coffee, that is, Harry S. Truman, who was not President then, he was just a Senator.

According to Carter Burgess, it was during this post-war period in Washington that Mr. Russell acquired a taste for dollar-sized Swedish pancakes with Ligon syrup and fine Havana cigars.

Mr. Russell was very involved in civic, business, and political affairs after the War. He spent a great deal of time as a trustee of USC, particularly on the building of the new law school. In April of 1949, he was named President of the Auto Finance Company and was also involved with State Bank and Trust as well as Piedmont Natural Gas. He ran Burnet Maybank's successful campaign for re-election to the Senate in 1948. Maybank's principal opponent was Bryan Dorn, who credits Mr. Russell with a political stroke of genius during the course of the campaign. He told Maybank to go back to Washington and filibuster against a civil rights bill that was pending before the Senate. In this way, Maybank didn't have to talk on the stump and it put Dorn in a terrible position, who was in Congress at the time, "why aren't you up there filibustering?"

So we conclude that portion of Judge Russell's life and move into the next phase, which will be presented by Dr. Henry H. Lesesne, known as Harry, who is a native of Spartanburg. He earned his undergraduate degree from Duke University and his Masters and Ph.D. from the University of South Carolina, all in history. Following his doctoral program, Harry held the George C. Rogers, Jr. post-doctoral fellowship in the Institute for Southern Studies at Carolina and later served as a research assistant professor in that Institute. Harry was also associate director and bicentennial historian of the USC Bicentennial celebration in 2001. Lesesne is author of A History of the University of South Carolina 1940-2000. He is a former director of the Conservation Fund, a leading national nonprofit in the environmental area. He is presently an Executive Assistant to Charleston Mayor Joe Riley.

Dr. Lesesne: Donald Russell, of course, was named President of the University in late 1951 and took office in the fall of 1952. He faced a daunting challenge when he came back to Columbia. The University of South Carolina that he came back to in 1952 was a product of the 50 or 60 years that had preceded it. Carolina had been attacked very viciously in the 1890s by the Tillmanites. In the early part of the 20th century, the institution struggled. At a time when the Universities of North Carolina and Texas were laying foundations to build leading American institutions, the University of South Carolina
was one of the weakest state institutions in the south. It was not even a leader of its peer institutions in South Carolina.

In the 1920s when Russell arrived here on campus as a student, things were changing at Carolina. An energetic new President had come to Carolina and was improving the institution very rapidly. The new president was William Melton who brought renewed optimism to the University and argued forcefully and effectively for appropriations with the General Assembly. And in many ways, the very short, brief Melton presidency foreshadowed the Russell presidency. Russell himself was a personal favorite of Dr. Melton. He was in many ways a protégé of Dr. Melton while he was here. He was first in his class, Russell was, as an undergraduate and as a law student. Melton, like Russell, brought new optimism to the campus, success in the building and funding programs. Both presidencies were, for the University of South Carolina, too short. Melton's was cut short by his untimely death; and Russell's, of course, was cut short by his resignation to run for Governor in 1958.

So, when Russell came to Carolina in 1952, the institution was only then emerging from a crisis that was brought on by the onslaught in World War II veterans to the campus. In 1940, the University enrolled just over 2,000 students. By 1947, enrollment had more than doubled to more than 4,600. More than half of that number were veterans of World War II.

By 1952 when Russell came back to Carolina, this enrollment surge has dissipated somewhat. But the explosive growth had brought significant challenges to the institution, and its post-World War II president, Norman Murray Smith, a retired Navy admiral. Smith was not well-suited for the job as University President and had not been successful in his dealings with various University constituencies: students and faculty. As Judge Littlejohn can tell us in great detail, I am sure, he was not very effective with the General Assembly, Admiral Smith.

Morale at the University had suffered in the late 1940s. Longtime board member and board chairman, Rut Osborne, summed up the situation prior to Russell's arrival here on campus. He said later, “The University was in a rather poor and run-down condition. The academic curriculum was not what it should have been. The physical plant was not in good order and salaries were ridiculously low. In the immediate post-war period, the University situation was all but impossible. An obsolete physical plant, overcrowded, understaffed, and underpaid.”

Russell's selection as President in 1952 had been rumored for more than a year after his mentor James F. Byrnes had come back to South Carolina as Governor. When Smith resigned in the fall of 1951, and shortly thereafter Russell was announced as President, the selection was met with nearly universal acclaim. As Rut Osborne later remembered when the Board of Trustees began a search for the new President and they consulted the faculty, no man other than Russell was suggested or considered. Indeed, the selection was greeted with such excitement in Columbia that even Time magazine noticed. *Time* opined “in both size and stature, the University of South Carolina still ranks far below such campuses as Virginia and Chapel Hill. Both able and powerfully connected, Donald Russell might just prove to be the man to bring it up to par.”

Almost immediately upon his arrival on campus, the Russell appointment and the prestige it brought to the University generated a new sense of enthusiasm. A newly renovated President's home served as a visible symbol of the new spirit on campus. Donald and Virginia Russell wanted to live on campus; Admiral Smith had not lived on the campus. The vacant Wauchope House on the Horseshoe was the choice for the new President's home. This 1854 building was originally built as a faculty home, but since 1949, due to funding shortages, the building had been vacant and had been in disrepair. So with $100,000, which was appropriated for the purpose by the outgoing President, and with a personal
donation from President Russell and his wife, the trustees renovated the home as the new University of South Carolina President's home.

The 1952 renovation transformed the decrepit duplex into an elegant home, designed to be both a center of entertaining as well as a home for the President and his family. The large downstairs rooms are still lined today with bookshelves that were built to house President Russell's large personal book collection. The rooms decorated by Virginia Russell projected a sense of charm and good taste. The Russells strived to make their new home a welcome place. For example, the family invited every Carolina senior to the President's home for supper at least once during that student's final year.

Immediately after taking over the reins of Carolina, Russell articulated a clear vision of where he wanted to take the University. His dreams for the institution, he said upon his inauguration were simply, “I want a great University, one for which we will have to apologize to no one.”

To Donald Russell, to build a great University for South Carolina meant building the faculty. The first requirement for a great institution, he said shortly after becoming President, was “a faculty adequate in numbers and soundly qualified in scholarship, professional competency, and integrity… My supreme objective,” he said, “is the development of a great faculty.”

To provide quality, Russell sought star faculty with national reputations. Such a prospect was difficult considering the overall low-level of faculty salaries at Carolina. But with Russell's personal credibility, he convinced scholars from the world's top universities to come to South Carolina. He took a personal interest in every faculty member hired, and made every hiring decision while President, the final decisions.

Dean Francis Bradley told the story of a physics professor from Canada whom Russell wanted to hire in face of competition from other colleges. Russell got him to come to Carolina by using his contacts in the State Department to get the man a visa within 24 hours, something that none of his other competitors could do, and the man came to Carolina.

The list of institutions from which the newly hired faculty earned their doctoral degrees included almost every leading institution in America and the world. Among those drawn to Carolina's faculty during Russell's tenure, included those with Ph.D.s from Princeton, Yale, Harvard, Chicago, Johns Hopkins, Stanford, Columbia, Pennsylvania, Duke, Northwestern, Wisconsin, Cambridge, Oxford, Bern in Switzerland and the Sorbonne, to name just a few.

Russell's faculty recruiting initiative transformed the nature of the faculty at Carolina. Between 1951 and 1959 the percentage of the University's faculty holding the doctorate rose from 23 percent to 48 percent. Many of these faculty remain at Carolina and are among the most outstanding professors in the history of the institution. Several taught here into the 1990s. Wade Batson in biology; George Reeves in English; and George Rogers in South Carolina history are among the remarkable group of faculty that Donald Russell recruited during his relatively short tenure as President. It was a group of unprecedented quality for the University of South Carolina and was the foundation of the modern University that we have now.

Russell's efforts toward enhancing the faculty went hand-in-hand with progress in academic programs. Russell's strategy was to target areas for improvement that were programs having to do with serving the state and the nation in the post-war world. The imperatives of the emerging cold war drove Russell to concentrate much of his area in the early years on improving science programs. When Russell arrived on campus, the physics department was chaired by a professor who held an MA degree that he earned from USC. This was not a true physics destination for physics scholars around the state and country. By 1958, the physics department had three Cambridge trained doctoral physicists and one each with doctorates from Harvard, MIT, and the University of Illinois. In addition to the new faculty, the department modernized course offerings and updated facilities with new equipment to study nuclear physics, so that is just one example of a department that Russell truly brought into the 20th Century.
Similar improvements occurred in other essential but understaffed departments such as chemistry, English, philosophy, foreign languages and mathematics.

Russell also revolutionized entire University divisions to bring them up to national standards. Russell was an ardent advocate and supporter of public schools and believed that they were the key. Improving public schools was the key of lifting the state out of poverty. So the School of Education received a great deal of attention. Prior to Russell's arrival, the School of Education had an understaffed, under-trained and demoralized faculty. Only two of the five full-time faculty in the School of Education held the doctorate. South Carolina was the only state in the South without a doctoral program at any institution in the field of education.

Russell was determined to build the School of Education to the highest modern standards. To that end he brought in a team of consultants from the University of Chicago's renowned School of Education to help develop a new program. The recommendations of the University of Chicago's educators led to radical improvements. The faculty of five in 1951 expanded to 16 by 1954. The new curriculum that was recommended by the University of Chicago reflected the latest trends in teacher education. The developments in faculty and curriculum allowed the school to begin offering the doctorate in education in the fall of 1954.

Russell worked a similar revolution in the School of Engineering, this time with help from consultants from MIT. So, again, Russell used his connections to get consultants to Carolina from the leading institutions in America.

With the dramatic improvements in faculty, a more broadly-based graduate program here in Carolina was possible. At the beginning of 1950, the University of South Carolina offered the Ph.D. in one program only and that was in history. Faculty enhancement in the early fifties allowed the University to quickly add doctoral programs in the strongest departments including English, chemistry and biology, among others.

In addition to the expansion of doctoral degree offerings, Donald Russell's vision of a great University included entirely new academic departments. Russell’s experience in the State Department convinced him that the study of international problems and foreign policy should be an integral part of liberal education. To that end, in 1957, Russell induced Richard L. Walker to come to Carolina from Yale as chairman of a new academic unit, the Department of International Studies. He came to Carolina in part because of a $1,000 salary supplement that Donald Russell himself provided as a personal gift from Carolina. Walker soon became Carolina's first holder of an endowed chair since the Civil War, the James F. Byrnes Professorship of International Studies, which was made possible by another gift to the University from Donald and Virginia Russell.

The new Department of International Studies was one of the first specialized programs in international study in the nation that incorporated the study of the entire world into the undergraduate curriculum. Courses featured regular guests, lecturers, eminent figures that Russell attracted to the campus from both government and academia. The Department sponsored an ongoing lecture series that brought the nation's leading foreign policy thinkers to Carolina.

His emphasis on international exposure for the students at South Carolina led him to introduce a broad program with visiting lecturers and professorships. During the mid-1950s, the University began to bring highly esteemed scholars from the best universities in the United States and the world to Columbia for stays of up to one year where these professors taught undergraduates.

Most significantly, in 1955, the Department of History began a faculty exchange program with Oxford University. Looking back on the Oxford exchange, Russell told me, “Frankly,” he said, “as I look back on it I can't believe that Oxford did this. They could have done it with Columbia University, Yale, Harvard, any of these schools. But they didn't have the exchange program we did.” Among the scholars the program brought to the campus was Martin Gilbert, the official biographer of Winston
Churchill. The faculty exchange agreement with Oxford was a lasting contribution and continued until the early 1990s.

With his State Department contacts, Russell attracted top political, military, and foreign policy establishment figures from the mid-1950s to Carolina for speaking engagements. They included Secretary of State, John Foster Dulles; Secretary of Defense, Charles E. Wilson, otherwise known as “Engine Charlie;” Lucius Clay, retired general; and then Undersecretary of State, Walter Bedell Smith. Perhaps the best known speaker that President Russell brought to the campus was John F. Kennedy, who was then a Senator from Massachusetts, who delivered the commencement address in May of 1957.

Russell also revolutionized this campus by undertaking an unprecedented physical expansion program. The expansion of the University's building environment that began in the 1950s continued nearly unbroken for more than two decades. This construction was made possible by the landmark passage in 1953 of two bills that finally authorized state colleges to issue bonds to be amortized by tuition and dormitory room rents. The University and other state institutions had been hamstrung for decades with inadequate funding for facilities. But with the help of a friendly and influential governor in the first legislative session after he became President, Russell equipped the University with a supply of borrowing power for new land, buildings, renovations that transformed the institution's financial condition.

During the relatively brief Russell presidency, the size of the campus nearly doubled. Familiar Columbia landmarks, such as this student union — named, of course, for Donald and Virginia Russell, at the request, I might add, of the students at Carolina who were so thrilled to have a student union — and other buildings that were built or planned during his tenure, were numerous dormitories, additions to academic buildings, the Rex Enwright Athletic Center on Rosewood Drive, and the Thomas Cooper Library [completed in 1959], for which the planning was done by President Russell. The Library won the first Honor Award of the American Institute of Architects, which is the highest distinction in America available for library architecture.

Carolina not only expanded the downtown Columbia campus in Russell's presidency, but his tenure also meant the beginning of the regional campus system as well. This was an effort to expand access to higher education throughout the state, but also to expand the University's political reach into areas outside of Columbia. The first regional campus was established in Florence in 1957 and was followed after Russell left by this entire system that we have today.

The breadth of changes ushered in by Donald Russell in his five-year tenure as President was remarkable. Those associated with the University at the time could feel it. The English Department head, Havilah Babcock, wrote to President Russell in 1954, “the esprit de corps now attained among faculty, students and administration is finer than I have known it during the 27 years I have been at the University. You have rekindled a sense of pride and achievement which we sorely lacked. The University is undergoing a renaissance. The most progressive university in the South they are calling us.”

The new enthusiasm for the institution was reflected in popularity with the state students and led to rising enrollments that soon surpassed the levels of even the peak years immediately following World War II. Enrollment rose about 10 percent a year in the mid 1950s. By 1959, the University's enrollment stood at over 5,000, a 75 percent increase over the 1951 low.
While high morale characterized the campus during Donald Russell's tenure, one issue that faced him and other leaders in public life in the south in the 1950s must have filled him with dread, and that is the issue of race. His efforts to walk a fine line of moderation reflected the conundrum of the mid-1950s white politician. Ultimately, Russell's efforts to moderate and mediate on the issues of race at Carolina failed as the decade wore on.

The immediate issue facing South Carolina on the race issue in the early 1950s was, of course, the case of *Briggs v. Elliott* on school desegregation that was making its way through the federal courts. Prior to the court's decision in what later became a part of *Brown v. Board of Education*, Russell believed that desegregation was inevitable and it would probably occur at some point during the 1950s.

He advocated a plan for gradual desegregation. He wanted to first begin with integrating the law school and then proceed slowly toward the desegregation of the university. However, immediately following the 1954 Brown decision, Russell led an effort to institute entrance examinations as a requirement to enter the University in order to protect the University from the effects of an anti-segregation ruling.

At Carolina and other public colleges, existing admission standards meant that any graduate of an accredited public high school could enroll. Russell's primary concern was to keep a court ruling that required the admission of black students from interfering with his progress in improving the University's academic programs. USC was the first southern state college [or] university to institute such examinations. The exams would, Russell said, allow Carolina to legally exclude students who might, quote, “retard the progress of the University.” He was proud of the entrance examination standards, but he was also clear as to the reason they were instituted.

In his 1958 campaign for Governor, he claimed that the entrance examination had been administered so as to preserve segregation. He stated that by instituting the exams, the University had “pioneered in protecting our southern way of life in taking a necessary precautionary step.”

In the fall of 1957, Russell saddened the campus community when he submitted his resignation in order to pursue a gubernatorial campaign. The board of trustees reluctantly accepted Russell's resignation and suggested a list of essential qualifications for the University's next President. Among them: unquestionable character; scholarly interest; Southerner; South Carolinian, if possible; married; attractive wife; children; ambition; reasonably dry; proven executive ability; public speaker; diplomat; Democrat; able to make decisions; financial genius who can do things that require money without money; thorough understanding of the traditions, history, and customs of South Carolina. Rut Osborne, Chairman of the Board added, “We just lost the above described man. Where do we look for another one?” Speaking for the entire Board of Trustees, Osborne said of Russell's resignation, “It is doubtful that the University has ever sustained a greater loss in its 155 years of existence. No man ever accomplished so much in such a short time at the University as Donald Russell.”

Donald Russell later told me that his years at the University were the happiest of his life. Not only had he revived the University, but his unselfish giving materially benefited the University in an era when it received virtually no private financial support at all. He served without pay for his entire five-year stint as President. He and Virginia Russell quietly made substantial personal financial contributions to the university. They spent a considerable sum on the renovations of the President's home. And shortly after he became President, Russell made a gift of more than $50,000 to the University — worth more than a quarter of a million dollars today — which he hoped would attract other private gifts to be used to endow special professorships.

In addition, upon his resignation, Russell made a gift that still funds the Russell faculty awards for teaching and research, the University's premier annual faculty awards.

In my view as the historian of the modern University, Russell's administration is the most remarkable in the institution's 20th century history in terms of what he was able to accomplish in such a short time. His improvements in the faculty, academic program and the physical plant were
unprecedented and laid the foundation for the modern University of South Carolina. Donald Russell should and will be remembered as one of the greatest Presidents in the history of this great university. Thanks.

MR. MCLEOD: Thank you, Dr. Lesesne.

Donald Russell did lose his race for Governor in 1958, but he persevered in 1962. He beat the son of the man whose campaign he had run in 1948, Burnet Maybank, Jr. At his inauguration, he was so excited that he ran down the steps of the State House, probably causing a lot of concern that we might need a new Governor shortly. He got down there and he gave the most remarkable address which probably sailed over the heads of South Carolinians. I have read it and studied it and it is a perfect piece of poetry. I want you to experience some of that right now through the miracles of modern technology.

(Excerpts from videotape of Russell’s Inaugural Address, 1963)

Today, with honorable pride in our State — both of its past and of its future — and with an abiding gratitude for those devoted friends and supporters whose enthusiastic confidence has made possible this happy event, I have taken this solemn oath of office.

I have done so with a sobering sense of the task ahead.

I have done so, too, with the fervent hope that it may be said of us, as it was once said of a great English statesman, that we were “too fond of the right to pursue the expedient.”

This oath of Governor is one of official dedication for me. We shall have in the four years ahead but one ambition, and that is to give to all our people the opportunity they truly deserve in the bright tomorrow which beckons before us all. We must have the courage in those years to dream big dreams and dream of a better world for each one of you. Above all, we must have the will and the energy to give to those big dreams reality.

Much has been said of the progress South Carolina has made in recent years. It is true. We have come a long way, considering the way we had to come. But the unhappy truth is that, for all of our progress, we have not kept up. Once we were thankful that we ranked no lower than 47th among the States in many of the important standards of growth and improvement. Now that we have added two new States, we find ourselves ranked 49th in some of the very things that count most.
We do not want this to be; we cannot let it be. Let us not curse the darkness; let us light a candle.

In saying these things, I neither decry nor deprecate the growth and expansion which have occurred during the administrations of any of our predecessors in the office I assume today. Rather, I congratulate them, and I am grateful that a few days ago Governor Hollings offered us his support and assistance. We shall call upon him and the other distinguished and dedicated men now living who have served as Governors of our State for their wise counsel in the years ahead.

We are living in the most swiftly moving era in human history. This age of dazzling progress and revolution is upon us and with us. We must leap forward with it or be left hopelessly behind. The challenges are being thrust upon us, and we have not fully accepted them. We are living in a space age, but there is not a single space-age industry in South Carolina and little, if any, teaching and research in some of the more advanced fields of knowledge which have grown so rapidly in such a short time as to make the marvelous and miraculous commonplace.

There has occurred in our time an intellectual explosion in this nation and in this world. The many uses of atomic energy, of antibiotics, and electronics, the accepted fact of space travel, and the advances in manufacturing are but manifestations of this more subtle and much deeper development.

So far has the mind of man advanced in certain areas and so dramatically has the scope of man's knowledge been broadened that the thing or the idea which was new yesterday is obsolete today and may be useless tomorrow. One of the dangers of our time is that we have not and may not be able to keep up with the hectic pace at which we are forced to live with a corresponding growth in the things of the spirit, the balanced mind, and sound sociological development.

As it was said in *Alice in Wonderland*, we are living in an age where “it takes all the running you can do to keep in the same place. And if you want to get somewhere else, you must run twice as fast as that.” And that is what we in South Carolina must do.

Let us not waste ourselves in excuses for the shortcomings of the past. Ours is the present and the future. The challenge and the opportunity are here and we shall meet them, either by default or by carefully planned and dynamic action. Our answer must be not a testament of despair but the strong, clear voice of confident anticipation and firm resolve.

We can answer this challenge and make our response our strength if we properly train and educate our people to participate fully and competitively in this new world of opportunity. To fail to do this is to rust away in mediocrity and
stagnation. Thomas Jefferson once said that, “Knowledge is power, knowledge is safety, knowledge is happiness.” With Jefferson, that may have been a goal; with us today it is a necessity. Sheer muscle is rapidly becoming obsolete. Only the literate and trained have a place in the world of tomorrow, in what the English scientist, C. P. Snow, has so accurately described as our “technological tempest.” The untrained and the uneducated will have no place in this “tempest.” An unlimited faith in man's ability to learn and through learning to improve himself materially, morally, and spiritually, and an unfaltering determination that all of our people shall have that opportunity to learn and adapt to this new world must be our charge to keep, otherwise, we shall be submerged in this “tempest.” …

(End of excerpt from videotape)

MR. MCLEOD: Isn't that incredible? You don't hear that kind of oratory much any more. It was a cold day. I think I might have been there at 12 years old. They said The Citadel cadets just about froze to death; they had lightweight uniforms. Bear in mind, one week later Clemson University was integrated. Harvey Gantt was admitted peacefully. One of Judge Russell's greatest achievements in his recollection was that he got a call from the Attorney General of the United States saying “We will send you federal troops if you need them.” He said, “Mr. Kennedy, we don't need federal troops to handle things down here in South Carolina.” And we handled them.

I first met our next speaker when he came to Wofford College when I was a student there, and he talked about judicial reform. He graduated from Harvard. He said that in the South Carolina General Assembly there were those with various handicaps: Some are blind, some are lame, some went to Harvard. He spent years trying to overcome that handicap. He has practiced law for six decades in Florence; he was in the South Carolina House from 1961 to 1962; the State Senate from 1967 to 1972. In January of this year, he received the DuRant Distinguished Public Service Award from the South Carolina Bar Foundation. Recently, The E. N. Zeigler South Carolina History Room was dedicated at the Drs. Bruce and Lee Foundation Library in Florence.

MR. ZEIGLER: Thank you very much. It is an honor to be here and participate in this tribute to a great South Carolinian. My connection with Donald Russell goes back before I was born. My aunt, Leah Townsend, taught him history at the University of South Carolina in the 1920s. She later became a lawyer and we practiced law together, so my connection with Donald goes back to the time he was a student. I voted for him every time he ran for public office and never regretted doing so.

“Politics to the end of history will be an area where conscience and power meet, where the ethical and the coercive factors in human life will interpenetrate to work out their tentative and uneasy compromises.” This observation from Reinhold Niebuhr's Moral Man and Immoral Society brings into focus the dilemma of a man of high intelligence and deep personal commitment like Donald Russell, who runs for public office. His term as Governor from 1963 to April of 1965 was only two years and four months, yet he faced the problem of working out many tentative and uneasy compromises. We are the grateful beneficiaries of that service because he sounded the call of moderation and reason at a time of great political turmoil and danger.
Now, there are several general areas or aspects of this period that I would like to comment on in these remarks this afternoon. First of all, it was a troubled and troublesome time. Second, Donald Russell was the first Governor in more than 20 years who had not previously been elected to a public legislative body. And third, his plan for dealing with the state's problems involved both frugality and foresight.

First of all, when Donald Russell was elected Governor in 1962, the time was out of joint and he was indeed in a troublesome time and was destined to become the man to set it right. The election of Donald Russell as Governor was a stroke of good luck, not only for this state, but for the whole South. The school desegregation decision had brought on the prospect of a second Reconstruction. The Confederate flag was floating over the State House. The members of the General Assembly had enjoyed cocktails on the balcony of the Fort Sumter Hotel and to the music of the theme from Gone with the Wind. We watched a spectacular fireworks display reenacting the bombardment of Fort Sumter in 1861, which marked the 100th anniversary of the Civil War. It was almost as though everyone had saved their Confederate money waiting for the South to rise again. But the storm clouds had gathered. Even his mentor and lifelong friend, Jimmy Byrnes, had not taken a firm stand in leading the state toward an integrated society.

But the new Governor did something startling on January 16, 1963, following his inauguration. Governor Russell held a barbecue, to which both white and black citizens were invited. He shocked many citizens by shaking hands with black guests in public. This was the first publicly integrated state function since Reconstruction in which both races were present in a social setting. It was a significant gesture which was heralded in the press that it was the beginning of a new era in South Carolina, but it was not universally popular. In his first State of the State address, Governor Russell prefaced his speech with these words: “Unwelcome as the task was, we have faced the situation at Clemson College peacefully, without violence, without dishonor, and with a proper regard for the good nature of our state. We neither needed nor wanted any outside assistance. Our confidence in this state and its people as law-abiding citizens was fully sustained and will continue to be sustained by the good sense and discipline of the administration at Clemson College and above all by the calmness of our people generally.”

Calmness, good sense and discipline, these were the words which were needed to be spoken in order to give hope to men and women of goodwill of both races that the state would deal peacefully with its racial problems. Following Governor Russell's lead, South Carolina had the distinction among Southern States of accomplishing racial integration without violence.

Now second, Governor Russell was the first Governor in more than 20 years who had not previously been elected to a public legislative body and, therefore, problems with the General Assembly were cut out for him. Despite his experience with government at the highest level, he had never been subjected to the slings and arrows of outrageous grass roots politics. Russell's appeal was to intelligence and reason, which never, in my experience, were esteemed or even desirable for a successful politician.

I would like to say that he was a statesman, but Russell once told me himself that a statesman is either a dead or a defeated politician. In a sense, Governor Russell was an outsider. Fritz Hollings, who had defeated him four years previously, had come up through the legislative ranks. He enjoyed a great deal of popularity with the members of the General Assembly. To add to the problem was the fact that there had been some acrimony and ill-will feeling between them when Governor Russell moved into the Governor's mansion. The new Governor was an intellectual; the General Assembly has not been kind to intellectuals. Governor Russell's difficulty was perhaps what was once said about William Gladstone, that he was “A man of speculation, misplaced and lost in the labyrinth of practical politics.” The South Carolina General Assembly was indeed a fascinating political labyrinth.

What was the General Assembly like in the early 1960s? Howard McClain, who was the director of the Christian Action Council here in Columbia, once said to me, “When I go over to the Statehouse,
I feel as though I am among burly sinners.” The membership of the General Assembly was a mixed bag in which there were many fine men and women, but in which there were a lot of ordinary folk and some burly sinners.

I often wondered at the inconsistent conduct of many fellow legislators who would oppose a measure one day and vote for it the next. The best explanation that I got came from a more experienced colleague who observed, “The big opossum walks late at night.” Since Governor Russell was a nonsmoking teetotaler, it was questionable whether he would ever gain the full confidence of marsupial politicians and become privy to their nocturnal maneuvers.

The Governor of South Carolina has never had strong executive power. To make matters worse, Russell was confronted by powerful legislators who had served many years in the General Assembly. These long-serving statesmen thought with some reason they had more insight into the governance of the state than Governors who came and went every four years. In their amiable moods, they were prima donnas; in their more menacing aspects, they were warlords. Donald Russell had to deal with them in both manifestations.

In his second State of the State message to the General Assembly, one gets a sense that Governor Russell was extending an olive branch and making an effort to ingratiate himself with these warlords. The Special Committee on Education, chaired by Senator James P. Stockman, is commended; Senator Edgar Brown and Representative James Aycock as Chairmen of the Senate Finance and House Ways and Means committees are all recognized. The Gressette Committee is praised for its attention to vocational education. Senator Rembert Dennis’ committee studying the retirement system is commended. He covered all of the bases.

But Governor Russell never strayed far from his intellectual convictions. In his second State of the State speech, he quotes Pericles in the third paragraph, and then he gets really far out on the intellectual limb by quoting the President of the University of California and, perish the thought, the President of Harvard University. Surely this must have raised some legislative eyebrows!

Third, his plan in dealing with the state's problems involved both frugality and foresight. South Carolina was poor financially, although it had great prospects of becoming prosperous. The cloth had to be cut to fit the talent.

In his last State of the State address in 1965, in effect his valedictory, he states succinctly where the emphasis has been. “The legislative program which I have outlined is drawn within the framework of a frugal budget utilizing all of our perspective revenue and providing for the long range needs of the State. I have asked for vigorous moves in education, in reapportionment, in traffic safety, in industrial development, in governmental efficiency, in law enforcement, and in library services.” You will note that education and library services are the brackets around all of his proposed legislative actions.

Governor Russell's deep commitment to education is expressed in his second State of the State address. “It has been well said that education is inextricably involved in the quality of a State. We shall never overcome our problems, we shall never satisfy the demands of our people for a better life and a higher standard of living unless we give first priority in both our public expenditures and in our planning of public education. We must eliminate the blight of illiteracy and under-education. We must nurture and cultivate to the fullest the talents of our gifts to use if we are to share in tomorrow's progress.”
Occasionally, Governor Russell missed the mark. In his last State of the State speech, he says, “The Supreme Court of the United States, through a series of recent decisions, has thrust upon the States a matter of great consequence to South Carolina, and, in particular, the General Assembly.” Although he had hit many home runs in the field of education, he fouled one off when he suggested that the problem of reapportionment might be dealt with by establishing immediately a panel of distinguished legislators and citizens to consider the entire matter and to draft contingency plans which could be put into effect immediately if the Court's ruling is allowed to stand. The Governor even went so far as to suggest, “We shall utilize every appropriate means to secure either Congressional or Constitutional reversal of the Supreme Court's decision at both houses of the legislature which must reflect the population better of the State.” Having struggled in the state Senate for six years with that Gordian knot, it was obvious that only court intervention would be able to force compliance. Legislative politicians are seemingly incapable of dealing impartially and dispassionately with any reform which would diminish their chances of being reelected. It was the old saying, “The fox is guarding the hen house.” Traffic safety and law enforcement were given careful attention when a request was made for an increase. He said the mounting fatality rate on the highways is a source of shame for all South Carolinians. It was typical of his personal involvement in solving public problems that he announced he had created the organization of the privately endowed South Carolina Safety Council to deal with the problem and make recommendations.

Industrial development was high on Governor Russell's list of matters of critical concern. The technical education program, the adult education program, and the need for more nurses in the state received particular attention. Reading between the lines, I assume that his previous experience as Chairman of the Spartanburg General Hospital Board of Trustees gave him special insight into the need for more nurses. He said, “As proud as we are of the progress we have made, we must never forget that we have thousands of citizens unqualified for modern employment. We would be blind to our responsibilities if we failed to provide them with an opportunity to be a part of our progress.”

With regard to government efficiency, he knew that the reaction committee created by the legislature in the past had been overlooked. He urged that it be reactivated to give continuing and careful scrutiny to the framework and structure of state government as it grows to meet the needs of our people. Gratifying as it was to me personally, I discovered that he, in his last speech, recommended improvements to the John G. Richardson Industrial School and the South Carolina Industrial School for negro girls. These improvements apparently were disregarded by the legislature and the shocking conditions of those two institutions continued to fester until 1968.

Governor Russell was not in step with the general mood of the state with regard to national politics. He backed Lyndon Johnson's bid for the Presidency in 1964 at a time when the Southern Democratic party was about to be short of white voters because of the Voting Rights Bill and the Civil Rights Act. I was in the delegation to the Democratic Party at Atlantic Beach in 1964 along with Governor Russell. In the ensuing election, Goldwater carried South Carolina.

When Senator Olin Johnston died in April 1965, Governor Russell resigned as Governor, stating that President Johnson had urged him to become a United States Senator because he needed help in Washington and Governor Russell thought he could give South Carolina strong leadership there. No one doubts the truth of that statement. But in 1965, Lyndon Johnson was not popular. In fact, he was despised by many. Since I had been a Presidential elector for President Johnson, I came in for a good deal of criticism myself. So much so that I was not surprised when, following the passage of the Civil Rights Act, one of my constituents telephoned me and without introducing himself said, “Well, what do you think of your President now?” As calmly as I could, I said “I think he is President of the United States.” There was a pause and then the caller said, “The next time you see him, you tell him his Civil Rights Act stinks.” With great relief I replied, “The next time I see President Johnson, I will be sure to relay your message.” I had never met Johnson and I never would.
It is fortunate for the State of South Carolina that Donald Russell was at the head of the state government when it was vital that a compromise, no matter how tentative and uneasy, be reached between conscience and power. We are all the beneficiaries of his wise compassion, and intelligent leadership as governor. Thank you.

MR. MCLEOD: Our next speaker is Fred Sheheen, who will fill out more about what we know about Judge Russell's tenure as Governor and Senator. Fred is a native of Camden. He graduated from Duke in 1958. He served as press secretary and executive assistant to Governor Donald Russell and as executive assistant to Senator Russell. Fred spent ten years as the head of the South Carolina Commission on Higher Education. He is presently a senior fellow at USC's Institute of Public Service and Policy Research. He is also director at the Institute for Nonprofit Leadership at Francis Marion University.

MR. SHEHEEN: I have often said during the many things I have done in my lifetime, the two most exciting and interesting and fun-filled things I have done were to serve as an aide and assistant to Donald Russell when he was Governor and United States Senator, and serving as Commissioner of Higher Education. Those two experiences have really been the thrilling things in my life.

Donald Russell became my employer, first, and then my close friend for the rest of his life. I should tell you that how I joined that staff because it was quite interesting. Donald Russell was running against Burnet Maybank for that election [1962], as has been said. I knew both candidates and I was a reporter for the Charlotte Observer, and I covered both candidates, and I got to know Donald Russell and Virginia Russell during that campaign. I had no prior experience. I didn't participate in the campaign, because I was a journalist, but I just covered it. And I knew them, and I knew I desperately wanted him to be Governor because I thought he was so intelligent and just an advocate of highly intelligent people being in public office. But that was that. The campaign was over and he was elected.

I had been transferred from Rock Hill to Columbia, and I was the Bureau Chief of the Charlotte Observer in Columbia, covering basically South Carolina state government. I had only been there for about six months, and I got a call from Charlie Wickenburg, who was a good friend of mine, who had left the Charlotte Observer and gone to the State newspaper as government and affairs editor. He said to me, out of the clear blue sky, expect a call from the new Governor. I didn't know what in the world was going on. Surely enough, about eight hours later I got a call from Donald Russell, and he said, “I would like to have a visit with you, Fred.” I said, “Fine.” Now, bear in mind I was only 26 years old, four years out of college. And this is quite a thrill to get a call from the new Governor.

So, I went to meet with him. What he told me is he wanted me to join his staff as news secretary and serve in the new administration. I told him I would think about it and I would get back to him. Of course, I was thrilled to death. I thought I ought to think about it, you know, and I had to talk to the folks at the Charlotte Observer. I thought about it and I thought it was a wonderful opportunity. But I was arrogant enough, even at the age of 26, to express my concern about race relations in this state. I knew that Harvey Gantt was going to be admitted to Clemson University during the first week of the Governor's administration. I had then and have now very strong feelings about racial issues, which I won't expound at this meeting. But suffice it to say, that I was appalled at the conduct of governors and public officials in other Southern states. I was determined as a South Carolinian that we should not have that here. But who was I, 26 years old? I said to the Governor, “Governor, I have only one condition. I must be assured,” and now that I think about it, how arrogant I was, “I must be assured that Clemson University is going to be integrated peacefully and that South Carolina will accept the decision of the Supreme Court.” Remember that was the first public integration in the State of South Carolina. And I never will forget his reply. He said, “Fred, you have just got to trust me on that. I
promise you I will never embarrass the State of South Carolina.” And I said, “Fine.” And I joined the staff.

Now, I think it is interesting to note when Don, Jr., and I were on the Governor's staff there were four people, four executives, and it was six secretaries and that was it. That is in place of the 600 they have now. So Don, Jr., and I did legislative work. He did all of the legal work. I did the news work and legislative work. I did all of the speech writing. Lisa Hendrix, who died unfortunately at an early age, managed the office and conducted the Governor's personal business. There was a wonderful personality from Charleston named Tom Hutto who was totally political and his job was politics. Tom was supposed to do all of the political stuff, which he did quite well, but he had an absolute aversion to public policy. He didn't want to discuss public policy. When I would get ready to write the draft of the legislative message for the Governor to go over there, Tom would always come in my office and he would shut the door and he would say, “What is going to be in the legislative message?” I said, “I don't know, Tom, what will be in the legislative message?” And he would say, “Well, put as little as you can in there.” I said, “What do you mean, Tom? You got to say something. The Governor can't go over there and say nothing.” “Don't take a position except under extreme duress.” I remembered that line all my life and I have used it.

We had this tight little group, the four of us and the six secretaries. I think at that time all of the agencies were under boards and commissions, so the Governor had very few appointments to inner office. The Governor's office was a wonderful experience. I will have to say this. I have known all of the Governors in this state since 1948, either during their tenure as Governor or afterwards. I will have to say many of them have been very good friends of mine; many of them haven't been very good friends of mine. I will have to say that Donald Russell was the most intellectual person I had ever known who occupied the Governor's office.

He was not the most political person who has occupied the Governor's office. I think he found great impatience with the political position of the Governor's office. Let me give you one example of that. The Governor has to make all of these appointments to these boards and commissions. I remember one in particular which was the Barber Board. The Governor had to appoint the Barber Board. Two barbers wanted to be appointed to the Barber Board. Donald, Jr., handled all of the appointments, only he knows, and the Governor is spending all of this time trying to decide which barber was going to be appointed to the barber board, and he didn't think that was worth the attention of the Governor. So we had problems with that.

The other thing that was interesting was that his mind was always on these elevated subjects, policy matters, philosophical matters, thinking matters. I would go in there sometimes and he would read to me — you know, he was a student of English constitutional history — he would be reading me interesting passages out of the English constitutional history that he had come upon that he thought were really relevant to the point that was under discussion.

He would get all of this mail, the Governor gets a lot of mail. He detested answering the mail. The mail would pile up, pile up, pile up and a few of us would get concerned about it because, after all, if you are going to run for public office you have to answer mail at least. It would sit there and we would say something and he would say, yeah, I will get around to it. About once or twice a month, we would go in there and break it all into a big basket, and we would go through and sort out the ones that could get a standard reply and prepare those replies. And we would put the rest of them in this folder. I or Donny would go in there and say, we have answered all of the mail except these six letters, and you have to tell us what to say on these six letters. He really wasn't fond of all of that political stuff that you had to do when you were the Governor.

He had some very close friends in the General Assembly, Nick Zeigler being one of them. Eventually he had a very constructive relationship with Mr. Blatt, who was the Speaker of the House, and Edgar Brown, who was Chairman of the Senate Finance Committee and also with Marion
Gressette. He was instrumental, in my opinion, in persuading Marion Gressette, who was head of what was called then the Gressette Committee, to deliver the message on the floor in the Senate when the final time came for Harvey Gantt to enter Clemson University. He was instrumental in persuading Marion Gressette to deliver that famous speech where Marion said, we have to admit peacefully, we have to do it in a statesman-like way. Of course, for the head of what was then called the “segregation committee” to make an announcement that we were going to do that thing at Clemson peacefully was a landmark. And I think that the Governor was extremely, extremely influential in that.

Now, some things have been said about his statements during previous periods on race relations. My first experience was when I posed that question to him. My second experience on race relations, which was a really critical topic in the 1960s, was when Harvey Gantt was admitted to Clemson University. We were all there, and we all had to be standing by to do the kinds of things that needed to be done for a nationally prominent event. But the Governor was on the telephone — I quite well remember the day — the Governor is on the telephone all day long in touch with the Clemson University President, and in touch with the Highway Patrol and other law enforcement agencies, State Law Enforcement Division, to ensure that that event was carried out peacefully and was carried out in a manner that would maintain the dignity of the State of South Carolina. We owe him a great debt of gratitude for that because our experience could have been as disastrous as the experiences in Alabama and Mississippi if we had not had Donald Russell as Governor.

The issue came up again when the Federal Government made money available — I did a lot of problematic work and agency work because the staff was very small — for the Manpower Development Training Act. That was an act that was passed in the 1960s that made money available for training and development of manpower in the state for staffing industries and creating an economically desirable climate. South Carolina had never drawn down its share of the money because one of the requirements was that all the programs had to be integrated. The Governor looked at that and he felt like we needed the money. We had a long discussion about the Manpower Development Training Act money and whether we were going to accept the money or not with the stipulation that all of the training programs would be integrated. None were at the time.

We renamed it the STEP program, Special Training for Economic Progress. We took the Manpower Development Training Act money, we had a press conference to announce it, and we announced it, and we went back into the office, and we knew we were going to get this thing about this race thing and all of these integrated classes going on all over the state. We went back in the office and the Governor said, well, let's just see how that wears. And we left the office to wait to see what the result was. It was a tremendous success. It was the first integrated program in the technical schools. And so he, in my mind, despite some blips, I had no doubt where he was on human affairs.

Finally, I will tell you this. Shortly after I became a member of the Governor's staff, I was invited back to Rock Hill to make a speech to the Rock Hill Chamber of Commerce. And it stated in quite outspoken terms how I felt about race relations and what the state had to do. Since I was on the Governor's staff, I thought I should let the Governor look at it. I said, “Governor, this is the speech I will deliver. Since it is in controversy on the issue of race, I want you to read it. I won't deliver it unless you give me permission. It will inevitably have some reflection on the Governor's office.” He read it through. I still have a copy of that speech. He changed not one word and he said, “Fred, you say what you think is right.” So, I think he was a wonderful Governor. He didn't like the political part of it. He didn't like the appointment part of it, dealing with all of that kind of stuff, because his mind operated I think on a much higher level.

Transition to United States Senate. I need to say a word about that. Olin Johnston died on Easter Sunday morning, quite early in the morning. I got a call from the Governor saying, please come to the Governor's mansion. I lived in Camden. I said, “Sure. I will need time to do Easter, go to church, and I will be there.” Don, Jr., was there, and Bratton Davis and others, all day Sunday and all
day Monday, all day Tuesday, all day Wednesday and Thursday. What was happening was the Governor began to get tons of telegrams and messages from business people and textile people who urged him to take that appointment. The battle over textile imports was just beginning and it was going to affect the state. Had a lot of people, a lot of telegrams and messages saying, take the appointment to help protect South Carolina's economy and South Carolina jobs. On Monday there were rumors going around about appointing Mrs. Johnston and Olin Johnston's brother. On Tuesday, the Governor sat down with me, as I am sure he did with all of the staff, and said, “I am thinking about resigning to take that appointment. And what do you think?” I said, “Governor, I will be absolutely thrilled to death for you to go to Washington. I don't think it will be greeted favorably in a political light. If you want to do it, you know where I am.” He decided to take that appointment on Wednesday, met with [Lieutenant Governor] Bob McNair during the day on Wednesday. On Thursday, Bob McNair was sworn in as the new Governor.

On Thursday afternoon I was on a plane to Washington, D.C., not knowing a damn thing about anything, but the Governor wanted me up there, so I went to Washington. Donald, Jr., and Tom stayed in South Carolina, I think, and ran the home office in South Carolina.

I want to quickly conclude because I know time is an issue. He was wonderful in the United States Senate. He loved it; he was instantly effective. He loved the arena of ideas that the Senate was and the Senate loved him. [Senator] Mike Mansfield became one of his strongest supporters and he was in on everything that went along. He was instantly effective and loved it to death.

Mrs. Russell didn't move to Washington. I had the privilege every night almost of having dinner with him since he was living at the hotel, and we began a friendship that lasted forever, a wonderful friendship. I want to say one thing about him that has not been mentioned. He had a rollicking sense of humor. He really, really could keep you laughing and he laughed at my jokes, too. I appreciate that. He was a fun person to work with. Intellectual, yes; politically successful, yes; judicially successful, yes; educationally successful, yes. I don't want you to think he wasn't a fun person because he was really a fun person. I enjoyed his friendship the rest of my life. I think his defeat in the primary, in my opinion, was due to the self-appointment issue. And subsequently I learned that only one Governor who has resigned to take an appointment to the United States Senate in the history of the country has been reelected in a subsequent election. I felt like that was really the issue.

The appointment to the Court. He was very close to Lyndon Johnson. We all did the Lady Bird Special, and as Nick said, it wasn't quite popular. We all had a wonderful time riding, though, on the train, and Lyndon Johnson really liked him. After his defeat, we got a call from the White House, saying do you think the Senator would be interested in a judicial appointment? Turned out he was. He was appointed by the President. He was exceedingly effective on the Court.

After he got on the Court, I made it my business to visit him once or twice a year and spend the day in Spartanburg. We just became real friends. But I neglected during the last three or four years, I neglected that regular appointment. And my son became a clerk to Joe Anderson, and he went to Richmond with Joe Anderson. And Judge Russell said to Vincent, who is my son, "Your father has not come to Spartanburg to visit me in at least two years. When you go back down there you tell him he had better call." Bear in mind, this is a really important guy on the Fourth Circuit Court of Appeals.
who has a great distinguished record who remembers this twerp that served as his news secretary. So, when Vincent came back and told me that, I called him. To this day, I am grateful that I went to Spartanburg in the September before he died and spent the whole day in one of our great sessions. Thank you.

MR. MCLEOD: Thank you, Fred. As he mentioned, Judge Russell went on the federal bench in 1967. He did a wonderful job, as you all know. We will go into that phase now. To begin with, I will use again the miracle of modern technology to show Judge Russell's thoughts about his service on the judiciary. This occurred in July of 1994, at the dedication of the Courthouse in Spartanburg to Judge Russell.

(Whereupon, a videotape of the ceremony was played.)

JUDGE RUSSELL:

I do respect this honor that has been accorded me, this courthouse. I remember the first time I ever came into this courthouse we were having a very important decision involving the Buzzard Roost development in Greenwood County. It was to be a question of constitutionality, the use of federal funds at that time for a project of that character. It was thought of as a case which would determine the future of the Roosevelt administration. So, Washington had sent down to this, the courtroom you are sitting in now, the top legal authorities that they had in the Department of Justice to argue in favor of the constitutionality. And so one of those who was to speak was Jerome Frank. He was not a name I imagine known to anybody in the audience except the lawyers, but he was known to everyone who looked toward the Constitution of the United States because he was one of the recognized authorities, one of the recognized advocates. And he got up to speak on behalf of the government. And he said that the arguments on the other side were obfuscations. And he said it with such a glee, such a glint in his eyes that led you to believe that this was something very serious. Some poor old farmer was there in the audience; he looked and he saw this man spouting out this big word obfuscation, and he said for a moment he stood up, and then the poor fellow fainted. And that was my introduction to this courthouse, obfuscation!

And it is a great courthouse, but even greater is a Court that we carry on and the law we enforce. They have up in West Virginia a Justice of the Supreme Court, a young person who has written several books and they have been published by Oxford Press, so that is a good evidence that they are worthy of that character. And he said that he had to decide what was going to be his career in life. And he thought about whether he should...go for politics, public office, or go for judgeship. He
said, “My grandfather was the political boss of West Virginia,” and he was telling the truth; there was nothing immodest about that remark. And he said, “I thought a while, and I decided that in the new day that we were having, the bosses of the society were going to be the judges. And I decided to be a judge.” Well, now, I think that was a little bit immodest in his thought.

But I do think that the judiciary is the source of democracy's shield. It gives us the protection that makes democracy real. We may think of the fact that we have an election and today we are talking a great deal about democracy. But democracy doesn't consist in just having an election. It consists of something deeper and more important. We have it here in the United States, but we have a Constitution. And beyond that, the Constitution lays down the authority at each section of government. Lays out the limits, the parameters, the extent of their power. But then they go further, and they created the courts. And they endowed the judges and gave them the power to require that all people, not just individuals, but all the most powerful, from the President on down, were controlled by a Constitution which guaranteed true democracy to our people.

And that is what the Court is supposed to do. And that is what the judges are supposed to follow out.

I must say that in a year of almost a quarter of a century of association with the federal judges, I believe I can say that all of them tried to measure up to that responsibility. And I am proud to have been a member of a Court and to be able to stand here and pay tribute to my colleagues over the years.

This has been a great occasion. It has been a great occasion for me. I want to say I am very sorry that Mrs. Russell, who is ill, is not here. I thank you. God speed.

(Whereupon, the tape finished.)

MR. MCLEOD: The first to speak on the judicial phase of Judge Russell's life will be Bob Knowlton of Columbia. He is a graduate of the University of Virginia and USC Law School. He has practiced law in Columbia for over two decades and is recognized as a leading business law litigator. He is also the son-in-law of another of our speakers, Senator Zeigler. Bob clerked for the Judge in 1982 and 1983.

MR. KNOWLTON: Thank you, John. It is a pleasure to be here today. It is a little daunting task to try to give remarks on a judicial career that spans 31 years in just a few minutes, but I will do what I can. John asked me to give the perspective of a law clerk on Judge Russell's career and I can assure you it is like standing at the foot of Mt. Everest and you are looking straight up. He was widely recognized by everyone who follows the judiciary as an outstanding jurist. If being a good judge requires intellect, hard work, proper demeanor, and an adequate background to gain the perspective you need to judge the broad range of activities and issues that an Article III judge reviews in this country, you cannot imagine a better background and person than Judge Russell. He had an absolute full
measure of each one of those ingredients. When he was appointed to the bench, he was 61 years old in 1967, if my math is correct. I doubt he or few others would have imagined that he would have spent 31 years in that job. I clerked for him right in the middle of that span, in the ’82, ’83 term of Court. He was 76 then and only halfway through his career of that truly intellectually demanding job. He didn’t need it for the money; he could have had the easy life, but he was a true intellectual and a true public servant. He worked hard at that job, and he loved it, and he was absolutely great at it. He was so well-suited for his job that I personally can't imagine him as an elected politician or in other facets of his career. He had an intellectual side and integrity side, and he was a very intensely private man. Some of those ingredients don't seem to be effectual in elected politics, but I think what he was really doing was padding his resume for his real job later in his life, because the experiences he had made him brilliantly suited for his job.

As you have heard today, the background he had in private practice of law, key government positions during World War II, President of this University, Governor, United States Senator. He was like the Kilroy or Forrest Gump of his day. He was always there, except one major difference. He always had a key leadership role in the major events of his day. It is really incredible. I can't think of anyone who has a similar background as Judge Russell did. And that is the kind of background that brings a perspective to a job that he loved so dearly to make him so much better at it than if you had lacked that type of experience.

A quick Lexis search, computerized research that lawyers use to find cases, pulled up 631 published opinions that Judge Russell authored during his judicial career. That is only about 20 a year, but that is a bunch of cases. And that is really only about 10 percent of those that he dealt with at best. The Court would have a quota while I was there of about 20 cases a month, and they would sit in panels of three, and they would divide up who would write the opinions. Some of the opinions would be unublished — most of the opinions would not be published, and many of them would not bear a judge's signature. So, the 631 published opinions is a very small part of Judge Russell's work. But it will be a legacy that we deal with on an every day basis in the practice of law.

I can tell you from the practitioner’s standpoint that when you find a Judge Russell opinion, it is very helpful. He was such a student of the law, when you found his opinion, you knew it would be thoroughly researched, incredibly persuasive, and the lawyers, when you cite a Judge Russell opinion — quite a compliment to the judge — you would always put “Judge Russell” in parentheses after you cite that opinion, because everyone recognizes him as such a powerful mind and such a good judge that it added extra weight to your citation. When you see the types of cases that his opinions embraced, I think you understand even more about why the broad range of experiences he had in life makes such a difference for a judge. Just reading through some of these cases, and this is just a list of his cases, it covers: antitrust; unfair trade practices; corporate governance; securities law; bankruptcy; contract disputes; business torts; intellectual properties, such as copyrights, patents, trademarks and trade secrets; corporate veil piercing; tax laws; insurance and employment benefits law; election laws; civil rights laws; employment discrimination matters regarding race; religion; defender laws regarding the formation of unions; government programs like social security; prisoner petitions; banking laws; telecommunications; environmental laws; class actions; franchise litigations;
product liability; criminal laws of all sorts; and all of the subparts of cases involving procedure and evidence.

Judge Russell was also a very hard working person. His intellect was not something he just took for granted. He did not have the sort of egghead intellectual approach to life. He was truly immersed in the issues of the day. Before he got to work every day, he would read five newspapers, which would take me most of the day to get through, I believe. He took well over a dozen law reviews. He was the most prodigious reader I have ever met. When he got to work he would surround himself with books. And when he really worked on an opinion, you would see him not only surrounded with the books, but most of his clerks I have talked to remark about how low tech his approach was. He had yellow legal pads and pencils. He wrote everything out in longhand. One of the questions he asked me when he interviewed me for the job is if I knew how to type. I thought that was just an idle question. I said, “No, sir.” I think I took a high school typing course, but when I showed up I had to do all of my own typing. So, we would wait until the staff left and typed our opinions at night.

He was very much a gentleman, also. He treated everyone he encountered with great dignity and respect. We can hear that played out throughout his life in the way he approached elected office, the way he approached his colleagues on the bench, the way he dealt with the practices before this Court, the way he dealt with his staff, the way he dealt with everyone he ever met. And it was not something he just did when he was in his public life, I never saw him come out of that persona. That was just part of him. That is not always an easy trait to display in the adversarial world of lawsuits.

One of the intimidating things about working with him, he was so good at what he did, so experienced, and so bright. He had such a powerful mind that our work for him seemed rather trite, and I doubt law clerks were any use to him at all. He never said that, but I felt like we worked long hours, produced these bench memos on all of these cases. My co-clerk and I joked we were probably as much help to him as if we were writing on the blackboard all day long, “I must earn my federal salary. I must earn my federal salary.” But it certainly was not because he was demeaning to us, it was simply because of the recognition of how powerful he was and what he did.

He had a wonderful lady who was sort of the protector of the law clerks and his keeper, as well, named Frances Staples, who was his permanent law clerk and didn't — I want to keep my remarks brief — but she was a wonderful lady who worked with him for decades. She was sort of my temporary mother for that year, and for many of the other law clerks, as well.

As powerful a man, as good as Judge Russell was, when he talked to us, some of the stories he would tell were really astounding. You were really hearing from someone who saw Pitchfork Ben Tillman, and some of these things you only read about in books. But some of the stories he told really, I think, were telling of his character. And one of the stories I remember him telling is watching political debates on the stump and seeing the emotional appeal that some of the politicians would make and watching the crowd every time come to the reasoned conclusion and make the right decision rather than following the emotional appeal of the moment. I think he really had a great respect for people's common sense and ability to do the right thing. He respected the political process and respected all people.

One of the things that he made a point of telling me as a law clerk was that when you argue your case, make sure that you don't just argue the logic of it, the straight statutory construction or the literal interpretation of the law. You should always look for the passion of the case, the public policy of the case, the emotional appeal of it as well. And I have certainly tried to keep that in mind, but I also have recognized that in his writings. He did not just look for a literal interpretation of the law; he always wanted it to make sense to him. His opinions are as persuasive as they are because they embrace both the logical, strict, literal interpretation of the law, but also expand upon and explain the public policy and the reasons behind the law. I have certainly gained insights from my clerkship over the past 20 years of practicing law. He was a great role model for me, but he was also a great role model for many, many
more. Some who did not even know him were all in gratitude for his great public service to South
Carolina and just for being a role model for all of us in our endeavors. Thank you.

MR. MCLEOD: Thank you, Bob. I too agree that Judge Russell did not need a law clerk. He
knew all the law. I think he just had law clerks because everybody else had them. We are particularly
honored to have with us today Judge H. Emory Widener. Judge Widener is a native of Abingdon,
Virginia. A graduate of the U.S. Naval Academy, a World War II Navy veteran and a graduate of the
Washington and Lee Law School. He was appointed District Judge in 1969 and went on the Fourth
Circuit in 1972. Judge Widener and Judge Russell were the best of friends and only, as far as I know,
differed in the inadmissibility of hearsay evidence in criminal prosecutions: Judge Widener was against it.
Other than that, they were of the same mind. Thank you, Judge Widener, for coming down.

JUDGE WIDENER: We also differed about arbitration. Judge Russell was for it. I had a
traditional view of it. Finally decided they could make arbitration a condition precedent to filing lawsuit.
They went that far, the court did and the Supreme Court after finally passing the arbitration act in
Virginia. That has been since I have been a judge that they finally came around.

I was born and bred in Abingdon. Before I came down here, Wade Hampton was married in
Abingdon. He married Margaret Preston. And Margaret Preston's house is right next to the Federal
courthouse there now. It is now called the Martha Washington Inn. So, I went up to the courthouse to
see if I could find a record of the marriage of Wade Hampton and it is on page 202 as a first register of
marriages. And it shows that on October 10, 1838, Wade Hampton married Margaret Preston. I guess
at that time the Presbyterian Church was right across the street from Margaret's home, so I guess they
were married with the Presbyterian preacher there. This is something to pass around. I looked for the
marriage license, but in the courthouse they don't have any marriage licenses that the preacher would
return to the Court. They don't have any prior to 1844. They have saved all of them since that time.
But until that time, I don't know what happened to the older ones or if they were. There was the
Stoneman raid. General Stoneman, the Yankee general, burned the courthouse there during the war. I
guess they got lost, if they ever were. The preachers then may have just dropped in the courthouse to
tell them they had married somebody. But anyway, this is the record of Wade Hampton's marriage as it
exists now in the County Court of Washington County.

I was with Judge Russell on the Court from 1972, when I went on the Court, until he died in
1998. And we saw each other every day of every term of Court during that 26-year period. I guess we
ate breakfast at least 90 percent of the time together and dinner probably 95 percent of the time. We
were very, very close friends and differed, I think, only on hearsay and arbitration. I don't ever
remember a case of any consequence at all that our votes differed on. There is nothing wrong with
talking to another judge about a case before it is argued. And I expect that the rest of the Court
probably felt that Donald and I talked about the cases before they were argued because we always voted
together. The truth of the matter is that we hardly ever talked about the cases before they were argued.
But I don't ever remember a case in which it amounted to anything that we voted differently.

On one case on the hearsay rule I finally got him to vote with me and that was when they were
trying Governor Mandel in Maryland under the mail fraud statute. And this was the evidence. The
evidence was that the talk in the cloak rooms is that the governor is on the take. And Bob Taylor —
who is from Greenville, Tennessee — Judge Taylor admitted that evidence, and that was even too much
for Donald. So, we wrote an opinion granting Mandel a new trial. Well, the hearsay rule is not popular
in the Fourth Circuit, it really isn't. So our opinion got vacated, and then there was some mind changing
here. I don't know who it was. And then one of the judges that voted to vacate our opinion changed
his mind. It was affirmed. It was affirmed by an evenly divided Court. But that one time that Donald
changed his mind and voted with me on hearsay, he got slapped down for doing it.
Judge Russell had really an inquiring mind about just everything that you can imagine. Donald was a Methodist. He was a real Methodist. He even took an interest in Holston Methodism. The Holston part of the country starts in a little village called Gross Close, Virginia, which has about as many people as it had in the 1800s, has around three families. Route 11 runs right through it, but they actually have a street light in Gross Close around 11. That is where Steven Holston lived, and he surveyed all of that property from there down to Knoxville, Tennessee, as the Holston Country. You have the Holston Mountains, the Holston River. Every town will have a Holston Street or Holston Avenue, Holston Hardware, Holston this, Holston that, Holston the other. More things named for Steve Holston than there are for George Washington in that part of the world.

But Madame Russell was a Methodist evangelist. She lived in Abingdon. She was Patrick Henry's sister, and had been married to William Campbell who fought the battle of Kings Mountain. And William Campbell died and she married William Russell, who had been a general in the war and was a clerk of the Court at that time in Washington County. She lived in Saltville, Virginia. Brother Sheffy was a Methodist evangelist in Carroll County, Virginia, and brother Sheffy was clairvoyant. Parson Brownlow was a Methodist preacher in Knoxville, Tennessee. That was at the other end of the Holston Country. Parson Brownlow was a notorious and famous — or infamous, depending on which side you were on — Republican Congressman from Knoxville. James Cannon — he was a Methodist Bishop, I guess of the Holston Conference at that time — got all involved in the Al Smith and Herbert Hoover campaign back in 1928. Donald knew all about them. He knew about Cassius Clay, who was an abolitionist from Lexington, Kentucky. Nothing was too small to escape his attention. It just didn't make any difference what it was.

I give you that just as an example of the immense extent of his knowledge and his interests and his interest in people. I am going to say very little to you. He was one of the best friends that I ever had. I am certainly glad to be here today. Thank you very much for asking me.

MR. MCLEOD: Thank you, Judge Widener, for coming down to speak to us today. We will wrap matters up now with John Edmunds. John is a native son of South Carolina. He earned all of his degrees, including the Ph.D., from the University of South Carolina. He was a professor for many years and Dean of the University of South Carolina–Spartanburg, which is now, unfortunately, USC–Upstate. He wrote a great book on Governor Francis W. Pickens. But his main claim to fame is that he was a close friend and confidant of Judge Donald Russell and had lunch with him once a week at the Piedmont Club. He will share a lot of insights with us today.

DR. EDMUNDS: One of the most well-known characters in Spartanburg was Federal Judge Cecil Wyche, who had brought Mr. Russell into his law firm in the early 1930s. I bring him up because of an incident that I found humorous. One Sunday in the fall of 1958, while I was waiting for Donny in Mr. Russell's fabulous library, the front door opened and this old, short, stout, crippled man entered the library paying absolutely no attention to me. In fact, I am not certain he even saw me as he was intent on taking books down from the shelves with the crook of his cane. I proceeded to get up and amble to the kitchen where Mrs. Russell was cleaning up the dinner dishes. I informed her of the intrusion and she immediately began to laugh. It seemed that the invader was South Carolina's esteemed Judge Cecil Wyche, who had come to 716 Otis Boulevard to partake of spirits he had hidden behind the books. His wife forbade liquor at her house, so the Judge kept a cache of it and shot glasses behind Mr. Russell's books. Judge Wyche used the library, not for intellectual pursuit but as a bar room.

Later I told Judge Russell this story and he regaled me with stories that, with the exception of Mr. Byrnes, his associates were always in scrapes because of liquor. When Mr. Russell first came to Spartanburg from Union, he related that he used to perform menial tasks for them. He believed initially
that his talents were being wasted, as he was driving his inebriated senior associates, peeling potatoes for Mr. Nicholls or acting as a messenger boy.

He related that he had beaten in those days the Wyche firm in two cases prior to coming to Spartanburg. He was forever grateful to Nicholls and Wyche, as Virginia, a schoolteacher, was the true breadwinner of the family. In Union he claimed there was only one other lawyer and he was the town drunk. Thus, the preachers or the sheriff resolved most matters. In fact, Mr. Russell often decried the litigious society of today, believing that preachers and the sheriff probably did a better job of straightening out problems than did attorneys.

Donald Russell loved gossip, Carolina football, sweets, good food, beautiful clothes, and intellectual activity. His superior talents, risk taking, and business acumen made him a rich man. He would be involved in finance, banking, textiles, gas transmission, radio, and be the attorney for some of the most important people in America. I recall a member of his family urging him not to run for Governor in 1962 as he was so successful in business, but had not proved successful in politics. Yet, Virginia loved public life and though comely, she could be tough. Unfortunately, as his good friend Sam Means was quick to say, “Donald Russell is a lousy politician.” Sam was correct. He was a terrible politician and a frustrated one at that.

I once asked him what was his greatest regret. He replied it was leaving the Presidency of the University.

In his early years in Spartanburg, the Wyche, Nicholls and Byrnes law firm found it had a jewel in Donald Russell. He discovered that hard drink caused trouble and always avoided it. A strong work ethic, sobriety, a charming wife, a sharp mind made for a masterful attorney. He said that when he was first employed that he was deep in debt as Mrs. Russell's mother, who deeply disliked him, had come to live with them and then became sick and was hospitalized. Mr. Russell had to go into debt trying to help his own mother and pay for his mother-in-law's bills. He became very worried about his financial situation. At this time he discovered that Wyche was a benevolent eavesdropper, who had been listening to his telephone conversations. Pride had kept him from revealing his plight to anyone except his wife. Shortly after talking to her one day, Mr. Wyche popped into his office and asked him how much he owed and wrote him a check for the amount explaining that a person who was in financial straits could not keep his mind on his work. Shortly afterwards, he was made a partner in the firm.

Perhaps I digress too much and need to go back to an earlier era. Any biographical sketch on Judge Russell will tell you that he was born in LaFayette, Mississippi. When only a child, his father died, his mother brought her two sons back to Chester where she opened a boarding house. Later he told me that she and his stepfather, whom he did not care for — and by the way would never tell me his name, so I don't know his name — moved to Columbia. At 15 he began his career at Hampden-Sydney [College]. But after a few weeks he became acutely homesick, plus he was broke. He applied to Carolina, even though the semester was well on the way. He sought the help of Dean Francis Bradley who gave him a chance. At the end of his freshman year, he stood at the top of his class. He excelled, becoming a summa cum laude graduate and a Phi Beta Kappa. While attending law school, he actually taught classes in history at the University.

But all the while, he felt like an outsider as he was not in a social fraternity. He had to work at a service station and he was always broke. This was a time in South Carolina of deep Depression. His roommates were Coleman Karesh, who also possessed a first class mind and was a law professor at the
University and a German Shepard named Pal. He became a leader of the have-nots; but because he espoused for the time a fairly radical philosophy, he was painted as being a Bolshevik. While an undergraduate, this radical began to court Virginia Utsey of St. George, the prettiest girl on campus. He was worried that he might lose her. So, to prevent this, he did a daring thing and persuaded her to elope. This incident in their lives remained a close secret until the end of his life. In fact, it was in the last few months of his life that he called me in and told me the story. And then we checked it out and it was true. There was always a dispute as to who was older, Donald or Virginia. I believe it was Virginia, but will never know.

When he revealed the secret to me, he revealed that Irene Dillard, Mrs. Charles Elliott, Dean of Women, was the only one aware of their marriage and would permit them to stay out after curfew. I know why he scoffed about his Golden Wedding Anniversary Party. It wasn’t his Golden Wedding Anniversary party. He had been married 53 years when that took place. One reason the elopement was so secret was that if anyone knew Virginia was married it would have disqualified her from running for May Queen. After finishing law school, the Russells, who had told no one that they were married, decided to have another wedding at the Utsey home in St. George.

The Judge revealed at the time Virginia was teaching school in Cowpens and the principal, believing her to be single, was becoming a real bother. Judge Russell said this wedding day was a fiasco. Mrs. Utsey disliked him. His mother disliked Mrs. Utsey. The result was that neither mother showed. After the ceremony, he recalled, that with great relief, they boarded the train for New York City.

As I hope you have seen, the Judge was a wonderful raconteur. Many of you here were like myself, spellbound by his stories about the White House, Potsdam, the decision to use the atomic bomb, the Nuremberg trials, his role in the Truman administration, Assistant Secretary of State, his dislike of Dean Acheson, his role in the Alger Hiss mess. It goes on and on, they were wonderful.

On and on he could tell wonderful stories as he was truly a witness and a participant in some of the most important historical events ever. During World War II, he was commissioned a major, sent on special assignment to be with George Patton. We mentioned that already, but he really was the man who went to see Patton for certain reasons. When the movie Patton was playing in Spartanburg, I took my wife Judy to the matinee. Right in front of us were the Russells. After the movie, the Judge began to regale us with Patton stories. He loved the movie as he claimed it aptly portrayed the general. He said at night the two of them would talk history.

Both Mr. and Mrs. Russell loved to read and would set aside time for their passion. I can see him now, after dinner getting himself a glass of water and a cigar, then retiring to a small couch at the far end of his library. Many of the books that surrounded him are now here at the University. As he aged, he still continued his love affair with good books. He helped keep his mind sharp by working on legal opinions and helping his grandchildren, who lived with him, do their academic assignments. His love for intellectual activity caused him to read numerous scholarly journals, opinion papers, and newspapers. The Economist was set next to The New Republic. Daily reading of the New York Times at breakfast was part of his
routine. Later, he might read the latest edition of *Foreign Affairs* or *Political Science Quarterly*. When I needed to read an article in the *American Historical Review*, I would go to the Judge's home.

While at the University, he financed and set up a history exchange program with Oxford, which Dr. Lesesne has already mentioned, and encouraged a visiting scholars program in American history. From Oxford, during my tenure at USC, came J. Stephen Watson, Sir Isaiah Berlin, Martin Gilbert, J. H. Plumb, and other intellectuals. I took classes under Avery Craven, J. Fred Rippy and Fred Shannon. He was responsible for that. Mr. Russell, even after his presidency, used his wealth to send promising faculty off to do doctoral or post-doctoral work. He cared deeply for the University and while President and afterwards he wanted to catapult the institution to heights it had never enjoyed.

When he was elected President in December of 1951, he was already familiar with the problems facing the institution as he had been on the Board of Trustees. He and the Chairman of the Board, Rut Osborne, were very close friends and they began to make decisions that would change Carolina dramatically. In this presentation, there is no adequate way to describe the job the Russells did, but let me just mention a few things. He believed the President should live on the campus; this has been mentioned. Thus, two small women's dorms on the Horseshoe were made into the President's house. He wanted to be near students and faculty, and he and Mrs. Russell took the time, effort and money to invite the University community to dinners. Mrs. Russell, who was a superb cook, planned and prepared the meals. Those who attended those memorable affairs all remarked on the sumptuous food and wonderful hospitality. Having eaten Mrs. Russell's food on numerous occasions, I can attest that she was truly an expert when it came to the culinary arts.

One of the President's first tasks was to change the way the state funded the University. It really did not. University tuition and housing money were deposited in the state treasury. In fact, Mr. Russell felt that USC was a cash cow for the state. The system hamstrung the institution. The state barely supported the school. Russell was able to get numerous changes inaugurated that were to lead to the creation of a new University of South Carolina. At his urging, legislation was passed that permitted the University and other state colleges to issue tuition and housing bonds to finance permanent improvements. He was able to enlarge the campus through a program of land purchases. But he always felt that his greatest achievement was in the area of academics. It was Russell who set up a program of entrance examinations.

It was Russell who created the Department of International Studies to show South Carolinians there was a world north of Cheraw. The Physics Department, which had been lackluster at best, like International Studies, became internationally respected. Every school and department was improved. He was able to get help from the Education Department at the University of Chicago to reorganize the USC School of Education. Some of those who were hired had their pay supplemented by President Russell's generosity.

He gave the University its largest single gift up to that time. When Rutledge Chapel was refurbished — literally rebuilt — he bought the huge cut crystal chandelier that hangs there today. Furniture and fixtures were purchased for the new president's house and to think the University was getting this for only one dollar a year.

Early in his Presidency, Dwight Eisenhower offered him a seat on the Fourth Circuit of Appeals, but he turned it down. Numerous students who could not afford to go to college were given Russell Scholarships. He always had the deep desire to help the unfortunate. In my long association with him, I saw many acts of kindness, several need mention.

A fixture of USC for years was, as Allen Stokes and George Terry used to call him, Mr. Byrd. If it had not been for Donald Russell, there never would have been a Willie Byrd. As all of you know, Byrd was James F. Byrnes' inseparable companion. What you do not know is he was sentenced to be executed for murder. The Russells knew Willie from his work in a delicatessen. He got into a domestic quarrel and was arrested for murder. The court-appointed counsel was lazy and incompetent, according
to Mr. Russell, and it was his belief that the trial was a travesty. Simultaneously, the 1938 governor's race was taking place between Burnet Maybank and Wyndham Manning. Maybank promised that the party power would be removed from the governor if he were elected. Maybank won by the slimmest of margins. Manning protested and challenged the election on the grounds that more people voted in Charleston for Maybank than there were registered voters. Mr. Byrnes, a dear friend of Maybank, had Donald Russell represent Maybank before Judge J. Strom Thurmond. Russell's representation was flawless; the case was thrown out and Maybank became Governor. Russell asked for only one thing and that was Willie Byrd's life. This he got. Virginia Russell urged Maude Byrnes to take in Willie Byrd. Several years ago, Byrd was brutally murdered and today lies beside the Byrneses in the Trinity Churchyard right up the street.

While Mr. Russell was in the Office of War Mobilization, he, like Byrnes, was a committed New Dealer. While in the White House, two men became his fast friends, Ben Cohen and Edward Pritchard, who had been Supreme Court law clerks and were part of the Roosevelt Brain Trust.

Mr. Russell told me wonderful stories involving Cohen and Pritchard, who, along with Mr. Russell, drew up domestic legislation and issued executive orders governing the War of Mobilization effort. Pritchard, after leaving government service, became a noted lawyer in Lexington, Kentucky. Unfortunately, he enjoyed practical jokes and made a wager that he could throw a local sheriff's race. He won the wager, but went to jail. It was Donald Russell who read about his plight and provided the money for his legal expenses. Later, Pritchard received a Presidential pardon. Several years ago, I met Pritchard, blind and broken, but eternally grateful for Donald Russell's compassion. He did have one complaint, however, and that is that he feared that Russell had deserted his New Deal roots and had gone over to that “damn Strom Thurmond crowd,” quote, unquote.

Speaking of our beloved former Senator, I witnessed an event that gave some insight into Russell and Thurmond's character. Pritchard was partially correct in his assessment. Thurmond and Russell were friends, but in many ways polar opposites. The time was late spring 1966. Once again, we were on the campaign trail as Mr. Russell was hoping to continue as United States Senator. Of course, our opponent was Fritz Hollings. Each year at Sumter the Irish Festival was held. Both of the South Carolina senators were present, Russell to campaign and Thurmond to court. At the Sumter Country Club, Nancy Moore, a former Miss South Carolina, dressed in provocative beauty queen attire, made an appearance. Strom was never far away. In fact, he could not keep his eyes off of her. I felt this was an opportunity for some good politicking. Instead, Mr. Russell was so offended by Strom's behavior that he took me away from the show and said this is disgusting. “Let's go, John.” As a result, I felt it was wasted effort. Besides, I was enjoying the show.

Actually, Mr. Russell was very shy. While on the podium he could deliver, often extemporaneous as you saw in these films, wonderful talks and speeches. He had a facile mind and could field questions easily, but in a crowd he was so uncomfortable and sometimes quite unsure. I recall the Sheheens inviting us to tailgate at the Carolina Cup. Mr. Russell enjoyed the picnic and the immediate company, but was truly uncomfortable in the crowd. I believe his shyness and impatience were — as somebody else mentioned — his shyness and impatience were his greatest handicaps. When I drove him to an affair, we seldom stayed long. Unless it was scholarly or academic, he dreaded going to political barbecues, and when he went he was stiff.
Now, I don't mean to imply that he was anti-social for that was not the case. He hungered for good conversation. I can recall in the 1962 gubernatorial campaign driving back from Cheraw. We were passing through Camden, and I suggested we call on my uncle Henry Savage, who had been Mayor of the town. We did, and the two men, both known for their excellent minds, thoroughly enjoyed each other's company. They talked all afternoon. But politics or support was never discussed. I believe that one reason Mr. Russell, for the most part, financed his own campaigns was his reluctance to ask for contributions and to be beholden to others. Donald Russell is perhaps one of the most complex persons I have ever known. Sometimes I am not certain I really truly knew him. For 40 years I was frequently in his company. We lunched together practically every Wednesday. When he owned his farm south of Pacolet, we would take long walks together, and he frequently joined us for dinner at my house on Sunday nights. He could have conflicting situations occurring simultaneously. Usually in an unfappable way he handled it all. His ability to compartmentalize and keep his own counsel made him appear calm in the face of adversity. Family problems would occur that I knew were most vexing, but he rarely exposed his inner feelings. Frankly, I never understood how he had handled so many pressures so well.

While Governor, during a time fraught with danger, he was calm. During the period when Clemson was being integrated, he was especially so. Speaking of this event, I believe it is time to set the historical record straight. I frequently heard it stated that the Hollings people were the ones who planned for the integration of Clemson — that was not the case. When Mr. Russell assumed the reins of government, all was in chaos. No plans were in place, and it was Russell and his small staff who executed peaceful integration in South Carolina. I recall the time clearly; the telephone calls from Robert Kennedy's Justice Department, the offer of federal help, and Governor Russell with adamant firmness proclaiming that integration would be properly handled. He signaled his intention with the inaugural barbecue. He invited all South Carolinians to come and enjoy and they did, and carrying off plates piled high with John White's Beacon barbecue on that clear, bitterly cold day. At the time, the Russells were having to live at the Wade Hampton Hotel as the Hollings' Governor's mansion was totally wrecked. I mean, it was totally wrecked.

Mr. Russell was truly sensitive to the plight of black South Carolinians. When Ms. Modjeska Simkins complained about conditions in the State Mental Hospital, the Governor met with her and went to see for himself and was appalled. He took immediate steps with Dr. William Hall, the Director of the Asylum, to rectify the situation. He didn't succeed, but he surely wanted to.

At this time I saw a fearless man of great poise attempting to do the right thing for South Carolina. I use the word "fearless," for those of you who did not live through this period cannot begin to understand the dangerous tumult that was present. SLED Chief Pete Strom wanted to provide the Governor with a bodyguard and seal off the Governor's Mansion, which was not in the best neighborhood. Mr. Russell would have none of this. In fact, he always drove his own car to work; he walked to meals at places with Fred and myself and Donny. Places like Morrison's or the Columbia Hotel. He took no steps to isolate or secure himself. If he had secured the residence, Donny's brand new Buick Riviera would not have been stolen from in front of the mansion, and crosses would not have been burned in the yard.

Mr. Russell was the right man for the times. Modest, calm, and contemptuous of men like George Wallace whom he believed were doing great harm to the South. The question has frequently been asked, why the self appointment? I think Fred said it. Mr. Russell quickly learned as Governor that it just wasn't going anywhere. He had one great plan, which I wish the State of South Carolina would consider again. That was the California plan of trying to rework higher education of South Carolina, make it more efficient. It was something he was working so hard on. He was getting the academic community on board, but he couldn't get the politicians.
He quickly discovered as Governor he could get little accomplished for South Carolina. He deeply believed in coordination of effort and efficiency. While in Washington, at the White House he saw a small group do great things and believed he could change some things in South Carolina. He could not. His own staff was minuscule, but efficient and composed of only Fred Sheheen, Tom Hutto and Donny Russell. His vision of South Carolina was to have a workable, efficient, coordinated system of higher education. He put forth all of his energy trying to accomplish this and failed. It was not the academic community that opposed him, but entrenched politicians that enjoyed their fiefdoms. The failure to bring sanity to higher education deeply affected him. I knew he felt that as Governor in this area he accomplished little and he worked very hard on it.

I will never forget the telephone call on early Easter morning 1965 telling me that Senator Olin Johnston had died at Providence Hospital. I had been invited to Easter lunch, but I am not certain we ever ate, if you want to know the truth of the matter. I recall Frazier being there, later Josephine and Bob McNair arrived from Allendale. This is when Governor McNair and Mr. Russell took their leave, and conversations took place which led ultimately to the resignation of Governor Russell and replacing Johnson in the Senate. On the day before Olin Johnston's funeral, President Lyndon Johnson came into Columbia to pay his respects. He flew into McIntyre National Guard Base. And I know Mr. Russell and Lyndon Johnson conversed before driving to the capital. Perhaps others can shed light on the conversation. I recall Fred Sheheen being opposed to self appointment, but Mr. Russell decided to go to Washington. Several pieces of important legislation dealing with textiles, cotton, and tobacco were being debated. Russell felt it was essential to have an intelligent, capable, knowledgeable representative of South Carolina. Mrs. Olin Johnston and Bill Johnston were rumored to have wanted the Senator's position. Neither could have adequately represented South Carolina.

For almost two years, Mr. Russell served the state well, but this did not impress the electorate who once again were going for Hollings. The same team that worked so diligently in 1962 was in for another tough campaign. Once again, the genteel Bratton Davis was at the helm, but it was different. The forces with which we had to contend were formidable. The Olin D. Johnston crowd who in the past had reviled Hollings were mostly in his camp. Wilton Hall, publisher of The Anderson Independent was an exception. He hated Hollings and offered to publish a smear sheet that castigated Hollings for some of his past activities. Neither Bratton Davis nor Senator Russell knew what was transpiring. Only Donny Russell, myself, and Mr. Hall. I drove a truck to Anderson, brought thousands of newspaper formatted sheets back to our office on Pickens Street where they were locked up in a back room. While we were working on our way to get the material distributed, the Senator, always too curious for his own good, happened to find one on the desk. He picked it up and was aghast. He lectured me, and I presume Donny, that if we had used this type of material to win then he did not want the office. That Senate campaign taught me much about loyalty and forgiveness.

There was a Carolina student to be given a Russell Scholarship to help him pay for his undergraduate school and law school. He was approached to help in the campaign. He was saying he was supporting Fritz. This person later became Lieutenant Governor. When Mr. Russell was told, he was calm and showed absolutely no rancor, only forgiveness.
When he was a young man, Mr. Russell was a pillar at Bethel United Methodist Church in Spartanburg. But as he and Mrs. Russell aged, religion became less important to their lives; however, their compassion remained.

In 1967, when Lyndon Johnson offered him the judgeship that had been Cecil Wyche's, Mr. Russell debated whether to take it as he had no desire, and I quote him, “to send the poor devils to jail.” A deal was struck with South Carolina's other federal judge, Judge Robert Martin, who agreed to do all of the criminal work if Russell would do the civil work. Donald Russell had known Lyndon Johnson when Johnson was serving in Congress during World War II. Lady Bird and Virginia Russell were fast friends who palled around together. In 1964, during the race between Johnson and Goldwater, the Governor stood behind Johnson while people like myself were furious with the President. I believe that in all the years I knew him, it was the only time we intensely disagreed with each other, but this disagreement never impacted our friendship.

In 1971, at the urging of Thurmond, President Nixon elevated him to the Fourth Circuit Court of Appeals. This was the second time he had been offered this position. He served on this Court until his death on February 22, 1998, and he never took senior status.

At the Russells' Golden Anniversary, Strom Thurmond told the assembled guests that after the failure of Clement Haynsworth to be elevated to the Supreme Court that he put Donald Russell's name forward, but that Mr. Russell would not push himself. I asked Judge Russell about this, and he told Thurmond that he had no intention of campaigning for the post and would not ask Attorney General John Mitchell for it. He deeply believed such a position should never be sought.

On February 22, 1998, on his 92nd birthday, he died. During his illness I spent many hours with him and was present when he passed away. The trials he underwent were tortuous, yet I never heard him complain. When he was told he had terminal cancer, he courageously accepted the verdict. He underwent terrible surgery, yet he never felt sorry for himself. Only at the very end, and I mean the last hours, were pain killers administered.

Mr. Russell was never old. He had a youthful spirit and outlook. He loved to be around young people. The activities of his grandchildren interested him. I believe he lived vicariously through them. Even when he was dying he remained youthful in spirit. On Wednesdays we ate lunch at the Piedmont Club. He would see elderly people entering the dining room. Invariably he would ask, “John, who are those old people?” Usually they were years his junior. He walked with a spry gait, drove until a few weeks before his death, and kept active. In one life he did more and accomplished more than practically anyone: Judge; Assistant Secretary of State; Deputy Director of War Mobilization; Governor; Senator; college president; entrepreneur; and caring human being; lover of the Palmetto State, his wife, and the University.

Because of him, my life was greatly enriched. I went places with him, met fascinating people because of him, and was able to witness events that impacted South Carolina and the nation as he made history. I witnessed his highs and his lows. I marveled in his strength and courage. Death took the man, but his spirit is with us today as he has touched so many of our lives. Thank you.
MR. MCLEOD: Thank you, Dr. Edmunds. I think I can say on behalf of all of us, this has been a wonderful afternoon. We have learned a lot, and posterity will benefit from this. I think we will all try to emulate the example of Donald Russell, but I doubt we can.

We are honored by the presence of Mr. Herbert Adams, Chairman of the USC Board of Trustees. We would like to invite everyone to a reception at the South Caroliniana Library. Thank you so much for spending this afternoon with Donald Russell.
ADDENDUM

Remarks by Senator J. Strom Thurmond
Dedication of Donald Stuart Russell Federal Courthouse
Spartanburg, South Carolina
July 25, 1994

“Donald Russell should be on the Supreme Court today. Because we helped President Nixon a lot in that race, he wanted to give the appointment to South Carolina, and I recommended this man because he could get confirmed and had all these good qualities, but the Attorney General [John Mitchell], who had been Campaign Manager for President Nixon, recommended someone else at the moment [Judge Clement F. Haynsworth of Greenville] who is an excellent man, but I wanted somebody who was not only an excellent man but someone who could be confirmed. I knew he had sat with Senators, he could be confirmed, but he was not selected for that position…He may have walked with Kings — which he has. Been with the high and noble, but he has never forgotten the common touch…This man has always been humble…He has always been a man of compassion and he has also been a man of courtesy in every way.”

Remarks by Chief Judge J. Harvie Wilkinson, III
Donald Russell’s 90th Birthday Celebration
Piedmont Club, Spartanburg, SC
February 24, 1996

“I want you to know that the Fourth Circuit Court of Appeals is, I am sure, the only Circuit in this country — and probably the only Circuit anywhere — where the Chief Judge refers to one of the Circuit Judges not by his first name…When we meet in our executive meetings in the Fourth Circuit, the chair at the end of the table in our conferences has always been reserved for Judge Russell…The Chief Judges of the Fourth Circuit sit at the side of the table and Judge Russell, as his due, sits at the end of the table. I think that we all feel that he sits there because Chief Judges of the Fourth Circuit can come and go but Judge Donald S. Russell is the permanent Chief Judge of the Fourth Circuit.”

NB—Judge Wilkinson had been Chief Judge for 10 days when he made these comments.

Remarks by Judge Sam Ervin
Memorial Proceedings, Richmond, Virginia
May 6, 1998

“Judge Russell loved the Fourth Circuit as an institution. He did all in his power to maintain its highest traditions and to familiarize his junior colleagues with them. He was unfailingly gracious to each new judge who joined the Court, and I am sure that all of us have vivid memories of lively dinner conversations with him…He enlivened our evenings by using his encyclopedic mind to inform us of daily happenings of all kinds—serious and otherwise. He rarely ever failed to join the rest of the judges for dinner during court week—the rare exceptions being when he perceived that we were bent on going
either to a distant and unfamiliar restaurant or one where we had experienced either very slow service or extreme noise. Only a broken arm which resulted from a fall on the ice ever kept him from a court session...So today as we celebrate his life and his time in our midst, we might ask what did Judge Russell teach us and how do we best emulate his example? I suggest that we can recognize a life well lived by keeping in mind the words of a song from an off Broadway musical, *The Fantasticks*, which went, “Try to remember and if you remember then follow, follow, follow.” We shall, I fear, not see his like again.”

Remarks by Donald S. Russell  
Oral History Interview  
South Caroliniana Library  
July 6, 1992

“When they came to Clemson, I got a call, first from Bobby Kennedy, and then his brother, the President, came on the line. They wanted to arrange about having United States Marshals or whatever might be necessary so as to avoid whatever might happen, like in Mississippi. I told both of them that I took full responsibility for law and order at Clemson, that Mr. Gantt would be enrolled without any trouble at all, and we would have no riots, and we would have no gun play, and we wouldn’t have anything of that character, that I had enough confidence in the people of South Carolina, that they were going to be law-abiding, that they recognized what the law was, and that we would live by it.”

[On the decision to be appointed to the Senate in 1965]. “It may have been a bad decision, politically, or not. Events indicated it may have been, but I didn’t have any doubt, and I decided without any question on it...I don’t regret it at all. I take them as they come.”

[On Fred Sheheen]. “I met Fred while I was campaigning [in 1962]...I thought he was, as he is, a very bright person with a very attractive personality and easy to work with and a person who didn’t hesitate to express his views, whether they agreed with what you had initially or not. He’d give you a good argument one way or the other. It was good to have a person like that around. I had great respect for his judgment.”

[On his friends in the Senate]. “Well, I would say that Dick Russell was probably one, but my relations with Bobby Kennedy were very, very good in the Senate. We didn’t necessarily vote the same way [Russell voted against the Voting Rights Act of 1965], but we respected each other and we talked freely to each other and discussed things. I enjoyed the relationship.”

[On being a University president]. “I would say to anybody that was a president of the University, the first thing you want to do is to establish a relationship with the faculty and gain their confidence and let them feel that they can go to you and deal with you freely any time they want to.”

[Upon being asked whether he had planned to enter politics all along]. “Well, I don’t know. I was very ambitious. I don’t know that I knew exactly which way I wanted to go. I knew I wanted to be a lawyer. I didn’t grow up in a very metropolitan situation, so I don’t know that you had any high aspirations. You sort of let things come as they would, but you did have the idea that you’d try to take advantage if you did get an opportunity. That’s about the best that you could do.”