

constitutional tales

A New Storyteller
Brings North Carolina's
Hidden History to Life

North Carolina State capitol, 1861

Historical photos courtesy of
State of North Carolina archives

In the midst of racism, poverty, and political turmoil, North Carolina created one of the best state constitutions in the U.S. for guaranteeing the right to an education. If you or your relatives grew up here, that's one reason why you can read these words today. But very few people realize what makes our constitution special — or the intrigue behind its beginnings.

So says attorney Ann McColl, associate professor of educational leadership in the College of Education. To bring that history to life, McColl developed Constitutional Tales, a series of presentations in which she tells stories from our hidden history. Her audiences have included the N.C. School Superintendents Association, the N.C. Association of County Commissioners, and the NAACP state conference in North Carolina.

McColl developed the tales during a year-long sabbatical in which she explored the ideas and stories that led to the creation of the 1868 N.C. Constitution. Northerners and Southerners, blacks and whites joined together to produce this Reconstruction-era document, but their roles and the key events sometimes have been forgotten or intentionally erased from North Carolina's history, McColl believes.

This post-Civil War constitution continues to affect our educational system today. (The U.S. Constitution says nothing about education, leaving the matter entirely to the states.)

In her storyteller garb – “retro with a modern twist to bring the past

into the present” – McColl weaves together tales of key political figures and events with legal analysis. Her topics include:

- How a carpetbagger led the way to a constitutional right to education
- How black freemen (from the North) and freedmen (from the South) set the agenda for a public school system
- How the connection between public schools and university was broken
- How John Adams, the second president of the United States,

helped create the vision for education in North Carolina.

The presentations use historical documents, photos and maps to make each tale an experience. McColl chose storytelling, rather than a standard lecture format, because stories allowed her to combine complex details in a fresh, engaging way. “We retain information much better when we're guided through a story,” she says. She'll sometimes meet people who have heard one of her tales a year ago and still remember it well.

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Josiah Turner

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For now, her presentations are geared to adults. But she hopes to create versions for children. With additional funding, McColl would like to create museum exhibits, classroom materials, a book or possibly a documentary from the tales. “My goal is to empower people,” she says. “Understanding the law is fundamental to everything you do.” She wants her audience to leave excited about what they’ve learned and aware they can find more answers about the law themselves.

McColl’s tales typically run from thirty to sixty minutes when told. We invited her to create a shorter tale just for us. *extracurricular* is proud to publish this Constitutional Tale for the first time anywhere.

Constitutional Tale: The Political Strategy Behind the Long Ballot

Every four years, North Carolinians elect executive officials to run state government. It’s a long ballot – some might say a long, long, ballot, with everyone from Governor to Commissioner of Insurance listed. Our ballot of statewide officials is longer than any other state’s except North Dakota. Why? That’s what this Constitutional Tale is all about.

The setting for this tale is the State Capitol building in Raleigh during the winter of 1868. Delegates are convening to rewrite North Carolina’s constitution. The Civil War ended in April 1865, but North Carolina has yet to be readmitted to the Union. Before that can happen, Congress has ordered the state – along with other states that had seceded – to amend its constitution to address critical political rights and to ratify the Fourteenth Amendment. Congress also has dictated who can be a delegate to the constitutional convention by banning

from participation those loyal to the confederate cause.

Voters – including African American males – sent a very different group of delegates than had ever represented North Carolinians in a constitutional convention or the General Assembly. Republicans, the political party connected to the abolitionist movement and the Union position in the Civil War, took 107 of the 120 seats. For the first time ever, African Americans were elected into office, winning 15 seats. The influence of the north was also felt with 18 “carpetbaggers” elected as well.

Not everyone was pleased with the change. Traditionalists associated with the Democratic party or the old party of Whigs were not ready to concede power. One of the most vehement was **Josiah Turner**. A lawyer and politician, Turner had served as a representative in the General Assembly and was deeply loyal to the confederate cause. When refused as a delegate, Turner began the *Daily Sentinel*, a newspaper that would cover the convention to provide the Conservative perspective. On opening day, January 14, 1868, Turner’s editorial charged:

“The pillars of the Capitol should be hung in mourning, to-day, for the murdered sovereignty of North Carolina. In the Hall, where have been collected, in days gone by, the wisdom, the patriotism, the virtue of the State, there assembles, this morning, a body, convened by an order of Congress in violation of the Constitution of the United States and in utter disregard of the constitution of North Carolina.”

The deeply divided opinion of whether this constitutional convention was a renegade group of radicals forcing unwanted change on North Carolina or a gathering of illustrious

patriots is reflected in the early debate on whether a reporter should be hired to record the proceedings.

Arguing in favor was Mr. Carey,

"...so that their children's children might read of what was done here. The day had arrived when the laborer might stand forth under equal laws as the best man in the nation. He wished to see justice done."

Delegates chose on a vote of 79 "yeas" to 25 "nays" to hire reporter Joseph W. Holden.*

Early in the convention, delegates debated what state officers should be elected. The "Committee on a Governor and Other Necessary State Executive Officers" had proposed the people elect a Governor, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public Instruction, and an Attorney-



Ann McCoil

General for the term of two years.

Conservatives, including Mr. Durham, did not want all of these positions for reasons that became quite clear:

[Durham] said that these were new offices— unknown to the people of North Carolina.... Pay is increased without precedent, and he regarded all of these things as successive strides of the great despotism, which he believed that the Republican party, as it is called, intended to establish over this country... Again he would inquire, is this poor old State, broken down and impoverished, full of citizens bankrupted and pecuniarily ruined, able to sustain these new offices, created by this Convention? Why were they not created by the

Convention of 1865 and 1866, when the talent of this State was assembled here?

Mr. Rodman responded that many of these positions were not new. About the Superintendent of Common Schools, he argued:

"Now, of all times, was no time to hesitate, but to favor everything looking towards a wise system of education...[I]n North Carolina, both classes must be educated, for only education, combined with labor, would elevate her to the proper rank among the other States."

The next day, **Mr. S.S. Ashley** revealed his interest in running for schools superintendent, calling the job "scarcely less important than the office of Governor." Ashley and those advocating for all of the positions were able to carry the vote. Heated debate then broke out over the length of office. The committee recommended two-year terms, while others advocated for four years:

Mr. Jones... did not believe that frequent elections always promoted the stability of republican government, because of the fierceness of party wrath. ...Besides, the Republican party needed such a term of years to establish itself firmly. It was not too long for the great work of organizing new ideas and to give the people time to consider and to approve. A party is being organized inimical to this great party, and it behooved the members of it to decide wisely, for the future perhaps depended upon their action today.

Taking a vote again after this discussion, delegates chose the four-year term for all officers.

The slate of officers presented for vote to the people included Rev. S. S. Ashley for State Superintendent of Public Instruction. Josiah Turner used

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S. S. Ashley

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the *Daily Sentinel* to target Ashley:

“The adoption of this article, and the election of a Yankee Superintendent, would be a greater triumph to New England propagandism... than all that was ever effected by Grant or Sherman.”

Turner’s opposition was not enough to staunch the momentum for Republicans, including Ashley. When the election was held, the people not only voted in favor of the constitution but also elected Republicans to every elected state office.

So the story of why North Carolina chose a long ballot at least begins with this history of a group of delegates who sought to bring about change by gaining control long enough to make a difference. They

had big ideas, and a long ballot was their means for trying to shape the destiny of North Carolina.

The story didn’t end there.

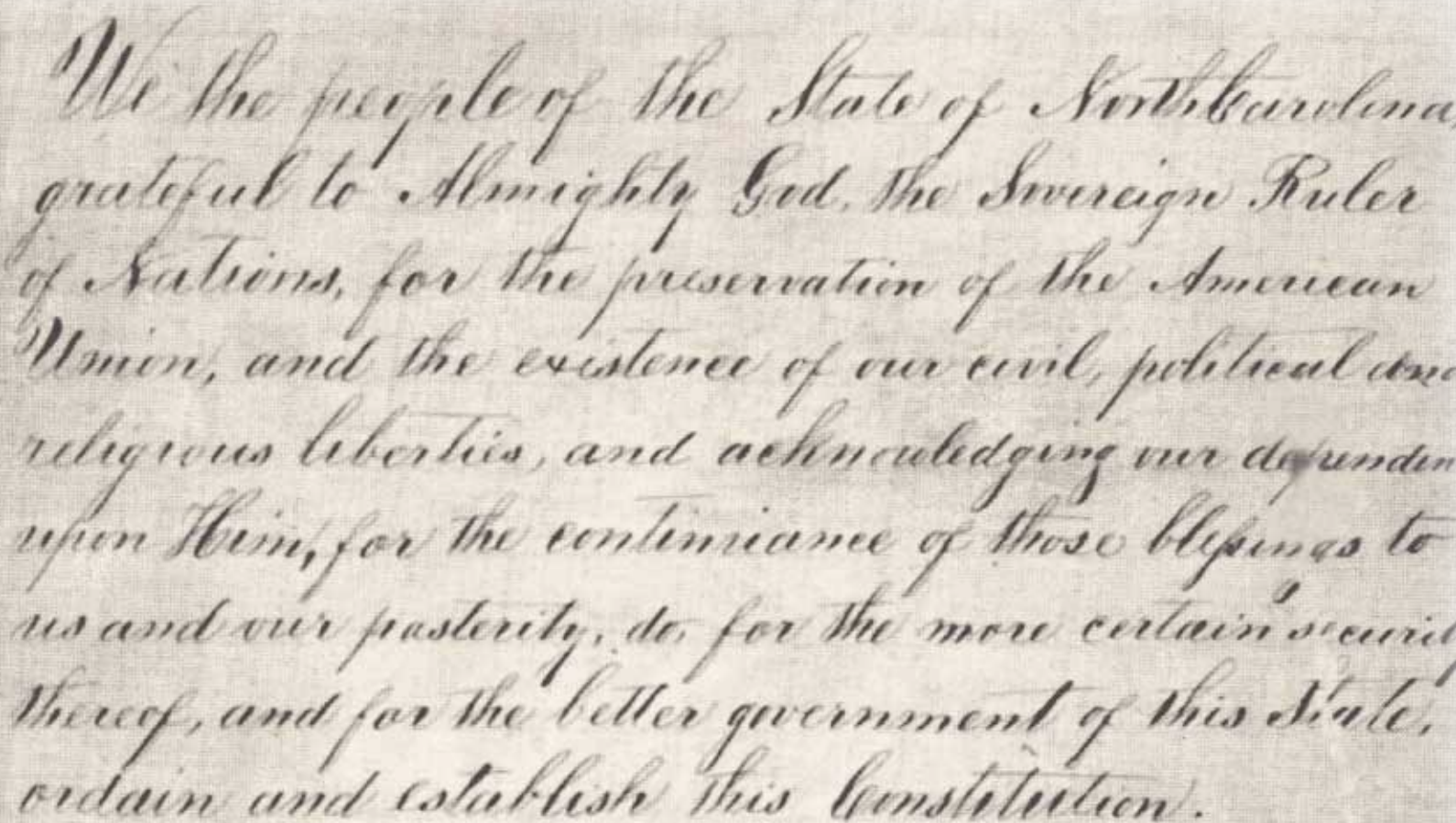
Ashley immediately established a comprehensive set of schools laws and advocated for state funding. Conservatives, however, took control of the General Assembly. They dramatically reduced Ashley’s salary and eliminated his travel fund. Turner and others continued to target him. He resigned.

Josiah Turner returned to power, elected to the 1868 General Assembly. He was a delegate to the 1875 constitutional convention where Conservatives turned back many of the provisions in the constitution. Turner was widely believed to be heavily involved

with the Ku Klux Klan, and his style of personal attack ultimately led to his expulsion from the General Assembly in 1880. (He was the last person expelled until 2008.) Turner sold the *Daily Sentinel*, which later became the *News and Observer* – still Raleigh’s paper today.

As for the long ballot, over time, changes to the constitution expanded the list of elected officials. The General Assembly has often defined the duties of these positions, making its own stamp on North Carolina’s long ballot. How that happened... is another story.

**This tale is drawn from the account of reporter Joseph W. Holden and additional reporters he may have hired.*



We the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.