

# Two spots contested on state Supreme Court

## Brock, Martin seek court bench

From staff reports

Two judges on the N.C. Court of Appeals will face each other Tuesday in the Democratic primary election to fill a vacant seat on the N.C. Supreme Court.

Walter Brock, chief judge of the state Court of Appeals and a 10-year-plus veteran in that post, will oppose Robert Martin, an appellate judge since 1972.

Martin and Brock are running for the Supreme Court post being vacated by retiring Justice Dan Moore, who has reached the mandatory retirement age of 72.

Martin is the appeals court judge who wrote the Wilmington 10 decision that later went to the N.C. Supreme Court and was reviewed by Gov. Jim Hunt. Brock concurred in Martin's opinion upholding the conviction of the 10, praising Martin as "an impartial, patient and courteous judge."

Brock served from 1973 until 1977 as chairperson of the N.C. Judicial Standards Commission, the group that investigates complaints against judges in the state.

## Erwin challenges Campbell for seat on appeals court

By DAVID STACKS  
State and National Editor

N.C. Court of Appeals Judge Richard Erwin, appointed to the bench in December 1977 by Gov. Jim Hunt, is facing what some in the legal community say is only token opposition in his bid to retain his judgeship against the candidacy of Fayetteville attorney Austin Campbell.

Yet Erwin, a two-term veteran of the State House of Representatives with six years behind him as a member of the N.C. Board of Education, spent several days on the campaign trail last week speaking to civic and church groups soliciting voter support.

Campbell has criticized Hunt and state Rep. John Ed Davenport, D-Nash, chairperson of a House Judiciary Committee, for their endorsements of Erwin.

"I think these endorsements are ridiculous," Campbell says. "What amounts to is a politician asking people to substitute his decision for their own."

Campbell, a lawyer in Fayetteville and Charlotte, is a former assistant state attorney general. He served as counsel to the U.S. House Committee on the Post Office and Civil Service and a special assistant in the U.S. Department of Defense in 1977.

"People say I am qualified because I have never been a trial judge," Campbell says. "But obviously, that's not really an asset because Erwin was never a judge before Hunt appointed him."

"I think not to have been a trial judge is a positive factor," Campbell says. "An appeals judge reviews the decisions of trial courts. He is not restrained by the same rules that tie down a trial judge."

Erwin practiced law in Wipston-Salem for 26 years before assuming his appeals post in January.

He criticizes his opponent for never having represented a client in a criminal case from beginning to end and for Campbell's inexperience in the state appeals process. "He has never even prepared an appeals brief," Erwin says.

Brock seems to have support from the legal community, although Martin also has kept contacts he made while serving as a trial judge from 1967 to 1974.

Political observers say Martin is a good campaigner. On the campaign speaking circuit, Martin tells stories of his 30 years as a trial judge and 10 years as a practicing attorney.

Even though Martin and Brock still work together on the Court of Appeals, observers say the professional friendship between the two has cooled considerably since both announced their candidacies for the high court.

Brock, who as chief judge of the Court of Appeals hands out administrative duties to the other jurists, in March gave Martin a bundle of time-consuming post-conviction requests.

Martin later said he had handled similar matters last year and if there were a normal yearly rotation of workloads, it would be five years before Martin would have the task again.

Brock said all judges on the court have to carry various workloads and Martin was not singled out for extra duty.

Both candidates say they are conducting low-key campaigns. Martin has sent out palm-sized cards with his picture and a summary of his qualifications to old political allies across the state and has written to friends asking for support.

Brock speaks to civic groups and has a pamphlet listing his qualifications and pledging to keep the public trust if voters send him to the high court.

Aside from ruling on the constitutionality of state laws, both judges say they believe the N.C. Supreme Court should adhere to laws approved by the N.C. General Assembly.

But both candidates say it is proper for the court, through its written opinions, to suggest which state laws should be changed.

## Judge, lawyer seek court spot

From staff reports

A state appellate court judge and a prominent criminal lawyer from New Bern will square off Tuesday in the Democratic primary race for a seat on the N.C. Supreme Court.

Reginald Frazier, a New Bern attorney who was defeated in the 1974 Democratic primary race for the high tribunal, is challenging David Britt, a Robeson County native who worked on legislation setting up the N.C. Court of Appeals and was appointed one of its original judges in 1967.

Britt and Frazier are candidates for the judgeship held by Supreme Court Justice I. Beverly Lake, who will retire at the end of the year.

Britt has been re-elected twice, each time unopposed, to his appellate post. He has written letters to friends and political allies across the state asking for support in the 1978 primary, even though he is considered the favorite over Frazier in the legal community.

Frazier, considered the underdog in the race against Britt, speaks confidently when he attends Democratic Party rallies for state and local candidates.

"Britt is not known at all," Frazier says. "I think North Carolinians are ready to elect a black man statewide. North Carolinians are a progressive, intelligent people." Frazier is black; Britt is white.

Frazier was an unsuccessful candidate for the 1972 Democratic nomination for lieutenant governor. He lost his 1974 primary bid for the Supreme Court.

He announced his candidacy for the Democratic nomination for the U.S. Senate in November 1977 but withdrew from the race after it became known Frazier earlier had endorsed state Sen. McNeill Smith in the Democratic senatorial race.

Frazier was suspended from practicing law in the state for a year on charges of mishandling a client's trust funds. Later, he was jailed overnight for remarks made during a trial in Durham.

Britt was a member of the N.C. General Assembly from 1958 to 1967. He served on the N.C. Courts Commission from 1963 to 1967, helping iron out the legislation that set up the state appeals court. Former Gov. Dan Moore appointed Britt to the state appeals bench in 1967.

"In my entire professional life — now 40 years — I have been interested in improving the courts of North Carolina," Britt says. "I really want to end my career by working for this at the top — I'd like to serve on the Supreme Court as my final effort."

Frazier, who has been a trial lawyer for 17 years, discounts Britt's judicial experience by contending that his own work as a practicing attorney would make Frazier a more qualified judge.

Both candidates say they believe the state's highest court should refrain from hammering out legislation by judicial rulings and agree the Supreme Court is within its bounds in suggesting to the N.C. General Assembly which laws should be improved, and how.

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