

Visions & Values

BURKE COUNTY PROFILES IN LEADERSHIP

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Section D

Byrd brothers build legal legacy

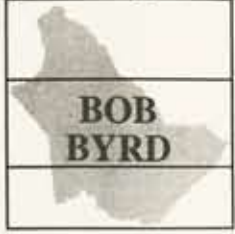


JOE BYRD



Joe K. Byrd, left, and Robert B. Byrd in the firm's office at One Northsquare.

Photo by Bill Poteat



BOB BYRD

By BILL POTEAT
Managing Editor

If ever a dictionary should be printed specifically for Burke County, beside the entry for "lawyer" there will doubtless be a picture of Joe and Bob Byrd.

For these brothers, more than anyone else, have epitomized the legal profession in Burke County for decades — its challenges, its frustrations and its triumphs.

From humble origins in the Drum Straight community between Drexel and Morganton, the brothers rose to head the most prestigious law firm in Burke County's history.

In addition, they have been true "movers and shakers" in the community for decades as well, exerting open, and sometimes not so open, influence and political power on a variety of issues.

Joe has been named "Citizen of the Year" in Drexel, Bob, "Man of the Year" in Morganton. Joe has been extremely active in the First Baptist Church of Drexel for decades. Bob in First United Methodist of Morganton.

Joe is the shorter, and quieter, of the two brothers, but his quietness does not mask an inner toughness nor an intense dedication to his profession and to the people and the causes he has championed over the decades.

Bob is the taller and more quick spoken of the two, given to good-humored hyperbole and the sort of stories that the late Sen. Sam J. Ervin Jr. once made so popular in Burke County. But here too one finds steel not far beneath the surface.

The brothers sat for a lengthy News Herald interview recently in the spacious office of Bob Byrd in the firm's suite in One Northsquare, a stone's throw from the Burke

County Courthouse. The office's wall are filled with mementos from the junior Byrd's lengthy career in both the law and politics.

Among these prized possessions is an autographed photo of the late President John F. Kennedy — the urbane Northeastern Catholic whom the small town Southern lawyers fervently supported in the election of 1960.

The heritage

Joe first set up his law practice in

Morganton in 1950. Bob joined him in 1955. Today, the firm includes eight lawyers; Joe, who retired from active practice in 1989 but continues to make his expertise available to the firm's younger members, Bob, John Ervin, Scott Whisnant, Larry McMahon, Jimmy Ervin, Bobby Ervin and Peggy Saunders.

Asked about why the firm has prospered so over the years, Bob speaks first:

"It comes from picking lawyers who had ability," he said. "That and picking lawyers who will give their

all to every case, no matter how small."

Joe expanded on this theme: "Our reputation has always been that we would fight a hard saw for our clients," he said. "We would fight anything that stood in our way. Fight fair. But fight tough and fight hard."

It was while serving in the Army in Europe during World War II that Joe found himself at a crossroads — torn between a career in the law and one in government, between law school and graduate work in politi-

cal science.

"In a sense," he recalled, "it came down to a choice between the University of Chicago and the University of North Carolina. And, since I was very much in love with a Drexel girl, Gleeeta Harris, it was easier to choose Carolina."

That "Drexel girl" went on to become Joe's wife and the mother of his seven children.

As to going somewhere else to practice law after his graduation from Chapel Hill, Joe said, "I never really considered it. This is where I

wanted to be. It's just that simple." For Bob, five years behind his brother in school, the choice seemed not so simple.

For a time, it appeared that he was headed to an appointment to the U.S. Naval Academy and a career as an officer in the U.S. Navy. A math grade just under the minimum requirement for admission to the academy changed those plans, however, and he too went to law school at Chapel Hill.

As a law school student, Bob met Alfred Coates, a law professor and also director of the Institute of Government. The professor took a liking to the young Burke County native and, when Bob passed the state bar exam, offered him a position on the Institute of Government staff.

"That was mighty heady stuff for a young boy from Burke County," Bob recalled. "Chapel Hill's a pretty nice town to live in. My wife was happy there. I had to do some serious thinking."

That "serious thinking" included a trip home to visit his parents. One night, Bob said, as he lay tossing and turning, unable to sleep from wrestling with the decision about the job in Chapel Hill, his father entered his room.

"Son," he said his father said to him, "why don't you just come on home?"

Bob said he immediately rose, dressed, drove to Chapel Hill and picked up his wife and young son and returned with them to Burke County.

"I came home," he said, "and I've never looked back."

The politics factor

Another decision Bob says he has also never looked back on was that never to seek elective office.

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From Page One

Often acclaimed as the best speaker in Burke County and a naturally political animal, Bob has always been active in Democratic Party politics but his name has never appeared on a ballot.

"Part of it was pure economics," he said. "With Joe serving in the (N.C.) House and then the (N.C.) Senate back in the 1950s and 1960s, one of us had to make a living or we would have starved."

That said, however, Byrd settled back in his office chair and thought a little longer on the reporter's question about "why not?"

"I once had all the ambitions that a young lawyer can have," he said. "And I was told by some pretty high folks that I'd make a good candidate for Congress back in the 1960s."

"And I have to tell you," he said, "I really wrestled with that one. But I remember sitting at the supper table with my son Dixon, who was eight or nine years old. And he said, 'Daddy, if you go off to Washington, we won't never have no more fun.'"

"Well, that clinched it. I made that decision then. I closed that door. And again, I have never looked back."

While Bob stayed away from seeking office, Joe entered the elective battleground, winning terms in both the House and Senate. He was a key and critical player in the decision to establish Western Carolina Center here in the early 1960s and he later served as chairman of the State Mental Health Board.

"Both of us," he recalled, glancing at Bob, "could have gone on to be Superior Court judges, if we were interested. But we both seemed to want to remain right here. I never had any desire to go any further than Raleigh."

During the 1950s and early 1960s, the Byrd brothers were passionate supporters of the "liberal wing" of the N.C. Democratic Party, backing candidates such as Frank Porter Graham, Kerr Scott and Terry Sanford.

Those battles between the party's liberal wing and its more conservative wing reached a peak in the 1964 gubernatorial primary which saw liberal champion Richardson Preyer pitted against ultraconservative J. Beverly Lake.

Between them, stood Sylvia lawyer and judge Dan K. Moore.

Preyer received the most votes in the primary but did not achieve the 50 percent then needed to win the nomination. After that primary Lake threw his support to Moore and in the second primary Preyer won but three counties to Moore's 97. One of those three was Burke.

"We gave it everything we had for Preyer," said Bob. "Had he been elected that year, the history of this state would have been different. He would have been an outstanding governor."

After the 1964 election, the battle between the Democratic Party's two wings was largely a thing of the past, as more and more of the state's more conservative Democrats, such as Jesse Helms, joined the Republican Party.

"Those were high spirited days," Bob said. "We always fought for what we believed in, what we thought was right."

Building a reputation

In addition to fighting these spirited political battles, the Byrd brothers were building a reputation as a tough and aggressive law firm — a firm that could win the big cases but which also devoted time and care to the little ones as well.

"The quality of the people that we have had with us over the years has just been extraordinary," said Joe of the firm's other members.

"We've recruited Burke County talent," said Bob, "but the best and the brightest of Burke County talent. And, we've looked for people who would be with us for awhile, not for folks who were looking to make a name for themselves and then move on."

Looking back over those decades of success, both Byrd brothers say the biggest changes in the law to occur since the 1950s are its increasing complexity and the subsequent increasing specialization of the legal profession.

"The complexity of the law today compared to the 1950s is just astronomical," Bob said. "The law is so technical now in so many fields that no lawyer can be a true general practitioner anymore."

"There will be even more specialization in the years ahead," he added. "A young lawyer coming out of law school today would have

a very difficult time trying to set up an independent, general practice of the law."

Joe agreed with his brother on the increasing complexity of the law but also spoke about the changing nature of the legal profession.

"Burke County has always had a reputation as having an outstanding bar," he said. "In times past, so many agreements were not put into writing that now have to be in writing. In times past, an attorney's word was his bond. That's not true now. And that's not an indictment of lawyers. Things simply aren't done that way anymore."

Joe said he has also seen a lessening of the respect which the public once had for lawyers and a diminishing of their role in the community.

"The lawyer used to be the person in the community who every one would look to. He was the last one to speak and when he spoke, people listened," Joe said. "Lawyers now seem to have lost

touch with the community. They have lost that esteem and regard that they once held."

Asked if he would recommend the law now as a career for a young person, Bob said, "I'd recommend it, if the person has his heart in it. There are plenty of easier things that a man can do to make a living than be a lawyer."

"It's a pressure cooker career," Bob continued. "If you don't love it, it will eat you up and wear you out. If you do love it, it's a very rewarding profession. If a man wants to be his own self, it's the best profession that I know of to go into."

Looking ahead

As to Burke County's future and what areas need to be focused on for future growth and improvement, Bob had a quick reply. "Education, education and education."

"Education," he said, "is the only thing that's going to solve the drug problem, the alcohol problem,

the problem of teenage pregnancy. We've got to educate our young people. We've got to keep them in school and we've got to keep them challenged."

This focus on education must come not only from government and from society, Bob said, but most importantly it must come from the home.

"We've got to work on the family," he said. "We've got to work to restore a sense of values and of worth to individuals. If we do not do that, America is going to continue to decline. I don't see any other way of looking at it."

Agreeing with his younger brother on the importance of education, Joe spoke also of the need for people to recommit themselves to making their communities better by working through government.

"Government is a very fine vehicle, sometimes the only vehicle, for accomplishing serious economic and social changes," he said. "You have to be a part of the force that

determines who is going to get what, what our priorities are going to be."

Politics, Joe said, is an honorable pursuit for those who enter it for the right reasons.

"The use of government to bring about positive changes in people's lives is an honorable pursuit," he said. "I would urge young people to go into politics not for personal things, not for personal gain, but to improve the quality of their community's life."

Summing up, Joe said, "We have to look at ways to enhance the quality of life in our communities. Sometimes that requires looking beyond the present, looking even beyond tomorrow. And sometimes we have to spend money to do it."

"Doors don't open every day," he said. "You have to be ready to walk through those doors when they open. Young men and women, have to come forward now and pick up the mantle of leadership in this county. That's my vision."