

CITATION FOR CHARLES EDWARD DAY
2004 WINNER OF THE THOMAS JEFFERSON AWARD
University of North Carolina at Chapel Hill
Friday, April 23, 2004

Charles Edward Daye, Henry P. Brandis Professor of Law, is the 2004 recipient of the Thomas Jefferson Award, bestowed annually upon a Carolina faculty member whose personal influence, teaching, scholarship, and service best exemplify the ideals and objectives of Jefferson. Jefferson was a brilliant national leader, a sparkling presence on the young American scene, and thus our UNC award is most appropriate. .. but today, with a significant caveat: Charles Daye's many virtues fit less the mold of the author of the Declaration of Independence than of his Virginia colleague, James Madison, to whom we largely owe the American Constitution. Madison comes to us, scholars Stanley Elkins & Eric McKittrick suggest, as "the man of sagacity and intelligence, of great learning in the realms of history and political science, who nevertheless does not insist upon himself. He is the quiet builder, mindful of men's ideas and feelings, willing both to channel their energies and to allow them the credit. He is self-effacing, resourceful, and tireless, . . . It is thus James Madison who, almost in spite of himself, emerges as the chief architect of the United States Constitution."¹

Charles Daye has likewise played the role of "quiet builder" for thirty years, strengthening this University immensely while providing crucial national leadership to legal education through "resourceful and tireless" efforts. An honors graduate of North Carolina Central University and Columbia University School of Law, Daye clerked after graduation for Chief Judge Harry Phillips of the United States Court of Appeals for the Sixth Circuit before entering private practice with a distinguished Washington law firm. Drawn to teaching and scholarship, Daye came to Chapel Hill in 1975, where he began a brilliant academic career. Soon the lead author of one text, *Housing and Community Development* (3d. ed. 1999), that has become the national authority in its field, Daye later authored a second text, *North Carolina Law of Torts* (2d ed. 1999) which has achieved a similar reputation in North Carolina legal circles. A gifted but demanding teacher, Daye has long been beloved by students for his "sagacity and great learning," his enthusiasm for the law, and his unfailing respect for every student. Charles Daye is ever "mindful of men's [and women's] ideas and feelings."

Daye's life beyond scholarship has been marked, like Madison's, by extensive public service. Called early in his career to serve as Dean at North Carolina Central University School of Law, Daye returned to Chapel Hill in 1985 after four outstanding years as NCCU's Dean. Repeatedly selected to chair key UNC Law School and University committees, Daye developed national expertise in one of higher education's most crucial contemporary issues, student and faculty diversity. The list of those who sought his guidance grew long indeed, including the Law School (where he twice served as chair of a special Admissions Policy Committee), and the University (whose Affirmative Action Advisory Committee he chaired as well). National leadership lay ahead, for the Law School Admissions Council, which oversees the nation's law school admissions policies, first named Daye to its Board of Trustees in 1988 and then designated him

¹ Stanley Elkins & Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788-1800*, at 79 (Oxford, 1993)

its President and spokesperson from 1991-1993. Faced with serious, nationwide legal challenges to affirmative action admissions policies in the mid-1990s, the Association of American Law Schools drafted Daye to serve on a special Diversity Task Force in 1999 and to a Joint Committee on Diversity in 2001. In 2003, Daye coauthored an amicus curiae brief that swelled the chorus of voices ultimately influencing the Supreme Court to preserve affirmative action in college and university admissions. Despite his fearless speech and his indispensable contributions, Daye remained throughout a "quiet builder," willing for others to receive credit so long as the vital work was done.

Charles Daye's extensive service has extended well beyond university circles into the wider community- Vice President of Legal Affairs for the North Carolina Academy of Trial Lawyers for two years; President of the North Carolina Association of Black Lawyers for three years; chair of the Board of Directors of the North Carolina Fair Housing Center for eight years; chair of the Board of Directors of the North Carolina Poverty Project for fourteen years; and chair of the Board of Trustees of the Triangle Housing Development Corporation for sixteen years. Plainly once a group experiences the leadership of Charles Daye-one who does "not insist upon himself" but skillfully" channels the energies" of others toward important accomplishments and then "allows them the credit"-they never want to let him go.

Daye's faculty colleagues at the School of Law know these qualities well. No voice brings more clarity to difficult faculty debates, no judgment is truer, no spirit quicker to ennable petty disagreements by recalling the deeper principles that unite us all. Charles Daye is the soul of sagacity and good judgment, a perfect faculty colleague. And again like Madison, whose spouse Dolley proved his lifelong counselor and inspiration, Charles Daye gratefully acknowledges the debt he owes his wife Norma, a gracious and constant stay and support.

While the visionary Jefferson gave us the Declaration of Independence, a document we dream by, it is the practical and determined Madison who managed to guide fifty-four querulous colleagues toward completion of the document we live by. If Carolina has no finer award than one named for Jefferson (not Madison), it is fully appropriate to bestow it today, for we have no finer colleague among us than Charles Edward Daye.

Prepared and delivered by Professor John Charles Boger