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JAMES BRYAN MCMILLAN

Judges are expected to do their work justly; on rare occasions, however, their judgments mark a great advance for justice in the broadest sense -- as the judicial career of James McMillan shows. Born in Goldsboro, he took his undergraduate degree here in the class of 1937 and a law degree at Harvard. Following a spell of work on the staff of the State Attorney General and four years of naval service during World War II, he became a partner in a leading law firm in Charlotte, and had practiced law there for twenty years (and served as president of the North Carolina Bar Association) when in 1968 he was named United States District Judge for the Western District of North Carolina.

In this new capacity he was soon called upon to decide a case that in its effects was to become one of the most far-reaching judicial decisions of this century. His ruling in *Swann vs. Mecklenburg County*, of which this year marks the the twentieth anniversary, ordered the school busing that rapidly increased desegregation in public schools across the country. In this decision, delivered at the cost of tremendous unpopularity and physical threat, he showed a remarkable willingness to rethink many of his own earlier ideas and to uphold a prophetic understanding of the law.

His entire judicial career has been marked by a view of the law that does not bend to popular opinion when there is a possibility that constitutional rights have been violated. As an occasional performer of Gilbert and Sullivan, he has probably sung the line, "the law's the true embodiment of everything that's excellent"; but this maxim is true only insofar as those who devote their lives to the law show, as he has consistently done, a sensitivity to its human dimensions. James McMillan has a high place among the great lawyers and judges connected with this State and this University; and it is with admiration for one who himself embodies the law so exemplarily that we salute him with the degree of Doctor of Laws.