



Frank W. Ballance, Jr.

1942–

UNITED STATES REPRESENTATIVE ★ 2003–2004
DEMOCRAT FROM NORTH CAROLINA

The first African American elected to the state legislature from eastern North Carolina since the Reconstruction Era, Frank Ballance won election to the U.S. House in 2002, succeeding Representative Eva Clayton in a district that included much of coastal North Carolina. During an 18-month tenure in the House that was abbreviated by health problems and a probe into his management of a nonprofit foundation, Ballance served on the Agriculture Committee—an important assignment for his predominantly rural, farm-based constituency.

Frank Winston Ballance, Jr., was born in Windsor, North Carolina, on February 15, 1942, to Frank Winston and Alice Eason Ballance. His mother, noted one political activist in eastern North Carolina, was the “political wheel” of Bertie County, organizing drives for voter registration and advocating greater representation for the area’s black voters.¹ Ballance graduated in 1959 from W. S. Etheridge High School in Windsor and four years later earned a bachelor of science degree from North Carolina Central University in Durham. In 1965, Ballance graduated with a law degree from the same institution. He was employed as a professor at South Carolina State College (now South Carolina State University) from 1965 to 1966. Ballance served in the North Carolina National Guard in 1968 and continued on as a reservist until 1971. He practiced law, establishing a firm along with Theaoseus T. Clayton (the husband of future U.S. Representative Eva Clayton) in Warrenton, North Carolina. Ballance married Bernadine Smallwood, a lawyer, and they raised three children: Garey, Angela, and Valerie.

Ballance became active in local politics in the late 1960s as a youth director of the local chapter of the National Association for the Advancement of Colored People. He eventually ran two unsuccessful campaigns: for a seat as a judge on a district court in eastern North Carolina in 1968

and, after switching to the Republican Party, for a seat on the Warren County Commission in 1974. Ballance soon returned to the Democratic Party “to my people, where my votes are.”² In 1982, Ballance became the first black in roughly a century to be elected to the statehouse from the eastern section of the state, defeating a white lawyer to represent a newly redrawn district. A local newspaper published the story under the headline “Free at Last.” Ballance recalled, “Among the black community, there was great excitement that a new day had dawned and things would be different.”³ He served from 1983 to 1987 in the North Carolina state house of representatives. He was unsuccessful in his bid for a nomination to the North Carolina senate in 1986 but was elected two years later and served in the upper chamber from 1989 to 2002. As a state senator, Ballance was a leading critic of the death penalty, especially for mentally retarded convicts. He also was responsible for a four-year education plan that raised teachers’ salaries statewide, a measure to fund state community colleges with local bonds, and the establishment of a mental health fund.⁴

In November 2001, when six-term Representative Eva Clayton announced her retirement from the House, Ballance entered the race to succeed her. Ballance had managed Clayton’s first successful run for the U.S. House in a special election in 1992 to fill the vacancy resulting from the death of U.S. Representative Walter B. Jones. A decade later, Clayton encouraged Ballance to run in the district, which encompassed much of northeastern North Carolina, arching southward from the Virginia border along the Albemarle and Pamlico Sounds and including areas encompassed by Ballance’s state legislative district. Some of its major commercial towns included Goldsboro, Kinston, and Greenville. The district was heavily Democratic (Democrats outnumbered Republicans four



to one) and was majority African American (50.5 percent).⁵ Among those vying for the nomination were Sam Davis, a Pasquotank County commissioner; former U.S. Attorney Janice Cole; and Christine Fitch, chairwoman of the Wilson County school board. A lawsuit over state redistricting pushed the May primary back to September. Ballance campaigned on his 18 years' experience in the state legislature. In the September 10, 2002, Democratic primary, Ballance prevailed convincingly over his three competitors, with 47 percent of the vote, capturing 17 of 23 counties in the district; the nearest runner up, Davis, tallied 26 percent.⁶ In the general election, Ballance defeated Republican nominee Greg Dority, a security consultant, by a margin of 64 to 35 percent.⁷

When Representative Ballance was sworn in to the House in January 2003, he received seats on the Agriculture Committee and the Small Business Committee. Weeks after winning election to the House, the Democratic freshmen chose Ballance as class president—an honor that was conferred on Ballance's predecessor, Representative Clayton.⁸ The position provided some influence because the class president traditionally served as the spokesperson for their first-term colleagues and as an intermediary with House leaders.

Representative Ballance's assignment to the Agriculture Committee was key for his rural district, which relied on its large tobacco crop as well as its sizable harvest of cotton and peanuts. Two of the district's primary industrial products were textiles and lumber. Ballance called attention to the plight of thousands of textile workers in his district who had recently lost jobs, arguing that without more aid, the state would "face a crisis of chronic unemployment with shrinking safety nets to combat this crisis."⁹ He also placed a priority—as had Representative Clayton—on securing federal money for education and better access to health care for his district. In 2003, he opposed a Medicare prescription drug plan backed by the George W. Bush administration, arguing that it favored health maintenance organizations (HMOs) and drug companies over the interests of many of the

elderly and poor constituents of his district.¹⁰ Additionally, Representative Ballance joined other members of the North Carolina delegation in October 2003, to secure federal relief funding for portions of North Carolina that were devastated by Hurricane Isabel.¹¹

By the fall of 2003, Representative Ballance's congressional career became mired in controversy surrounding a nonprofit substance abuse facility that he cofounded in 1985. The John A. Hyman Memorial Youth Foundation, located in Ballance's hometown of Warrenton, North Carolina, was named after the state's first African-American Representative, who represented what was known as the "Old Black 2nd District," which wound its way through eastern North Carolina. As a state senator, Ballance had secured state funding for the nonprofit while continuing to serve as chairman of the foundation's board of directors.¹² Investigations by the Federal Bureau of Investigation and North Carolina state regulators uncovered "conflicts of interests"—including payments to Ballance's family members, political allies, and campaign staff. Additionally, the foundation had failed to file state and federal nonprofit taxes for years.¹³

A number of candidates were prepared to challenge the incumbent in the 2004 Democratic primary. Late in the filing period, Ballance formally entered the race, only to withdraw several days later. On May 7, 2004, Representative Ballance announced his retirement from the House, citing myasthenia gravis, a debilitating neuromuscular disease that weakens the muscles. In explaining his decision to leave office before the end of the 108th Congress (2003–2005), Ballance commented, "We expect that with time and medication that I'd be fine. It's just that it did not appear that I was going to have the energy and strength to run this vigorous campaign that I had to run."¹⁴ The North Carolina Representative resigned from the House effective June 11, 2004, and retired to his hometown of Warrenton. Ballance was eventually succeeded by former North Carolina Supreme Court Justice G. K. Butterfield in a special election held on July 20 to fill the vacant seat.

In early September 2004, Ballance was indicted on federal corruption charges related to his management of the Hyman Foundation.¹⁵ In November 2004, he pled guilty to one count of conspiracy to commit mail fraud and launder money.¹⁶ In October 2005, he received a four-year jail sentence.¹⁷

FOR FURTHER READING

“Ballance, Frank W.,” *Biographical Directory of the U.S. Congress, 1774–Present*, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=B001238>.

NOTES

- 1 Jena Heath, “Ballance Evens Scales by Breaking Barriers,” 2 February 1997, *The News & Observer*: B1.
- 2 Heath, “Ballance Evens Scales by Breaking Barriers.”
- 3 Ibid.
- 4 *Almanac of American Politics, 2004* (Washington, DC: National Journal Inc., 2003): 1197.
- 5 *Almanac of American Politics, 2004*: 1197.
- 6 “Sept. 10 Primary Election Results,” 18 November 2002, *News and Observer*: B5; *Almanac of American Politics, 2004*: 1198.
- 7 “Election Statistics, 1920 to Present,” available at http://clerk.house.gov/member_info/electionInfo/index.html.
- 8 “Ballance Elected to Lead Freshmen of 108th Congress,” 22 November 2002, *Greensboro News and Record*: B2.
- 9 *Congressional Record*, House, 108th Cong., 1st sess. (14 May 2003): H4099–4100.
- 10 *Congressional Record*, House, 108th Cong., 1st sess. (4 March 2003): H1504–1505.
- 11 *Congressional Record*, House, 108th Cong., 1st sess. (1 October 2003): H9106–9107.
- 12 Dane Kane, “Ballance To Keep House Post,” 9 September 2003, *The News & Observer*: B4;
- 13 Damon Chappie and Erin P. Billings, “Ballance Vows To Stay on After Harsh Audit,” 23 October 2003, *Roll Call*.
- 14 Dan Kane, “Ballance Drops Out of Race; Scandal, Health Figure in Decision,” 8 May 2004, *The News & Observer*: A1; Jim Morrill, Mark Johnson, and Staff Writers, “Ballance Ends Campaign; U.S. Congressman’s Withdrawal Brings Rush of Hopefuls on Last Day of Election Filing,” 8 May 2004, *Charlotte Observer*: 1B; Lauren W. Whittington and Erin P. Billings, “Embattled Ballance Retiring,” 10 May 2004, *Roll Call*.
- 15 Matthew Easley, “Ballance Charged With Corruption; Indictment Alleges Abuse of State Post,” 3 September 2004, *The News & Observer*: A1.
- 16 Matthew Easley, “Ballance Legacy in Tatters; Guilty Plea Ahead in Corruption Case,” 9 November 2004, *The News & Observer*: A1; “A Trust Betrayed,” editorial, 11 November 2004, *The News & Observer*: A16; “Ambition and Crime: Rep. Frank Ballance’s Actions Stole the Public’s Trust,” editorial, 15 November 2004, *Charlotte Observer*: 16A.
- 17 Dan Kane, “Ballance Gets 4 Years for Misuse of Money,” 13 October 2005, *The News & Observer*: A1.