

# John A. Wilkinson: Attorney and Man for All Seasons



*Article by Pat Brown and Pat Respass*

*On a cold January day, Dr. Armstrong, Pat Respass, and I, Pat Brown, went to the office of John A. Wilkinson, attorney at law, to interview Mr. Wilkinson for Life on the Pamlico. Mr. Wilkinson is an excellent choice for an oral history of our local legal system.*

Because Mr. Wilkinson is an historically minded citizen of Washington and practiced law for some 50 years in the oldest building still standing in the town, the Beaufort County Courthouse, we feel fortunate that he granted us an interview. He has watched social, political, economic, and cultural life change in the nation's oldest Washington.

As we entered his large library, Mr. Wilkinson greeted us graciously. He displayed the portrait of a kind, unique, and colorful man. As he sat sipping on his afternoon Coke, he began to speak.

We gave Mr. Wilkinson a complimentary copy of Life on the Pamlico. To our surprise, he knew well the gentleman pictured on the cover: Mr. Wahab of Ocracoke Island, who is pictured on a pier, his dog at his side. Immediately, Mr. Wilkinson explained the details suggested by the photo.

That's the dock next to the Pamlico Inn; that's the runway, not the Pamlico Inn dock but the one next to it going that way. The Pamlico Inn was 150 yards long and ran from the edge of the sound shore out to the channel. The boats docked out there.

*I believe that picture was taken in the thirties. Is that right?*

Yes. The dog I knew.

*Is that right?*

Yes. He was David's [Wahab] favorite. He had a bad habit of swimming, jumping out in the sound when a boat was coming in. Swimming around and picking up trash. David said that

he would beat him three or four times a night but he persisted in doing it and finally one day he came in with a quart bottle of liquor in his mouth that somebody had lost over a yacht out there. Liquor was more precious than gold in Ocracoke in the early 1930's. So he said he apologized to the dog for having beaten him and told him that he could jump overboard as many damn times as he wanted to. I said, "Did the dog take you at your word?" And he [Wahab] said, "You saw him this morning swimming around out in the sound."

*Mr. Wilkinson was a classmate of Mr. Armstrong's father, Roy Armstrong, at UNC in the 1920's. He asked Mr. Armstrong about his father.*

Did you ever hear your Daddy sing "Look Down That Lonesome Road"?

*I believe I remember him singing that years ago.*

"Look down, look down that lonesome road before you travel on." But he had some verses that he wrote himself.

*Oh, is that right?*

I picked up on some of them: "Look up, look up, look up and see that lonesome duck flying from pine to pine, quacking for his true love, just like I'm quacking after mine!"

*I don't believe I ever heard that verse.*

Well, you missed a whole lot from your Papa.

*So he wrote his own version?*

Yes, before he was married. Golly, that's been a hell of a long time.

*January, 1985, Mr. Wilkinson noted, had a special meaning for him.*

This January marks my 50th anniversary of practicing law in Washington. Here is where I started.

*Were you born and raised here in Washington?*

In Pantego.

*In Pantego?*

Nobody more so. My family there goes back to 1830 and in the Winterville community area back to 1720 and in the Hyde County back to 1706. Ain't nobody as old as I know of.

*Do you mind giving us your biographical data?*

Why, certainly not. I was born in Pantego on October 22, 1909.

*Did you go to school there in Pantego?*

Graduate of Pantego High School, 1926. Best damn rural high school in North Carolina and maybe in a lot of other places!

*You are very proud of the large number of graduates that have held responsible offices locally?*

Mostly of the regime during the reign of Fred Parker.

*I had read lots of your letters setting out how many people had graduated from*

*Pantego.*

Futrell [editor emeritus of the Washington paper] had me do an article on the subject entitled "Pantego Alumnus Looks at His School." And then I spent a year at the Peddie School in Hightstown, New Jersey, in further preparation for the University. Mama thought I was too young to go.

*You went from there to Carolina?*

Carolina.

*And all the way through law school at Carolina?*

Undergraduate degree at Carolina. One year at law school they tossed me out and I went over to Raleigh and studied under Judge Bell and beat my graduating class by a year.

*Is that right?*

And took my bar examination.

*What about your honors in the varsity debate while at Chapel Hill? Were you a big person in debates?*

Well, I was chosen best speaker of the class of 1932, I was speaker of the Bar Assembly, I represented the University in more inter-collegiate debates than anyone had previously and, as far as I know, since. I won every medal offered at the University for debates.

*Didn't that start with your debating team in Pantego? Don't they have a strong debating team?*

Oh, they did in that time. Not any more high school debates; they've been gone over the horizon for twenty or thirty years.

*But didn't you participate then?*

Oh, yes. Pantego went to Chapel Hill, winning ten times out of twelve, and three of those, it went to the semi-finals for the state championship. I was on one of those teams in 1926. Malcolm Paul was on another in 1930 and, finally, Eddie Voliva in 1932.

*Mr. Wilkinson told us that his athletic career ended in high school when he injured his leg.*

That ended my athletic career. I played for Pantego.

*Football?*

No, we didn't have a football program. We had choose up football. We built a field, the boys did. We talked the school board into letting us have some of it in the back of the Pearl Smith house. The road now is taking up most of it. But, no, I was not primarily an athlete, but I did play on the first Pantego High School basketball team to beat Belhaven, which was a considerable feat because Belhaven in the early '20's had the best basketball team in this whole area of any school of any size. They felt like they were slumming when they played Washington. They went to the finals for the state championship; that was when not A, B, and C [classifications] but everybody went. And they lost to Durham in Chapel Hill in the Tin Can [ancient facility at Carolina].



*What position did you play?*

Both forward and guard.

*How did you hurt your leg? Did you hurt your leg there?*

No, no, I hurt my leg in an automobile wreck. I was not an outstanding athlete.

*How do you remember your experience in high school as, perhaps, being different from the way students are in high school today?*

Well, hell, they don't know anything now!

*Oh, is that right?*

Damn, I have been serving on the Morehead Scholarship Committee [for UNC] since its inception, and I always ask one of them when they come up there, "What is a gerund?" And out of those scholars, not one out of thirty would know. Your best guess would make it similar to a participle, which is not far off except that a gerund is a verbal noun, a participle is a verbal adjective. But most of them didn't know what the hell I was talking about. They wouldn't know anymore than the square root of three.

*I've heard this from several people, older people that we have interviewed from Bath and Washington and different areas; the consensus seems to be that the schools were much better back then.*

Oh, there isn't any room for any intelligent debate about it from those that have the facts. In the Pantego school, which was a rural school, though not typical of rural

schools, we had four years of Latin, two years of French, and you could not get out of the seventh grade there for a brief period, all the time that I was there, if you could not pick up a newspaper and spot every part of speech that would be in a typical long sentence and identify the clauses and tell whether they were compound or whether the sentence was compound, complex, or simple and spot if there were any phrases, what part of speech they represented. What I remember most vividly about it--and I was not the best of scholars except in a few restricted subjects--we had to construct, off hand, right when you came in, a sentence with a prepositional phrase, the said phrase being used as the subject of the sentence. And they popped it[the question]. I had had an experience the day before which caused me to almost have a fight because I wouldn't climb the fence to retrieve a ball. And so I immediately popped right out with "over the fence is out," "over the fence" being the prepositional phrase and the subject of the sentence. That's what's out, "over the fence." But grammar was insisted upon, punctuation and spelling, and we had compulsory four years of mathematics ending up with geometry.

*How was the discipline compared with what you have observed?*

Phooey! Everybody loved Fred Parker, the principal, and everybody was scared to death of him. A dominant figure! "[growling] BRRRRrrr! See me this p. m.!" That meant staying after school. I'd like to have ten thousand dollars for every afternoon I heard that. Not for misconduct, he wouldn't make you stay for misconduct; he'd thump you. It was bad enough to have him holler at you, "You butt-headed goat!" Imagine being called

a "butt-headed goat"! But he never called one that that didn't deserve it.

The discipline was tight. Everybody said "yes, sir, and yes, ma'm." The only incident--we had a tough boy who was pretty smart, named Elwood Whitney from Pantego, who just thought himself a real toughy. And we had a Marine, who was just discharged, who was teaching mathematics in part. He was right fresh out of the U. S. Marine Corps, World War One. He had a lot of expressions and one of them was when you go out, "Hit the Door!" That meant, "Get out of here!" Whitley hadn't heard it before, and Whitley made some remark to him that he didn't like. He said, "Hit the door!" So Whitley, with a big powerful winner [punch], went up and gave the door a bang with his fist and cracked the paneling.

Mr. Winn, who was known irreverently--but not to his face--as "klee bug, which was even worse than boll weevil, of course, made a break at him. And Whitley jumped down those steps out in front of the building--BLUM! BLAM! BLUM!--and away he went!

*How about Carolina? How was your experience there, academically and socially?*

It would have been quite difficult for me because I had a bad habit of not working. Except that I had come from Peddie where it was infinitely tougher.

*You were well prepared?*

I was well prepared, and my lack of scholastic achievement was due solely to my own involvement in so many other activities of

one kind or another, most of them honorable, some of them not.

*That must have been a great time at Carolina.*

A wonderful time, and it spoiled me from looking at the Institution ever since. We had an honor system, which really was an honor system. If a professor stayed in during the class to supervise the examinations to see that nobody cheated, the class got up and walked out, the whole group. And, of course, old ones didn't try it, but occasionally some new teaching fellow or somebody like that would do it.

*So according to the Honor System, the professor was bound to get out of the room?*

Yes. They did not like the implication that there was anything going on. The Honor System was rigidly enforced. To show you how well it was ingrained, they had all over the campus what they called "honor boxes." That was a box with candy, chewing gum, and everything in it. You went and got out what you wanted and put the correct amount of money in it.

*I don't believe that they would work today.*

Oh, good God, no! They existed until the worst part of the [economic] depression, and then many of the students were actually about to starve, and they had to take them up for that reason.

*Who were the big rivals of Carolina in sports?*

Duke. Virginia had just passed out during my time, and Duke sprang up. Duke was so insufferable! Yeah, that bunch of horses' back ends! The favorite Carolina taunt was "Forty million dollar prep school!"

*Mr. Wilkinson continued on the subject of Carolina's athletic rivals by relating a story about his fraternity brother Charlie Jonas, the former congressman.*

Charlie came back to Carolina two or three years after he had been practicing law and made a talk to the student body. He said that we have a dreadful habit at Carolina of not choosing our rivals well. He said now



*Duke was a "forty million dollar prep school."*

when intercollegiate sports started at Carolina the people that we choose for our big rivals were Wake Forest and Trinity [Duke]. Pretty soon when we were beating the stuffings out of them, we promptly forgot them and picked on Virginia. And then for 10 or 12 years straight we failed to win a game from Virginia. And now during his time we had reversed the trend, and what happens? Up springs Duke, and we forget Virginia and elect Duke. And now they have brought down Wallace Wade [football coach from Alabama], and they are beating the tar out of us every meeting. He said, "Go back and find Virginia. The smart thing is to get somebody you can beat." The Virginians recognized that. He brought on what they [Virginia] were saying, "Glory to old Virginia! No matter how dismal the year is, Thanksgiving will come and let us thank the Lord for the University of North Carolina because every year they come up to Richmond and are promptly slaughtered."

*How about State? Was that a little later that State became an intense rival?*

Well, of course, you are a rival with anybody who is in the state you play. But they elected State when they got so they could beat Duke. That's exactly what happened. Tatum [football coach in '50s at Carolina] came down there blowing his horn, and then Edwards over at State beat him two or three times. And State started bragging, and in the meantime we got so we beat Duke regularly. So we forgot about Duke and took on State. I don't know what they will do now that they have got so that they beat State.

*Johnny Branch, Mr. Wilkinson recalls, was the best running back at Carolina, even better than the legendary Charlie "Choo Choo"*

*Justice.*

He was a much better runner than Justice. Justice played on great ball clubs. Branch had a good team behind him only his first year, his sophomore year, and at that he was enormously handicapped by the fact that for some reason best known to himself, Chuck Collins [the coach] had him playing quarterback; and quarterback, under the Notre Dame system that we were using, was essentially a blocking back. He didn't even handle the ball, and the only time Johnny ever got to run from scrimmage was in fake punt formation. And as soon as he went back into fake punt formation, the opposition knew immediately what was coming. He made his reputation returning kicks.

*Wasn't he noted for getting very close to the ground and even touching the ground with his hands?*

Well, you could do that in those days. It was not illegal. You could even get up after you were knocked down. That's where the word "touchdown" came in. You went in and touched the ball down until the ball was touching down. Not until very modern times has it become that if you are knocked off your feet [the runner is down]. As a matter of fact, when Branch made his most famous run, which beat the previous year's national champion, Georgia Tech, he returned a kick for 70 yards that sewed up the ballgame, a punt return for a touchdown, [in which] he was knocked down three times. But he rolled over. He was only about 5', 4". But he had short and very powerful legs, and he ran just like a pea in a pan--swit, swit, swit! Well, he could

stop and start, change directions, thanks to those short legs. A man with longer legs couldn't possibly do it.

*After studying for a year under Judge Pell in Raleigh, Mr. Wilkinson passed the bar in December, 1934, and moved to Washington, North Carolina, to practice law.*

Of course, I had never lived in Washington. I'm from Pantego.

*In those earlier days when you were here, how was the practice of law?*

We had a stronger bar then than we do now. And that's a self-defeating statement. We had those who were in active practice here, including A. D. McClain, who went from here to be Assistant U. S. Solicitor General and argued successfully in the first case won by the New Deal for the Supreme Court of the U. S., the Goldcloth case. He was what might be conveniently known as a lawyer's lawyer. With him was William Rodman, who has just recently departed from our midst, who was a great lawyer. Also was Mr. Junius D. Grimes, a very first class lawyer, a shrewd manipulator, and his one-time partner, and my favorite, Honorable H. S. Ward, Sr., better known as "Hot Stuff." "Hot Stuff" Ward.

*Why would you say he was the best?*

I said he was my favorite because I liked him and he made a much better speech than any of those that I have named. In a way he was an orator. He was distinctive and as individualistic as Winston Churchill. He had some of Churchill's mannerisms and so forth. He was inherently an actor; but, more than that, he was a phrase maker. He made different kinds

of phrases--characterizations, for instance, of the Roper Lumber Company and Richmond Cedar Works and several other big lumber mills that were operating in here at the turn of the century. He said, "These lumber barrons roam up and down the woods of North Carolina, on their banner a strange device. Let him take who has the power. Let him keep who can."

*Was he effective with the jury?*

Yes. He made an enormous reputation. One of the things that catapulted him into attention was that as a very young man he had a debate with John B. Respass, one of your [Pat Respass] and my cousins.

*Pat Respass pointed out that she is a Respass by marriage, not birth.*

Well, you look like one! The reason is that the Respasses are Celt in background, and you have a typical Celtic face. You could have come right out of good old Scotland. But the Respasses were not Scotch; they were French Huguenots.

*Of the cases he was personally involved in, Mr. Wilkinson remembers two that he lost better than any others.*

Two that I lost I consider terrible miscarriages of justice. One is a civil case, and I can comment freely on that. That was the case of Owens vs. Chaplin. Decided in 1949, it involved the title of the office of clerk of court of Tyrrell County. Owens was a Republican candidate; Chaplin was the Democratic incumbent. The Republicans at that time were strong in Tyrrell County due

to the influence of one man, a sheriff Calhoun, who was later to be U. S. Marshall. He was elected in Democratic country consistently in spite of all they could do. He decided he was tired of being by himself. So he persuaded a ticket to run with him and did elect the Republican to the legislature and actually elected Owens to be clerk. But the count showed Chaplin, the Democratic incumbent, elected by 25 votes, but when the Republicans examined the ballot, they found that 52 of those votes were absentee ballots from Norfolk. What had happened was that Chaplin himself, who was the incumbent clerk of the court, had gone up to Norfolk and found people that used to live in Tyrrell County that had never bothered to change their voting place, found a list of them. It's a small county, you understand; everybody knows everybody, knows who has moved out. They went up there and discovered there were some 70 or 80 persons who had not bothered to change their voting place but were residents of Norfolk. Some of them had been there 25 years, and they went up there and got them to sign an absentee ballot, knocking on their door and walking in. They carried a notary public with them, and also they had the chairman of the county board of elections. And they gave them a spiel and got them to vote an absentee ballot. So they called me up and said, "Let's contest it." So we went before the State Board of Elections--no dice, we knew that. We went into the court and attracted a great deal of attention and the late Kent Palmer Battle--great name in North Carolina, not only for himself, but his father and grandfather before him. (Matter of fact, one of the new dorms [at Carolina] was named for him.) And he was then an old man. He heard the evidence. On the other side was ex-governor

Erhinghaus and helping me was Mr. Ward. Judge Battle heard that we went up to Norfolk, and, as referee, he heard the evidence from every one of them. As a result, he overturned the election, certified our man as having won by 25 votes or thereabouts. They appealed to the Superior Court. The late Hunt Parker, with an enormous reputation, heard the case. He found that we were right about the 25 votes and added a dozen more to it.

They appealed to the Supreme Court. Mr. Ward and I went up there. When we got there, Ward turned around to me and said, "Damn!" He said, "Look a yonder! Everyone of these seven judges were appointed by Erhinghaus!"

*You didn't have much chance there, huh?*

Well, we thought we did anyhow. Mr. Wood had a particular friend on there, and that was Judge Stacey. Stacey would stop everybody else when Mr. Ward was talking. He would not let anybody interrupt him except himself. He was the Chief Justice and was fascinated by Mr. Ward.

*Mr. Ward didn't hold anything back, did he?*

No. He said, "More damn lies have been told about me than any man in the history of eastern North Carolina." But then he stopped-- said, "But the hell of it is they sound like they could have been true." But I've wandered off on Mr. Ward, but he's more worthy of commentary than most people.

*When did you get involved in the politics?*

Well, my family, the Wilkinsons, were originally from County Durham up on the Scottish border, and apparently they were quite active in the Cromwell deal as so many of those Northern Englishmen were on the side of the Parliament and against those from the southwest who were largely loyal. They were dissentors. I know that much. They immigrated to Virginia sometime in the 1640's and came down to North Carolina in about 1704. Then there was a tradition in the family of no liquor drinking, until this past generation of which I'm the youngest member. But, apparently, some of them had tried to catch up with the lack.

But they were obviously Puritan in background. And it might have been predicted they were avid supporters of the Revolution. They detested the Anglican Government, more than just an ordinary person would. Four times great-grandfather fought in the Revolutionary War. As a result, he was anti-Thomas Jefferson. Jefferson was thoroughly disliked by all the Continental soldiers because he was accused, with some degree of justification, of tyranny during the war and with failure to support Washington. That was intensified by the fact that he opposed Hamilton and opposed Washington's foreign policy while Washington was President. In this section of North Carolina, [people supported Washington and Hamilton and, thus, opposed Jefferson]. [This is] forgotten now, even among the historians at Carolina [UNC]; apparently, most of them don't know what the hell they are talking about! That sounds like an outrageous statement, but I can back it up. This state went for John Adams as against Jefferson in 1796, and it split its electoral vote in 1800 when Jef-



erson was elected. Anyhow, my four-times-greatgrandfather was a Federalist and his sons all went into the Whig Party when it developed in the late 1830s, '40s and '50s. Then my grandfather made the transition from the Whig Party into the Republican, without the slightest hesitation. And so did my great-grandfather on my mother's side.

But they have all been Republicans until some of the Yankee Republicans [that is, after the Civil War]. When asked about this, they said, "Shut your tater trap! Not a damn one of you can touch mine [Republican heritage]! You may have been Republican-Federalists and Whigs and Republicans as long as I have, but no longer because mine goes back to the formation of the Republic! But further than this, we belonged to those parties where they were in the minority, where our necks were stuck out and your chicken so and so grandfathers were riding the swell!"

But from the time I went to school at Pantego, my mother loved to read history to me. Somewhere about there in the fourth grade we started studying history, which you did then in the fourth grade and they didn't call it social studies either, which it isn't. And they started calling me a black Republican. Now that made me mad! I thought I would stay ahead of them, and I read history ever since I was eight or nine years old. My mama read it to me whenever I would get tired at night. Instead of reading fiction, I found it far more interesting. Find out what really happened as to what people would say had happened, which comes closer to the truth. And so I was naturally cast as a Republican in high school.

And Mr. Parker, who lacked an independence of spirit and who was down the line a 154% Democrat himself, found nobody to argue with. And as soon as I got in the ninth grade, then he picked me out and he delighted in pushing me around as soon as he found out he wouldn't hurt me but that I would push back, which I did so very respectfully, which I dared not do anything other, but I got a good grounding. I heard all the best Democratic arguments that could be assembled long before I got out of high school. So when I went up to Carolina from Peddie, I was picked as the first freshman ever to represent the University against an all-England team.

*At this point in our conversation with Mr. Wilkinson, his law partner Mr. Jim Vosburgh came in. Mr. Vosburgh didn't seem surprised that Mr. Wilkinson had been wheedled into "shooting the bull, of which I've had a lot of experience."*

*After this pleasant break, we returned to the topic of Mr. Wilkinson's involvement with the Republican Party.*

*How do you think the activities associated with politics, like the rallies and so forth, have changed since the Thirties? I guess that is when you started pretty actively in politics?*

Well, I don't know that there have been any profound changes. As a matter of fact, probably on the local level they have picked up because while the Republican Party was strong in this county from 1866 up to 1900--a matter of fact long after Reconstruction was over in 1896, the Republicans swept the state. They elected--I don't believe every but certainly--most Congressmen, two U. S.



senators, and a governor. And they swept this county too. I kid Howard Chapin [Democratic state representative] from time to time because his father was a Republican registrar of deeds of this county.

*Do you think the current Republican Party has really evolved into a streamlined political institution?*

I think the Republican Party, like the Democratic Party, has always been an association of people who had many different views, and that hasn't changed. As a matter of fact, the thing which all Republicans could unite on but for quite different reasons, that brought the Republican Party into existence was the opposition to the spread of slavery into the territories. Now, some had all-out opposition to slavery, period--the abolitionist wing of the party--but they were not dominant. They were represented in the 1860 convention; their candidate was Seward. The Republicans who simply did not want any more blacks coming into the territories as slave labor and who wanted to preserve the Union, their candidate was Lincoln, and he won quite easily. And one of the ironies of American history is that the assassination of Lincoln and the wave of resentment that followed it put his adversaries in power in the government. I have recently seen a very interesting speculation on the proposition that the people that were behind the assassination were the people in the Republican Party desiring to get rid of Lincoln so they could control the Reconstruction deal.

*Who were those purported to have been in on the plot?*

Thaddeus Stephens, Congressman from Pennsylvania, would have been one; Stanton, the Secretary of War, was another; and Salmon P. Chase of Ohio was a third; and there were others. Not Seward. Seward [Sec. of State] was converted after he joined the Lincoln cabinet, but it is a fact that their idea was to make the South a black nation, which has since been ressurected, not from Republicans, but from the other side of the fence.

*Do you find it ironic that the Republican Party has switched from its original position?*

No, I don't say that. I say they haven't switched. I say that the majority group in the party in 1860 represented the point of view quite typical of a person, such as I am or Ronald Reagan. You will remember that Lincoln did not voluntarily issue the Emancipation Proclamation. He was put under the gun. He was threatened that if you don't issue this proclamation right now, the abolitionists and those who were fighting to free the Negro rather than to preserve the Union are going to back out and say, "Let those Southern bastards go!"

*That's interesting.*

That's accepted by most historians.

*One thing I wanted to ask you: how is a trial different today compared to a trial in the Thirties?*

Not much. But there was more formality then than now and much more rigid court etiquette. I can't imagine somebody like

Hunt Parker [judge], for instance, allowing a defendant to come into court, or anybody else, in his undershirt.

*Back then it would be much more formal?*

Well, they wouldn't allow anybody to come that wasn't dressed decently. And whoever misbehaved in court would go to jail lickety-split! With most judges, of course, not all of them were that way. The standard of conduct was much more rigid, and the court was more formal. The lawyers, they had begun to abandon it by my time. They called each other brother, Brother Grimes or Brother Wilkinson, etc.

*How do you feel about the women being practicing attorneys? We now have two in the local bar? You did not have them back then, did you?*

Well, there were some female attorneys; there was never any prohibition against them, no legal prohibition. But women have moved into public life generally. I, for instance, am not opposed to that. However, it is much more difficult for them to hack it than for a man given equivalent circumstances.

*Why do you think that is?*

Well, here you are having me speak for publication. I refuse to answer that on the grounds that it might incriminate me.

*Okay.*

*I notice one other change, speaking of changing. This might be a small thing,*

*but there has been a time when lawyers did not advertise because of ethics. And now there are advertisements in the yellow pages.*

Yes, and that is getting away from the idea that we brought with us from England that lawyers were a fraternity and that they had rigid standards of conduct toward each other and toward the general public. That notion has been rapidly eroding, and I am opposed to the erosion. You will note how many lawyers now are being charged, and justly so, with defalcation of funds and generally sloppy standards of conduct. I don't say that didn't happen in the old days; it did, of course. But, I believe, far less frequently.

*Do you think lawyers, just generally speaking, are perhaps not as talented or skilled today as they were, generally speaking, 50 years ago?*

Oh, well, I don't know. I am not in a position to say that generally. But as to the local bar, I would say the Beaufort County bar in the '20s and early '30s was recognized as one of the half-a-dozen strongest in the state and one of the three or four in a town of equivalent size, generally recognized. In addition to the people that I named previously there was, of course, Clay Carter, who was a brilliant trial attorney. It is dangerous to name people because you tend to leave some out, but, for instance, in that last class there was Harry McMullan, who later became Attorney General of the state and then was elected president of the Attorneys General Association of the United States, an extremely able and distinguished man although he did not have as big a reputation while he

was here as some of the others I have mentioned. On thing, he wasn't as spectacular.

*Do you remember any judges as being really outstanding?*

Oh, yes! I would say right at the top, and most everybody who knew him would echo that, one of the great Superior Court judges of this century in North Carolina was Malcolm Paul from this county. He had the judicial temperament. He did not get angry; or if he did, he didn't show it. His voice was level; he was polite to everybody. He was a profound student, and he had the ability to think in a straight line. A lot of brilliant people can't do that. He could go from cause to effect just as surely as if he was a circus performer walking a wire.

*What are the qualities a judge, like Paul, should have?*

I think outstanding judicial temperament and a devotion to trying to find out where the truth is within the framework of the rules you have to operate by. That is more important than any other single quality, although there are many others: quickness, sureness of decision, and any number of others you might mention.

*What is your view on the current charge that the legal system is breaking down nationally and is not able to handle criminals?*

I dispute the fact, the alleged fact, that the legal system is breaking down. It [the breakdown] comes in law enforcement, and it comes because we have substituted rights for duty. Everybody talked about the rights, but damn few people talk about their

duties to the public. And as a result, we have glorified the rights of the criminal; and, furthermore, we have relaxed law enforcement, particularly in the cities and particularly against minority groups.

*So you would say that the breakdown is in the law enforcement?*

And in the public attitude toward it. We have a headline in the morning paper echoing just what I have said, here in the Raleigh News & Observer, the top headlines in it. Here is a man [the "subway vigilante"] who because he is constantly pushed and banged around and threatened on the subway, decides it is necessary for him to be armed. And he goes there, and he sees a bunch of toughs attempting to take money at knife point from people as standard operating procedure. But instead of doing that, he tells them to stop; and when they don't stop, he shoots them. And now they want to try him.

*Doesn't make sense, does it?*

By golly, I think he ought to have a medal, and a bunch of other people think that too. But we [should] get rid of the notion that we ought to baby everybody and that everybody is redeemable. That simply is not so. Some are irredeemable because they haven't got sense enough to be responsible. More are irredeemable because they are just naturally bad people, with twisted personalities. The most effective deterrent to crime is punishment, not necessarily severity of punishment, but the certainty if you do so and so, you are going to get whacked. That's what mama told me when I was a youngun: "Keep your hands out of the cookie jar; if you don't, your mama is gonna spank

you!" And I knew it was not an idle threat. She didn't have to do it much because I knew she meant it. In Pantego the discipline was maintained (you asked me about the Pantego School) because you knew darn well you were going to get punished if you didn't do right; and if you came into class unprepared, you were going to stay after school.

*You know, I run into the same thing in the education where the idea of the last, say, 20 years or so is that everybody passes and nobody fails. That is ridiculous! You know that some people are going to fail.*

Either you grasp it, according to an acceptable standard, or if you don't, a promotion without that grasp is not only not helpful; it is injurious.

*That's right.*

I have a classic example, which is all too usual. I was trying a murder case in Swan Quarter several years ago. My client admitted that he had killed his uncle. His uncle was a notorious drunkard and tough. When he was sober, he loved this younger nephew; but when he got drunk, he was evil. And he started in on my client, and my client, in his last extremity, got a hammer or some similar thing and knocked him in the head, and he died. But my client didn't know he hit him or didn't know how seriously he was hurt. And he got in a car and said he was going to get out of there until his uncle came to himself; for if he had to stay around there, he was going to have to kill him. And he fled in the car, but the mistake was he knew he had killed him and he was making a getaway and he was going toward Columbia. When I put him on the stand to

explain, he said he was just riding around to get out of the neighborhood. And they said, "Weren't you headed towards Columbia?" "No," he said. They asked him, "Didn't you see a big sign up there that said 'Columbia, 15 Miles'?" And he said "Yes" when he came up there. And I said, "Look a here, you blankety, blankety, you've just bought yourself a long, long prison term! My defense had gone to pieces. What in the world were you going to Columbia for? That is 35 miles from where this happened, if you were just riding around?" He said, "I didn't know I was going to Columbia." "Well," I said, "You have admitted you saw the sign." He said, "I can't read." I said, "The hell you say! I thought you quit school in the twelfth grade at Swan Quarter." He said, "I did." I said, "What can you read?" He said, "I can read my name if I write it myself." I said, "How in the world did you get up to the twelfth grade?" He said, "They just got tired of looking at me, and they pushed me up every year."

*I know the feeling.*

I put him back on to testify to it, and after that he was so obviously telling the truth and the Hyde County crowd was so upset by it all that the jury brought in a verdict of a much lesser offense of manslaughter instead of murder on the theory that they were hitting him too hard.

*Is that right? That's great!*

And occasionally, to amuse myself, I grab a high school graduate, and I start asking them a few questions. And I ask them to read me something if they are my client.

They can't do it; they can't read an ordinary newspaper. So you have difficulty understanding and they are making all sorts of sloppy pronunciation and they can't talk without saying "you know, you know" or "right . . . I went so and so, right." Everytime one of them says that to me I say, "wrong."

I have a daughter when, even after she was married, she talked to me over the telephone would say "you know." And every time she said that, I took the number, whatever times it was. "One" I said; and when I got up to six and she kept right on saying "you know," she suddenly realized what I was doing, and I said, "No, I don't." I have about broken her of it.

*We certainly do thank you for talking to us. I wanted to ask you one more thing if you have time. Do you have time?*

I don't even know what time it is.

*It is four or a little after four. I wanted to ask you how you feel about modern technology and the computer. Do you feel a threat or anything?*

Oh, I don't see any threat, provided they are not substituted entirely for learning. Because you have a computer does not mean that you ought not be able to do common fractions or to take the square root of a number because, as I view it, education, particularly mathematical education, has a number of pluses besides the ability to use it in your profession. First place, it is good sound training, mental training. I don't know that the mind is a muscle; but

certainly the more you use it, as long as you are not as old as I am, the better you can use it. It has that much similarity to a muscle, and mathematical training teaches you to think logically. Now, you can be illogical with every darn thing in human experience; but a mathematical equation, now, that won't stand illogic. Neither will geometry. When you said QED, that means that which was to be demonstrated has been demonstrated; and if you haven't done it, then the error is obvious and it sticks in your face like a cocklebur. And, therefore, I see nothing wrong in using computers. But I do see something wrong about substituting them for ordinary learning and about teaching a youngun eight to 12 years old computer technology instead of teaching him long division. For instance, I think that is stupid and ultimately self-defeating and may make Isaac Asimov's prophecy come true that human beings have sacrificed their minds and leaned on computers until they can no longer function without them.

*Do you still recite poetry? You used to sing and recite poetry a lot when we were neighbors?*

I have had a lot of fun doing it.

*Do you have a favorite that you want to share with us?*

I have a lot of favorites. I think perhaps one of the most spectacular and beautiful poems in the English language is Gray's "Elegy in a Country Churchyard":

The curfew tolls the knell of parting day,  
 The lowing herd wind slowly o'er the lea  
 The ploughman homeward plods his weary way,  
 And leaves the world to darkness and to me.

I like Tennyson. I like Nineteenth Century poetry, which is a passion that I share with the late John Butler.

*How about the American poets of that period? Do you like them?*

Oh, yes! I like Longfellow:

By the shores of Gitcheegoomie

Wawatassi said the pine trees . . .

Poe is good.

Nor all the demons down under the sea,  
 Can ever dissever my soul from the soul  
 Of the beautiful Annabel Lee.

*Beautiful.*

*Do you have plans for retirement, Mr. Wilkinson, to your beautiful new home you have just built on your farm?*

I never intend to retire to my home to do nothing but look at the oak trees. I will stop the practice of law at the present rate that I am going. I am working as hard

as I did when the next \$5 was important as to whether or not I would be able to go on a weekend and a little later on as to whether I kept bread in the house for my young wife. But I work just as hard now as I did then, but I am going to put an end to that shortly. There are a number of options open. I cannot say for certain, but I expect it is likely that I will be reappointed to the Board of Trustees at the University by this new Republican administration. And, of course, I have an enormous empathy with Chapel Hill; and if I go back there, I am fooling with the idea of taking some courses just for the hell of it, so to speak, and principally because I want to heckle some of the professors up there that I know, especially in history and economics, because I have found out that most of them don't know as much as they pretend.

*Before you finish, I want you to comment a little bit about the very famous George Washington Carawan trial that was here in Washington in 1853.*

One of the dozen or so spectacular trials in not only the history of this county but North Carolina.

*And was recorded in Classics of the Bar.*

I've read about it in several places, but the spectacular thing is that Lindsay Warren's grandfather, Edward Warren, was the prosecutor. George Washington Carawan was a woman chaser, and he was trying to have an affair with a school teacher, much younger. And he thought that they were not doing right by him or doing wrong by him, whichever way you want to put it, and he got mad with and



killed someone. As a result of it, he came up to be tried; and he felt fairly confident of acquittal because he had sort of ruled Hyde County, pushed people around. When he got up here [Washington], the case was brilliantly prosecuted by Edward Warren, who was, apparently, a man of extreme ability. And Carawan sprung up and said, "That man has hanged me!" And he pulled out his gun and shot him, right there in the courtroom! But what happened, Mr. Warren had a medal for some achievement and the bullet struck the medal.

*I thought it was his pocketwatch.*

Whatever it was, it had been given to him; it was a presentation, and [the bullet] hit it and glanced off and knocked him down, but no serious injury. But Carawan, before he discovered that horrible turn of events, had killed himself.

*Mr. Wilkinson has written a booklet about politics in North Carolina. Referring to it, he gave us an interesting discourse on political parties in North Carolina.*

There is an almost total absence of accurate information about the real history of American political parties here in North Carolina. The fact was brought forcibly to my attention in my early contacts with the political field here in North Carolina. I had supposed that this lack of knowledge and misinformation was a phenomenon peculiar to the one party state. However, I was undeceived when I served on the platform committee at the Republican National Convention in 1964 in San Francisco. As I said in my preface, no one on the 100 member platform committee, except myself, knew

how or why the Republican Party of 1854, the GOP, got its name. The answer is simple.

The name was deliberately selected in an attempt to show the affinity of the new party with the party of Thomas Jefferson. Jefferson's party--it always tickles me to remind those who say, "I would like to be a Republican, but I just can't; my ancestors would die if they knew that I took the name Republican"--was known by him not as the Democratic Party, not as the Democratic Republican Party, but as the Republican Party. He never knew it by any other name, nor was it called by any other name during his lifetime by either its members or its enemies. Some writings, which make no pretense toward historical accuracy, simply call the Jefferson Party the Democratic Party. Others, and there is a surprisingly long list indeed, use the terminology Democratic-Republican. The last usage comes from either deliberate distortion of the facts or from extreme sloppy research and scholarship or perhaps from a combination of both.

But there is simply no excuse for this falsification of history. After I undertook some research in connection with this pamphlet, I began to understand some of the reasons for the lack of knowledge and misinformation which abounds not only in the general population but among top-ranking politicians about American political history. I have reached a tentative conclusion that it would be remarkable if even a reader of history whose reading was merely casual had any real general understanding of American political history. One reason, his sources are inaccurate. In the next several paragraphs [of his booklet] I will illustrate

this fact.

Washington, North Carolina, has an excellent public library for a town of only 8,000. That library resulted from a very substantial donation by a great public-spirited citizen. In it there are three standard encyclopedias. I looked for an account of the Republican Party of Thomas Jefferson. In Encyclopedia Americana, Vol. 8, p. 665, it is called the Democratic-Republican Party and the account begins with this statement: "The name by which the Party of Jefferson was known from 1800 had its origin in the Democratic Clubs." The account continues, "After 1830 it was known simply as the Democratic Party." The first of these statements is completely untrue and is an absolute reversal of the facts. The truth is that the party of Thomas Jefferson avoided the name Democratic because of the Democratic Clubs. As we shall see later, that name was never used to describe Jefferson's Party by any of its founding fathers during the lifetime of Jefferson and for approximately ten years thereafter. The reason was that the Democratic Clubs were started by Citizen Genet, the ambassador of France, who tried to raise the general insurrection against Washington and they were associated in the public mind with treason. The second statement is also false although the error is not so gross. In 1830, as we shall later see, there was only one political party, the Republican Party; and although its division had begun six years earlier, that is, between Jackson and John Quincy Adams, it had not yet been completed and no new names had been adopted. The term Democratic Party is applied to one of the offshoots of the Jefferson Party. The term did not come into general use until 1844. Jefferson died in

1826. The second encyclopedia examined was the Britannica. The article entitled "Democratic-Republican Party" begins in Vol. 7, on page 187. It contains this statement: "The party began at times using the title Republican" and a little further in the article is this statement: "The party continued under various designations until 1824." What is false is the implication that the Jefferson Party used any other title except Republican through the year 1824. This is simply not so. We shall see that everybody thought of himself as a Republican in 1824, and that was so from 1816, which marked the death of the rival Federalist Party, until sometime after 1832 when two new parties arose, each claiming to be the true Republican Party of Thomas Jefferson. The titles to these two groups were not in firm use until the election of 1836, ten years after Jefferson's death when one group which had first called itself National Republican changed its name to Whig. It was led by Henry Clay; the other, led by Jackson, called itself Democratic-Republican. It surfaced for the first time in 1836. We shall see later how the term Democratic got into the Jackson Republican Party's terminology.

The third encyclopedia examined was the World Book Encyclopedia, Vol 5, page 111. The article there is also erroneous in part, but it is far nearer the truth than the articles in either of the two more prestigious encyclopedias. The Party here is called the Democratic-Republican Party, which is, of course, a complete error. But most of the rest of the article is factual. And I won't go into that any further but to say here it is incredible that standard reference works carrying this much purported authority should be thus grossly erroneous, but



examples of the general condition.

In my own modest library in my home I have tried to put together a collection of historical works. One of these books to which I frequently refer during the years is called the Basic Writings of Thomas Jefferson; it is by Phillip S. Phroner, PHD. It was published in 1944 by the Wiley Book Company. I looked at its index to find a reference to the Republican Party of Thomas Jefferson. It is not there. There is a reference to the Democratic-Republican Party and the reader is referred to page 705. A look on page 705 will show that what is quoted is a letter by Thomas Jefferson to John Mellish in 1813; that was five years after Jefferson's term as President had finished. Scanning that page, you will find no reference in it to the Democratic-Republican Party. As a matter of fact, if you look through the whole work of 1,000 pages, you will find no reference by Jefferson to a Democratic-Republican Party; nor is that strange because during the lifetime of Thomas Jefferson, it did not exist. Looking on page 105, this phrase appears, "join the Republican standards," and a few lines further down Jefferson refers to his group in this language, "the party called Republican."

I have talked too long for both me and you too.

*Oh, no! I'm looking forward to reading your book.*

*Mr. Wilkinson concluded his remarks by analyzing the very recent success of the modern Republican Party in North Carolina.*

I think that the party honestly compels me to say that the growth of the Republican

Party cannot be claimed as primarily a Republican phenomenon. It is the fact that the [current] Democratic Party has moved so far away from the old Democratic Party that it is traveling in exactly reverse direction so that in conscience Democrats, first by the hundreds and then by the thousands and tens of thousands, have come to adopt the statement: "I haven't left the Democratic Party; it's left me."

*Mr. Wilkinson, if we think of some things that we failed to ask you, could we come back another day?*

Yes, if you want to, but I think I have shot enough bull.

*I came away from this interview with a deep sense of gratitude for having met such a versatile gentleman who has a deep devotion for his profession and to his community. He is definitely an inspiration and an asset to the people of Beaufort County.*

*It is a difficult task to put a personality as diversified as Mr. Wilkinson's on paper, but I hope that this interview has captured to some degree the unique personality of this true orator, historian, and lawyer. Mr. Wilkinson has a love for history, politics, baseball, poetry, art; the list is endless. As Mr. Wilkinson stated at the conclusion of the interview, "Once I get started, it takes a lot to turn me off."*



*"I have shot enough bull."*