

**VOICES OF THE CAPE FEAR  
INTERVIEW WITH JOHN J. BURNEY, JR.**

**JUNE 19, 1995**

**INTRODUCTION**

**This is Monday night, June 19, 1995, and I'm here at home at 1939 Live Oak Parkway with John Burney who has been a friend for many years. John and I are going to talk a little about some of John's experiences and some of the things in which he's been involved in connection with Wilmington, New Hanover County and the state of North Carolina.**

INTERVIEWER: So John, to start off with, let's go back to the basic fundamentals, when you were born and how you got started and we'll pick up from there.

JOHN: I was born in Wilmington, North Carolina at old James Walker Hospital. My mother was Etta Mae Barefoot who married my father, John J. Burney and she was from Columbus County and he was from Bladen County. I attended Isaac Bear School through the eighth grade, graduated from New Hanover High School and went into the United States Army.

INTERVIEWER: That covers right up to the United States Army and now what happens when you get to.... Tell me, by the way, let's pick up along the way about education and then we'll come right back to that. Did you go into school and where did you go to law school?

JOHN: I went to law school at Wake Forest, at the old Wake Forest. That was in Wake Forest, North Carolina, prior to Wake Forest moving to Winston-Salem. I obtained a B.S. degree and an L.L.B. degree, L.L.B. being the law degree. I graduated from law school in 1951.

INTERVIEWER: Now, let's go back to high school. After high school, the war came along; right along there somewhere. Please tell me about your experiences in connection with World War II.

JOHN: Well, I went into Fort Bragg with a bunch of boys from Wilmington, North Carolina. They sent us to Mississippi with the whole company from North Carolina and the name of the company was 847 Ordnance Depot company. There were 38 boys from Wilmington in that company, boys that I've known all my life. They sent me out on a cadre.

INTERVIEWER: When was this by the way?

BURNEY: This was in 1943. They sent me from Camp McCain, Mississippi to Camp Polk, Louisiana to form a new company and from Camp Polk, Louisiana to Camp Barclay, Texas. From Camp Barclay, Texas, we went to Camp Maxey, Texas. I disliked that company so much. The company commander...this wire came out. I read one day that if you wanted to volunteer for the infantry, nobody could turn you down and I thought I had the most miserable company commander and first sergeant that ever was in the war so I volunteered for the infantry. That's the craziest thing I ever did in my life. I was in an ordnance depot company which issued parts. Never would've heard a shot go off during the war and like a fool, I volunteered for the infantry and they sent me to Camp VanDorn, Mississippi to the 63<sup>rd</sup> infantry division.

INTERVIEWER: How was the commanding officer and the first sergeant there?

JOHN: Well the commanding officer was great, but the first sergeant was just as miserable as the one I had (laughter).

INTERVIEWER: Okay, I thought that might be the case.

JOHN: But I thought being in the infantry was really soldiering and it was what I always thought the army would be like and I enjoyed the training. I made lifelong friends. There were Tom Cobb from Wilmington, North Carolina, who was in another regiment that was in this division, Bill Farmer was in another regiment, \_\_\_\_\_, Sheriff \_\_\_\_\_ brother was in this division and all of us graduated from high school in 1943. The only one that I ever saw was Tom Cobb. Right after we went into southern France in Marseilles, we were out on a place and Tom Cobb came over to where I was one night and these German bombers started bombing Marseilles. Of course, that was fifteen miles from where we were, but we were kicking out fires and everything. The next time I saw Tom Cobb was drinking beer at the Straight Winds at Wrightsville Beach. He moved on.

INTERVIEWER: Tell me, what was the most significant experience in your World War II time?

JOHN: I reckon that the greatest experience was the comradeship and the closeness that develops between you and your men. You have to depend on each other, especially at night, especially when you're moving from one place to another and the lifelong comradeship that develops. I mean a week doesn't go by, somebody I was in the infantry with doesn't call me on the phone or I call them. It's been 50 some years and we're still corresponding. We meet once a year and I reckon these will be friendships that never die.

INTERVIEWER: Tell me about those four days.

JOHN: The what?

INTERVIEWER: The four days, the Battle of Jepsheim.

JOHN: Oh, my regiment was 254<sup>th</sup> infantry regiment which was a part of 63<sup>rd</sup> infantry division. We were attached to the French first army. The first place we went was a place called Kaisersberg, one of the most beautiful towns you've ever seen. We maintained a defensive position there. We left there and assaulted a hill called hill 216 at Jepsheim, France. The 3<sup>rd</sup> infantry division was probably the finest infantry division in the United States Army. They had tried to take this hill twice and been driven off. We didn't know any better; we took it the first day. From there we went in what they call the Colnar Forest. It was below zero, snow was up over your knees. The wind was blowing and it continued to snow. At this point in time we were attached to the French first army. We started in the attack that night, you could see across this snow field. We met up with some French paratroopers. We kept moving. We kept moving and we got to an old watermill that was on fire. Everybody stood by this mill to get warm even though the Germans were shooting at you. It was so cold, you wanted to stay warm and we developed a great relationship with these French paratroopers. The next day we continued on into a little town of Jepsheim which is a farming community. Today it's made up nothing but dairymen. Why they loved Americans so, I don't know. We tore that town all to pieces.

INTERVIEWER: Well you freed them.

JOHN: Beg your pardon?

INTERVIEWER: You freed them.

JOHN: Yeah, we freed them, we sure did. Everyday, this is the only town I know of anywhere that has an American appreciation day. Every year they have an American appreciation day to give thanks to the Americans for giving them their liberty.

INTERVIEWER: Well, there was a four-day battle wasn't it?

JOHN: Yep. The way I got out of there is, after we took the town of Jepsheim, they sent me back to something, I don't remember and there was a building that I have an etching of that the French were using as a first aid station. There was an ambulance parked there and I looked in the ambulance and there was an empty stretcher there. I just crawled in the ambulance, pulled a blanket up over me and they took off. I was about to freeze to death, my feet were frozen and they carried me to a French hospital. By getting into that ambulance, I was able to stay in that French hospital for about five days until they found out where I was and came and got me. That was a great five-day rest.

INTERVIEWER: What happened to you for that little escapade?

JOHN: They sent me to the 23<sup>rd</sup> General Hospital and they found out my feet were actually frozen.

INTERVIEWER: I see, so you got out with it.

JOHN: I got out for about two weeks.

INTERVIEWER: Tell me, let's jump ahead now for about 45 years or so and you and the others over there, as I understood it, went over for a meeting and decided to erect a monument. Tell me a little about that.

JOHN: One of the first French paratroopers that we fought with, and a Frenchman by the name of Benit Duqua. Benit Duqua left France as a 17-year-old boy and escaped from occupied Germany, walked through Spain, crossed over to North Africa and joined the American 82<sup>nd</sup> airborne division. He jumped into Sicily with the Americans and fought with the Americans. At that time, North Africa had been secured and he got a discharge from the American Army and joined the French paratroopers that we fought with. He is a famous Parisian architect and he designed this peace memorial that has three sides and in the German language, the French language and the American language it says, "They are together in death. Let us unite in peace". It's a peace memorial and he wanted to unite the Germans, the French and everybody that fought against each other and when we dedicated this monument in 1988, there were people from all over Europe there. I found out then that there were seven busload of Austrians that we fought against. I didn't know we were fighting Austrians, but they were Austrians in German uniform. This was his dream, and every year since the dedication, they've had a great ceremony there and people coming from all over Europe. I met a German there that I actually fought against twice.

INTERVIEWER: That's remarkable.

JOHN: When I went back this year, I went to Oberhausen, Germany and spent four days with this German, my wife and I did, that we fought against. When I got off the train in Dusseldorf, he

met me and I could see on his face how glad he was that I was there. He just made us feel so welcome, it was a great experience.

INTERVIEWER: You've got friends all over, French friends and German friends and all of that. I imagine it's quite an experience to go back over and get reacquainted.

JOHN: Well, Sam, you made a painting of this monument.

INTERVIEWER: Yeah, I know. One of the hardest ones I've ever had to paint.

JOHN: And if you will go to this German's home in Dusseldorf, you'll see your painting there. If you go to the mayor's house in Jebnheim, you'll see your painting. If you go to Benit Duqua's home in Paris, you will see it. Remember, I must have about twelve copies of that painting you made in homes all over Europe.

INTERVIEWER: Well, that's interesting. I'm overwhelmed. John, let's go back now, anything more you want to add about this, you were last over there when?

JOHN: Yeah, I was in Germany in January and February of 1995.

INTERVIEWER: Okay, let's go back now and pick up after you got out of law school. I asked a lawyer one day what his specialty was after he got out of law school and he said I took anything I could make a buck out of. I thought that was a good answer. Tell me this, what happened to you after law school? Starting your law career, tell me about that.

JOHN: My father practiced law with Colonel Royce McClelland. I came down and went into partnership with Colonel McLelland. I stayed with Colonel McLelland a few years. Then I was appointed assistant district attorney, district solicitor back then. Then I went on my own. I was elected district attorney or district solicitor. I served in that capacity for nine years and at that time, I had the counties of New Hanover, Brunswick, Pender and Columbus. I had one assistant, Alan Cobb Sr., who succeeded me as district attorney. At that time, you could also practice civil law and be district attorney. They weren't as bad off as they are now. I built up a good civil practice, a lot of personal injury work, a lot of different types of civil cases. I never did too much real estate work. My brother graduated from law school and we formed the firm of Burney and Burney. We practiced together. We started on Chestnut Street. We built a building there and we built a building where we are now at 110 North Fifth Street. We've had branch partners and we built up a good law practice.

INTERVIEWER: If you were district attorney for nine years, that gave you another side of the fence to view than practicing criminal law, didn't it?

JOHN: Sure did. I reckon the political bug bit me and I ran for the Senate and I served three terms.

INTERVIEWER: Was that the first political office you'd ever run for?

JOHN: I ran for district solicitor, but I never had an opposition.

INTERVIEWER: That's right, district solicitor.

JOHN: I ran against an incumbent, Cicero Yow. I won by a landslide, 307 votes. I served in 1967. I defeated Cicero Yow, an honorable man in the primary. I had no opposition, yeah I did, I had opposition by a Republican.

INTERVIEWER: But in those days being the democrat was tantamount to victory.

JOHN: Yeah, because in my district, I had Pender County, Duplin County and Sampson Now Sampson had about as many Republicans as they did Democrats, but over in Duplin and Pender, there were nothing but Democrats. There were a lot of Republicans in New Hanover, but it wasn't really any big contest.

INTERVIEWER: How many terms did you serve?

JOHN: I served in 1967, 1969 and 1971.

INTERVIEWER: Do you consider that an education?

JOHN: It's a great education. I was chairman of the finance committee. When you're chairman of the finance committee, it puts you on the advisory budget commission to set the budget for the state. I neglected my family, my business and after being chairman of the finance committee, I had all of the senate I wanted for a while. But I enjoyed it, it's great service for the state. I learned a lot.

INTERVIEWER: What were some of the happenings in that that might be interesting, might be significant, might be humorous as a matter fact?

JOHN: I don't know, I sat next to a man named Leroy Simmons. Leroy was a good tobacco farmer from up in Duplin County from a place called Robinson, North Carolina. He was always telling me something. When I first came to the Senate, Leroy had already served one time and he says now I want to tell you something. There's man up there you got to watch more than anybody in the world. He knows everything that goes on. He says you can go down there on Federal Street at twelve o'clock at night, look all around and there won't be anybody there. You can talk to a parking meter. He said Bill Friday over there from Chapel Hill will know it the next morning. He said you got to watch Bill Friday. Well Bill Friday, I think probably was the ablest man we had in North Carolina, but what I didn't know was that Leroy was such a strong, state college man that Bill Friday had a lot to do with doing away with the Dixie classics. Leroy wanted the Dixie classics to come back. But there were things of that nature.

One day he asked me, he leaned over to me and said do you know Senator Whitehurst over there from up in New Bern? I said I know him well. He said has he got a woman up here? I said, I don't know if he's got a woman up here or not, why do you ask me that? He said, well he just talks all the time, he must not have to go home, so I figured he must have a woman up here. But he made the most powerful speech I ever heard on the senate floor for being a countryman. They were voting on the twin trailer bill, that's when they had twin trailers. Leroy got up and says, "I want to tell you fellows something". He said, "You know these twin trailers are a good thing whether you know it or not. I want to tell you something. When papa and I started hauling hogs to Kinston, we had a two-horse wagon. We put all the hogs we could on that two-horse wagon and we hauled them to Kinston". He says "Then papa bought him a model A Ford and put a little tiny trailer on it. I did real good, I bought a great big thirty-foot trailer." He shares "Every time I was able to put more hogs on the trailer and haul them to Kinston, I was able to make more money." He said "Just think about what the farmers could do with these twin trailers." Well the

bill was defeated, but Leroy still made the best speech I ever heard. But today we do have twin trailers and Leroy made a good common sense speech.

INTERVIEWER: How about some of the happenings in campaigning, I would imagine that would be an area where you....

JOHN: I went up one night to Sampson County to make a talk. I always liked to make political speeches and I got invited a lot. I made the mistake of carrying my son Jay with me one night. Jay was sitting on the front row and I was getting all wound up and I was telling this long, tall tale. Just as I got to the real good punch line, my son said "I don't believe a word you said Daddy". Everybody started laughing. I said, "Son, that's all right, just keep it in the family." And everywhere I went in Sampson County to speak from then on, the first thing they'd want to know is your son Jay coming tonight? I said not that you could tell it, he's not.

INTERVIEWER: How old was Jay then?

JOHN: He was about seven or eight, just the age to come up with something like that. Campaigning was a lot of fun. I just met the best, rural people in the world and meeting people is what's so good about politics.

INTERVIEWER: Well, I was talking to Bill Wagoner recently and Bill seems to think that if it hadn't been for you in the Senate and your ability to be able to see Wilmington College, University of North Carolina, the transition into the college system, if you hadn't been around, things wouldn't have been anywhere near as well with the university as it now is.

JOHN: That was a great labor of love. We'd be sitting down here at Wilmington College; Bill Wagoner and together with Bill Friday and some of us, Billy Hill, Addison Hewlett; we wanted to see this local college become part of the university system. We wanted to join the state college; Chapel Hill, Wilmington College, University of Charlotte was heading that way and I thought if we worked hard enough, we could get it. One of the funniest things about it, I had a lot of ducks and quail that I killed that year, and I asked Bob Scott if he'd have a supper and let me furnish the food and let me bring the people up from Wilmington to talk to him about this, he was governor. So we brought Benny Schwartz in, he was one of the great believers in the university. In the governor's mansion, they have a poolroom upstairs and so Benny Schwartz and Scott started shooting pool. I don't know whether Benny's a pool shark or not, but he was whipping the hell out of Governor Scott and I said Benny, for God's sakes, let the Governor win the game, we're up here trying to get the university. The thing is Benny said I never shot a game of pool before in my life, but he was sure beating Bob Scott. We worked hard, Cameron West who was then with the State Board of Education fought us mighty hard, but Bob Scott helped us a lot. We finally became a part of the university.

INTERVIEWER: Let's talk about the university a minute because not only has it been something you've been interested in, but you have put a lot of your time and effort in this because, a few year's ago you were Chairman of the Board of Trustees.

JOHN: And I served three terms.

INTERVIEWER: You served ably out there to try to make a statement. During your time, that would be something that would be lasting, I know that, because I was sitting on the sidelines watching what was going on and I wanted to see if you could remember something about any of the days relating to the university that was of particular significance.

JOHN: Well, I served eight years on the Board of Trustees. Dr. Hubert Eaton was a black doctor here and he was Chairman of the Board, the first one in the state, my first year on the board. I became Chairman and I wanted to create a landmark out there, as you well know. And I asked you to serve as Chairman and through some awful hard work, we had a landmark. We had Bill Friday, you remember, come down, when you made your report and that is still pending out there. I've been told it hasn't been taken off. We had raised some money. I don't know whether landmarks will ever be built or not, I hope so. There are some great ideas in there. If anybody wants to read that report, it's at the college. I know you have a copy of it.

INTERVIEWER: Yeah, I do, I do. I hope something will come out, particularly the idea of the edicula, the history map on the ground.

JOHN: That would be something nobody in North Carolina has.

INTERVIEWER: I'd like to share with you my thought that it is very possible if the University doesn't do something about that, it could be picked up by the City of Wilmington or somebody else and done in some other place in the Wilmington area.

JOHN: Or in North Carolina.

INTERVIEWER: That's right, it can be done.

JOHN: Charlie Boney designed that together...

INTERVIEWER: It was Charlie's idea.

JOHN: I'm still pushing them, I haven't given up. But you know when you're not out there on the Board anymore, you don't have any clout. But I did raise a little bit of money. There's some money there.

INTERVIEWER: John, I was not able to get to your lecture that was scheduled for the university about your courtroom stories and other observations on the legal profession which I understand was quite entertaining. Because I didn't and because I'd like to hear what some of those things were that you said that day, record for posterity on my tape, how about remembering a little bit of what you did experience?

JOHN: Well, one of the greatest characters this town ever had was old man J.N. Bryant. Mr. J.N. Bryant was a character; he'd been known to take a sip every now and then. When my father was district attorney, he had Mr. Bryant indicted for hit and run driving. It happened over at 13<sup>th</sup> and Castle Street. The night before my father was to start the case on Monday morning, the telephone rang at our home at 1704 Orange Street. Mr. Bryant said "Jay," that's what everyone called my father, he said "Jay, this is Dr. Sankey Lee Blanton from down at the First Baptist Church. He said, I wanted to call you up to tell you what a fine Christian gentleman Mr. J.N. Bryant is. My father said he recognized whose voice it was and said, "Well Dr. Blanton, you don't need to tell me what a fine Christian gentleman Mr. J.N. Bryant is as he's one of the finest men we've got in Wilmington, North Carolina. Mr. Bryant broke down and started crying and said, "Jay, do you really mean it." To make a long story short, when I became district attorney, Mr. Bryant had another case just like that one in my court. He always had twenty or thirty witnesses.

INTERVIEWER: He always drove a great big, black car.

JOHN: A great black car and he had rental houses where he had everyone of those people up there that he was collecting the rent that he was absolutely sober. I said to the jail, as I best remember he should have had about \$187 on him from the rent he collected. I told somebody to go up to the jail and get his property slip as to how much money he had on him and put him in jail and he didn't have but \$13. When we pulled the \$13 on him, where he didn't have his \$180, the jury properly convicted him. But, I still like Mr. Bryant, he was a character. My daddy taught a Sunday school class that had over 100 members with it and old man J.N. Bryant was a member of the First Baptist Church I understood, but he was there in my father's Sunday school class shaking everybody's hand and came in every morning.

INTERVIEWER: You mentioned your father being a solicitor, a district attorney, tell me about his judgeship.

JOHN: My father started practicing law when I was two years old. He and Colonel R.S. McClelland started practicing together. He went to Mr. Rogers' law school in Wilmington, North Carolina. A lot of people don't know, but Wilmington had a great law school. Mr. Rogers was a Republican from Pennsylvania, played an all-American for the University of Pennsylvania.

INTERVIEWER: I knew he and his wife both, she was a practicing attorney too.

JOHN: Right, and Aaron Goldberg, Hardie Ferguson, there was just one right after the other.

INTERVIEWER: Jimmy Swails went on to become President of the North Carolina Bar Association.

JOHN: Ed McBrown, good lawyers came from that law school, Wilmington Law School. They were just great people. Then my father became city attorney and then after city attorney, he became district solicitor then in 1938, 1939, he ran for the judge of Superior Court against honorable Clifton Moore. In Burgaw, North Carolina, he defeated Judge Moore and they ended up becoming the closest friends in the world. His son and I, Clifford, practice law in Burgaw today and are close, close friends. My daddy served until he became ill and retired in 1952.

INTERVIEWER: I see, I see. While we're on family things we're supposed to say anything about Betty. Behind every good man there's a good woman and the phrase says, pushy.

JOHN: My wife Betty.

INTERVIEWER: Tell me about that.

INTERVIEWER: I know about Betty, but there are a few things I don't know.

JOHN: Betty's originally from South Carolina. Her family came here during the war. Her father wanted to join the service and they wouldn't take him because he was too old so he said he'd come up here and go to work in the shipyard. So he moved his family up here. I don't think he ever went to work in the shipyard because he went up on a ship and someone dropped a wrench and almost killed him and that was his last day in the shipyard. I knew Betty when I went in the army and when I came back, Betty was going with another boy and I beat him home and so we started going together. Our family moved to Raleigh.

INTERVIEWER: Is this right after the war?

JOHN: Right after the war. I went to Wake Forest College in the spring of 1946 and Betty and I were married in December, 1947, in Dillon, South Carolina. We had our wedding reception at their family plantation, Coleemee near Little Rock, near Dillon, South Carolina.

INTERVIEWER: And now you have several children.

JOHN: Yes sir. We have three children, John J. III, Deborah Saline and William Charles, William Charles is named after my great grandfather, Charles who was a confederate veteran and her father's name is William.

INTERVIEWER: Well I believe, if I'm not mistaken, that one of your hobbies is confederate memorabilia and how did you get into that and tell us a little bit about that. I think that's interesting, I've seen some of the things that you have.

JOHN: My grandfather was stationed at Fort Fisher. He said the night before Fort Fisher fell, he had a kinsman who was an officer who sent him across the river to Fort Anderson. He was a very young boy. He said when Fort Anderson was fallen, they told him to go home. He walked as far as Leland, North Carolina. The rifle musket became so heavy, he threw it away in Leland and walked from there to Elkton which is up in Bladen County, fifty-some miles. He said I reckon that's the way I got discharged, because I walked home. He only would talk about the family; I became interested in the war between the states. I used to read a lot about it and every time I'd walk to court I'd have a lot of time to kill and I'd go into different studios and I'd pick up old pictures, postcards, confederate stamps. I reckon the family background, my grandfather Shaw, my grandmother, Bernice \_\_\_\_\_, he was a confederate veteran. On my mother's side, many confederate veterans and I reckon it's in the blood.

INTERVIEWER: You didn't get to tell but one courtroom story so far and that was not actually important. There's one that you told year or so ago that I can remember but it isn't something that can be told on tape because it was a court room happening that was a little bit risqué. How about some of the other ones there, things that occurred? Even myself serving as a juror, I've got a couple of stories myself.

JOHN: I'd like to tell you one about the army first. I had a boy in my platoon named in Herschel Hughes from Bexar, Alabama. His profession was a well digger. Back then, people dug their own wells. . He could dig a foxhole faster than anybody in Europe so I made Herschel go with me. And while I was getting my platoon dug in, Herschel was digging us a hole. Herschel got winded and came back We walked in Germany, and if you notice the towns in Germany and France, all the farmers live in a little town and they go out to the fields. That's new to the feudal system where everybody used to defend their own town.

INTERVIEWER: And the practice persists.

JOHN: Right. We were starting to cross this open field, running wide open and I said "Come on Herschel, let's go" and this German machine gun opened up and Herschel hit the ground. I said "Get up Herschel, get up, get up, let's go, let's go". He looked at me and his eyes were big as saucers and he says "You ain't aiming to get up while they are firing are you?" I busted out laughing right in the middle of that battle and left Herschel there on the ground, but he eventually got up and came on.

I just don't know where to start about the court, you know after 44 years in the court room, like you put an officer on the stand and you ask would you describe Mr. So and So and he said yeah, he had a Camp Lejeune credit card. I said what in the world is a Camp Lejeune credit card? He said it's a rubber hose about 3 feet long so you could siphon gas out of people's cars. I asked this same officer one day, I said will you describe what this fellow was doing and he says she was coming in Belks with a shoplifter's bag. I said what is a shoplifter's bag, he says one of them bags with a handle on it. He said that everybody shoplifts in; how in the world you going to stop a man like that from talking. I was trying a murder case, I defended a murder case one time and the state's three witnesses supposed to be the red hot mamas. I described them as the debutantes. The debutantes of the Superior Court for the State of North Carolina I just kept talking about the debutantes. The debutante system. The jury came back and found my client not guilty and I forgot all about it. About three months later, I met three black girls in Sears and they said "Mr. Burney, you don't remember us do you?" I said no I don't remember, who are you? She said we are the debutantes. She said everybody in town don't do anything but call us the debutantes now and says you put a name on us that just won't leave us.

INTERVIEWER: That's funny. Have you ever had a juror stand up and argue back with you?

JOHN: Well I had juror woman that stood up in the box one time and say that Alan Marshall and I were crazy, that we were crooks and that we shouldn't be allowed to address the jury. The judge had to declare a mistrial. I sure was glad Alan was there, I said Alan, you've been practicing longer than I had so she must be talking about you.

INTERVIEWER: Well the reason I ask this is because the only time I as a juror, they went through the whole thing, and excused me without ever asking me a question. That got my goat. I stood up in the jury box and addressed the judge. I wanted to talk to him about that, he said alright, the first break we have. He called me up in front of him and explained to me how they could have jurors excused without asking and with asking questions and all of that and I thanked him. I said well I wanted it cleared up but it sure did seem like a slap in the face if anybody even looks at you and says you're excused.

JOHN: You know back when I was district attorney when you tried a man for his life, when you pick a juror, you'd pick them one at a time. They would sit up in the witness stand and when the state was through examining, you would say to the clerk of the court, tender him and the clerk of the court would say juror look upon the prisoner, prisoner look upon the juror, do you like him? And if you didn't want him as a juror, you'd say no. If you wanted him as a juror, you'd say yes. So a friend that I had known for a long time, but I didn't think he'd be too good on that jury, when the clerk said, juror look upon the prisoner, look upon the juror, do you like him, I said, no. He stayed and we had a recess in court and he said I want to know why you don't like me. I said I do like you. He said "No you don't". He said you told everybody in New Hanover County you don't like me and I want to know what I've done.

INTERVIEWER: Well things that go on in the courtroom and in the process of examining people on the stand has probably never been quite as much exposed as the Simpson business is right now.

JOHN: Oh, that's horrible.

INTERVIEWER: What do the lawyers feel? Is any consensus coming out of this as far as the legal profession?

JOHN: We think it's hurt the legal profession. I think personally that the judge is incompetent. He's let the lawyers take over the courtroom. A good trial lawyer in North Carolina would dispose of this case in three weeks to a month. Judge George Fountain from Tarboro, man he would have taken this thing over so fast and we'd a got justice. The lawyers shouldn't run the courtroom, the judge should run it.

INTERVIEWER: How do you feel about television in the courtroom?

JOHN: Well I've never been in but one case where it was involved. I think it takes a lot of time and I think it might be educational for the public. They say that one of the things that slows the system trial down so much is television. I defended three marines for allegedly assaulting a gay down on Front Street in Wilmington. It was on national television.

INTERVIEWER: I know, I heard it on the Today Show.

JOHN: It's been on about ten times. I've had people say I was in Amsterdam, Holland, and saw you on TV, in Tokyo, Okinawa.

INTERVIEWER: My daughter saw you in Montreal.

JOHN: Yeah, I think it would be good if it only took in pertinent parts, but for long trial it just keeps delaying it to get the cameras right and all this and all that I think it costs taxpayers too much money.

INTERVIEWER: I think I would be entirely in error if I didn't ask you about something about a brown bag. Tell me about the brown bag.

JOHN: Sam, in 1966 when I was running for the Senate, all the politicians were against me. There was a Senator named Tom White, from Kinston, North Carolina and was a good friend of my folks. Tom White was probably the most powerful politician in North Carolina. Well I heard he was coming down to make a speech for my opponent and I knew that Tom White was a Senator that recommended zero for Wilmington College. No increase in appropriation, no nothing. And I said, well I'll get him. So had me a five minute television program and about that time the Supreme Court declared carrying a fifth of liquor in a brown bag was unlawful. You could carry it nowhere but from the liquor store to your home. And so I got me a great big tremendous brown bag because everybody was talking about brown bagging and I put a question mark on it. So I went on the air that night and I said well I've got with me tonight my king size brown bag. I said I might open it tonight or I might wait 'til next week but before this campaign is over, I'm going to open up that brown bag. Well that night I didn't have anything in the brown bag. The only thing I knew that Tom White had recommended, I knew that. I had me a five-minute program once a week and I kept talking about opening the brown bag. Well it got so that one of these days I was going to have to open that bag. Well, one night I was home eating supper and while I was eating, it came to me. I told my wife, I said, "I'm going to the office to write my brown bag speech. Now, don't let anybody call me, don't bother me." I went down there and in long hand I wrote out that 30-minute talk. They say that I had the largest listening audience that's ever been. I went on Channel 3. A man told me he stopped in Lake Waccamaw to buy some gas that night and he went into the man and told him he wanted to get \$5 worth of gas and he said you could pump your own gas, he said Mr. Burney's going to open that damn bag tonight and I want to see what's in it. He said if you want gas, you just pump it yourself. They tell me they adjourned at the Lion Club in Whiteville to look at it and Columbus County wasn't even in my district. That was a great experience.

INTERVIEWER: What was in the brown bag?

JOHN: Well, my opponent talked nothing about seniority. I showed where some of the old senators had been up there for time in memorial, were not only on important committees or anything and I told about a bird dog I had named Whitey. Whitey had a lot of seniority and I had a new dog named Brownie. Old Whitey started flushing birds, but he was a seniority dog. I was going to leave old Whitey home next year and take old Brownie with me and I was just hoping that they'd leave him home because he was going to flush them birdies.

INTERVIEWER: I hope you got Senator White out of it somewhere.

JOHN: Old Senator White told me that he didn't come to Wilmington and the reason he didn't come was he knew I had him in that bag. But I kept everybody honest with the brown bag.

INTERVIEWER: Well, that's great, that's great, it was a suspense treat. Well, John, I thank you for coming over this evening and talking with me. Is there anything else you'd like to add, we have another minute or two, to add to what you've said tonight we might have missed?

JOHN: Well I'd just like to add to people that are coming to Wilmington, it's been a great place to live. It's the most delightful place in the world. You have such good people, good leaders, honest government. I think our elections have always been honest and I hope they stay honest. I think one of the biggest influences in my life were the older people that lived in Wilmington that I admired who are all now dead and gone. They were active in the community and especially worked for the Coastline and acted in the American Legion, the various civic clubs. And then still there were lots that came along behind them and I hope that we made that kind of impression.

INTERVIEWER: That's a great note to end on, your statement, I appreciate that. Thanks very much for coming over and we'll wind up with that so that's the end of a nice, informative talk with John Burney.