ORAL HISTORY SERIES - NUMBER FOUR

CHARLES L. TERRY

GOVERNOR OF DELAWARE, 1965-1969

BY NED DAVIS

DELAWARE HERITAGE COMMISSION

Delaware
Freedom's First

CHARLES L. TERRY JR.

DELAWARE HERITAGE COMMISSION

Oral History Series
Charles L. Terry Jr.

by Ned Davis

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INTRODUCTION

This book is the 4th volume in the series of oral histories of Delaware governors. It is a departure from the format of the first three—Elbert N. Carvel (1949-53) and (1961-65), Russell W. Peterson (1969-73) and Sherman W. Tribbitt (1973-77).

This book deals with a missing link, the administration of Governor Charles L. Terry Jr. during a turbulent period in American history, 1965-69. Whereas the format for the first three books is a fairly strict question and answer oral history of a man's life as governor of a small state, the subject of this current volume is deceased, and the same treatment was not an option. This current study has been written by a man who was very close to the governor. It is, thus, a kind of experiment. In lieu of primary oral interviews footnoted as to date and time, (as the previous gubernatorial studies have been), the following study of Governor Terry, written by Ned Davis, the Governor's Press Secretary, is a mixture of oral history, interviews with Terry administration personnel and personal reminiscence.

Ned Davis spent the summer and fall of 1998 in the Delaware Public Archives reviewing all the papers of the Terry administration. In 1999, he interviewed Judges William Quillen, Maurice Hartnett and Henry Horsey; artist Jamie Wyeth, Charles L. Terry III, retired State Police Superintendent Jerald Lamb, Judge James Latchum, and others to write this book.

The author would like to acknowledge the valuable assistance provided him by Russell McCabe and the staff of the Delaware Public Archives, Celia Cohen, the *Delaware State News*, Bruce Stargatt, Elbert N. Carvel, David Buckson, and the Delaware Heritage Commission.

The cover photograph of the Wyeth painting of Charles Terry is the property of Delaware State Museums. The photograph of the portrait is courtesy of the Historical Society of Delaware.

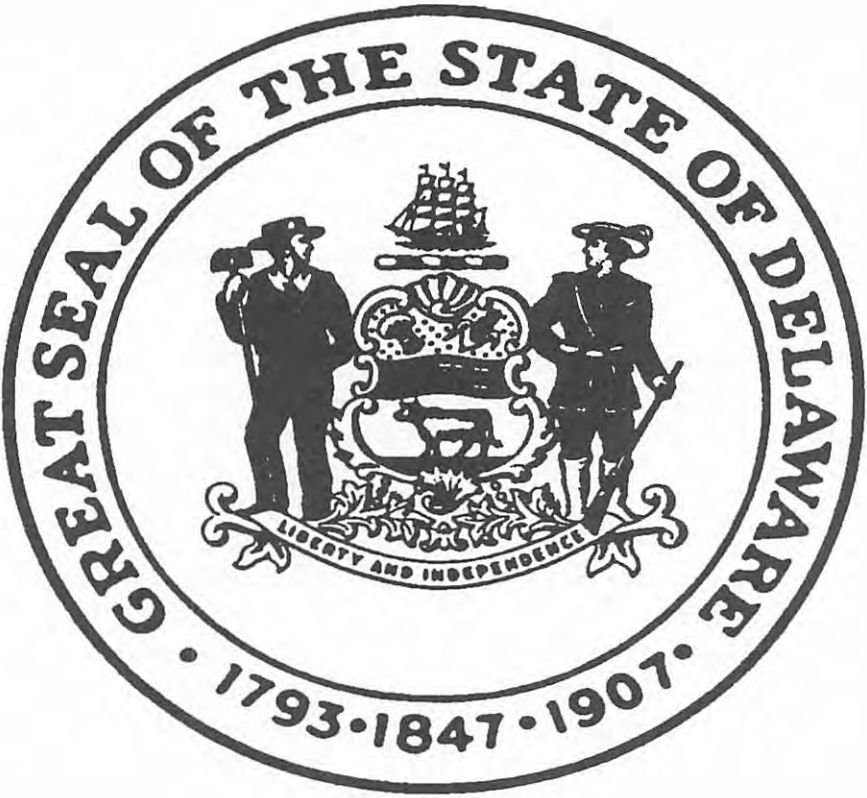
ABOUT THE AUTHOR

Ned Davis is a Delaware native, born and reared in Laurel. He is a graduate of Laurel High School and spent two years in the Marine Corps. He attended Gettysburg and Kenyon Colleges, majoring in English and Philosophy.

Following college Mr. Davis worked for newspapers in Ohio, Los Angeles and Santa Cruz, California, and Massachusetts. He later returned to Delaware as a columnist and reporter for the *Delaware State News.* He would eventually be named the Dover Bureau Chief for the Wilmington *News Journal.*

In 1965 Mr. Davis became Press Secretary and Chief of Staff for Governor Charles L. Terry. In 1969, he was named Vice President of the companies that now comprise Rollins Leasing Corporation. Since 1974 he has led Ned Davis Associates, a public, governmental and lobbying relations firm. Clients include The Rollins Companies, The Delaware State Dental Society, The Delaware State Bar Association, Wilmington Trust Company, and Miller Brewing Company among others.

For sixteen years, until 1988, Mr. Davis served as Delaware's Democratic National Committeeman. He currently lives in Dover.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Governor Charles L. Terry Jr. and Press Secretary Ned Davis.
(Courtesy of Ned Davis)

FATHER FIGURE

I don't know how it is with most men but, in my own experience, having lost my father to death before I was quite six years old, I went through the first stages of my life and even into incipient middle age with several "father-figures."

Governor Terry was more than my employer; he was my friend and mentor and, in that capacity, he was most definitely like the father I had but briefly. His forte was sharing his wisdom and counsel and kindness with unforgettable generosity of both spirit and worldly assets.

In a lifetime of knowing vast numbers of men and women in all walks of life, I have never known another individual as willing to give of himself and his possessions as did the Delaware Governor of the late 1960s.

Nearly everyone who had a relationship with him spoke of his attributes of selflessness and consideration for the other person. Those who associated with him at Maple Dale Country Club, who served with him in the criminal justice system, who shared with him the days of camaraderie and social communion that once marked the happy fraternity that was the Delaware Bar, and those who lived with him during the triumphs and ordeals of his governorship, all attest to the fact that he was never loath to pick up the tab or pay more than his fair share or give someone in need a helping hand. It was often more than he could truly afford if the unvarnished facts of his circumstances were known. It was not within him to withhold his largesse and propensity to be helpful to those who needed it and more often than not to those who had nothing. His longtime secretary, the late Tres Messick, recalls his giving money to borrowers and panhandlers alike, always knowing it would never come back.

In one of his 19th Century poems about the grandeur of God, the

Catholic priest and author, Gerard Manley Hopkins, wrote that "it will shine through like shining from shook foil" and Governor Terry had that aspect to his personality that made his generosity seem larger than it actually was. In worthy people it is often the perception of being helped that is far more important in motivating and elevating them than the help itself. Charlie Terry recognized that principle and it was no doubt one of the fundamental tenets of his success.

In many years of knowing him, but four of working with him in an extremely close and intimate relationship of running the State Government, I have yet to recall a single time when he asked me to pay for anything. Of course some of the meals we had together, such as lunch in his office, were probably part of his budgeted expenses but often, when we were traveling upstate, downstate, or out-of-state, the Governor would pick up the tab for meals and lodging and much of it was paid out of his own pocket. Any offer for reimbursement was met with total rejection and even a scornful but benign look of reproach.

That same generous nature propelled him into many of his gubernatorial decisions. In 1966 we were prevailed upon to visit the Hospital for the Mentally Retarded at Stockley and it was an experience that he never forgot. The sight of so many creatures of humanity reaching out for the mere touch of another individual penetrated the deepest stirrings of his heart and he reacted to them with a spiritual warmth they were used to only from their nurses and those who had the daily task of seeing that they were bathed, combed and clothed, and made as presentable and comfortable as possible.

Before we left the facility the Governor sat down with the Director to talk about what, if anything, could be done to improve the conditions and perhaps help cure and improve those who were treatable and make more pleasant the day-to-day circumstances of those who were not. Told that just the addition of twenty Licensed Practical Nurses would make a vast difference in the living conditions for the hospital's patients, the Governor came back to Dover and

called F. Earl McGinnes, the budget director, and told Earl that he wanted steps taken immediately to "upgrade" the conditions at Stockley and to add the personnel that the Director said he needed.

In the billion-dollar budgets of today the legerdemain of coming up with cash from appropriated funds or money earmarked for another purpose is not at all a difficult feat and is done all the time without the public's even raising an eyebrow. But, in the budgets of those days, transferals were not quite so easy and the process was cumbersome. Governor Terry was not a man easily denied and, when he wanted something worked out in a manner that suited his purposes, it usually got done as it did in the case of Stockley.

A year or so later he had the same experience with the Governor Bacon Health Center. The Chairman of the Delaware Mental Health Commission, the Reverend James Hughes, Pastor of Aldersgate Methodist Church on the Concord Pike in Wilmington, called the Governor, as he did so often, and said he was perplexed and frustrated by the failure of the state to do more to alleviate overcrowded conditions at Bacon and asked the Governor to take a tour of the site with him which Terry agreed to do. Terry also agreed to have a couple of major newspaper men of the day, Bill Frank and Jim Miller of the *Wilmington Morning News* and *Delaware State News*, respectively, go along and of course, with the press there, I was in the company.

At any rate the tour was almost *déja vu* with what the Governor had seen at Stockley, except in this case, instead of infants and people who had been handicapped or incapacitated all their lives, it was the elderly who were being warehoused under conditions that were barely sanitary and acceptable, let alone healthful and attractive. Nor was there any means of providing an opportunity for real analysis and treatment of the people being cared for. Terry shook his head sadly as he moved from ward to ward and building to building and it was clear that the profoundly unsatisfactory conditions were firmly imprinting themselves in the depths of his sympathetic psyche. In the

aftermath of the tour he sat down with Hughes and started calling in officials from his administration including the budget director and the superintendents of other state facilities and, before two days had passed, plans had been made not only to upgrade and improve conditions at Governor Bacon but also to transfer a number of patients to other institutions that were not overcrowded. At other facilities they could be, at least temporarily, given better shelter, treatment and personal attention.

While he could let his hair down in private it was his natural inclination to carry himself with dignity. All of Dover was amused when he went as Governor to dedicate a store that his friend "Reds" Wheatley was building on Governors Avenue in Dover as an Acme Market. The Governor and the owner dutifully cut the ribbon whereupon Reds grabbed the scissors and applied them to the necktie Terry was wearing causing him to comment, "You wouldn't dare." Thus challenged, Wheatley promptly sheared the striped adornment off in the middle and a photographer caught it for the front page of the *Delaware State News* the next day.

Terry's natural kindness had manifested itself as a judge. Although the whipping post and capital punishment were in effect, Terry never sentenced anyone to be whipped. However he did pronounce the death penalty once but worked to have it revoked.

As Governor he was equally thoughtful and compassionate. In an early staff meeting he insisted that all letters sent to the office that were not form letters or solicitations, should be answered. As he put it, those that were "sincerely intended" should get a response and even though his staff only consisted of Bill Quillen and me in the beginning (aside from his own secretary and a secretarial pool headed by Edna Vaughn), we saw to it that the responses were forthcoming. We in fact did a better job at getting them ready than the Governor did in getting them signed. He often had heaps of mail on his desk awaiting signature and I would scold him mildly with the rebuke that he would take phone calls that asked for his help in that spontaneous

fashion and somehow get through, but would not take the time to read and sign a request that had come in by mail. For awhile then, he would do better but it was a constant battle to get him to read and sign outgoing mail even though his hard-working secretary, Tres, often joined me in urging him to be more attentive in that regard.

As a policy matter the Governor insisted that any member of the United States Armed Forces from Delaware who wrote and requested the State flag should receive one and he saw to it that the Development Department had money in its budget for just that purpose. It was the era of the Vietnam War and many Delawareans were writing from their outfits overseas to ask for the Delaware banner and it was always forwarded to them with the Governor's good wishes. He also made it a point to send a photo upon request and personally sign it rather than use some instrumental simulation device which he said would "cheapen" its value to collectors who were trying to amass a photo album of all the governors.

While the Governor was often a "sucker" for a sob story, he could be hard-nosed when he had to be and especially in dealing with matters of state finances. He zealously watched the expenditure reports to see how they adhered to the overall budgetary appropriations, which for the first time had reached the one hundred million dollar figure. He would frequently meet with McGinnes, the budget director, even though finance was not his forte or even his principal interest. He was much more concerned with people, sporting events and creating programs that would help individuals but he realized that no state could operate effectively without sound monetary practices. His aim at all times was to keep debt low and revenues modestly above outgo. He practiced a lot of fiscal restraint. C.F. Schwartz, a prominent Dover businessman, said he didn't vote for Terry the first time around because he didn't manage his own money all that well, but he did in 1968 because "he did such a good job with the State's money."

Like all governors he had his go-rounds with teachers and other

state employees in their annual sparring over salary increases but he usually managed to find a common denominator that worked and, for the most part, he had a very cordial relationship with those in public service. At the same time he signed into law a lot of legislation that they favored, including the right to collective bargaining in certain situations. It was a major breakthrough for the time.

He could be acerbic. One afternoon in 1967, after a particularly harrowing day with the State Legislature in which he failed once again to get a public accommodations bill through the divided State Senate (which had nine Republicans and nine Democrats) with neither party fully supporting the legislation, the Governor was discouraged. On that particular day the bill had come very close to enactment with nine of the members voting "yea" and nine voting "nay." Under the Senate rules (which are probably constitutionally debatable) the Lieutenant Governor, who was then Sherman W. Tribbitt, could have cast the tenth and deciding vote to either pass the bill or insure its defeat but, before Tribbitt could exercise the key vote, Senator Calvin McCullough stood up and changed his vote from "nay" to "not voting" (another constitutional anomaly which may be illegal since the section governing the legislature says only that the yeas and nays shall be taken) and that rendered Tribbitt's decision-making powers moot.

Thus disappointed, the Governor, late in the day, went with Tres and me and Secretary of State Elisha Dukes, and his secretary back to his suite for a Scotch and water. While we were having our drink some person unknown burst into where we were sitting, walked up to the Governor and blurted out, "How does it feel being Governor compared with being Chief Justice?"

The Governor, his face reddening, looked at the hapless intruder with scorn and replied, "There's no comparison. When I was Chief Justice there wasn't a person in all of Delaware who would come bursting into my room unannounced asking stupid questions."

CAMDEN

If you count the double 0; i.e. 1800, 1900, 2000 years as the beginning of a new century rather than the conclusion of an old one, Charles L. Terry Jr. was born at the very onset of the twentieth century and was certainly one of its dominant Delaware personalities in the middle decades of the 1930s through the 1960s.

The rural Delaware town of Camden in which he was born was not isolated since it sat close beside the ribbon of railroad steel that bound Delaware together from one end to the other and connected it with other jurisdictions so that the commodities of peaches, berries, sweet potatoes and other farm products shipped out of the little town south of Dover were enjoyed in markets all over the country and indeed the world. Terry's father was a fruit broker and his grandfather had been a ship captain sailing to foreign ports in those days before the railroad replaced ships as the principal means of travel and commercial exchange in our burgeoning continent.

His family ancestry was dotted with some of the most well-known and ancient of Delaware names such as Kitchen, Hunn, Luff, Robinson, Barratt, Clark, Davis, Grier, Maxson, Betts and Grafton, most of them illustrious names in the Kent County environs. Four of these families produced governors and one was an ancestor after whom the famous chapel at Frederica was named.

Terry's sister-in-law, the late Rebecca Terry (nee Wolcott) whose mother was a Fooks, and whose grandparents included the deShields (then considered one of the oldest and wealthiest of all Sussex County families), once commented when someone remarked about the venerablity of her name, "Well, yes I guess we do go far back in Delaware but I don't think my family can compare with my husband's in terms of its longevity here." Her husband was N. Maxson Terry, younger brother to Charles.

The early twentieth century was a time of great prosperity and

Downtown Camden looking south along Alternate Route 13 where Route 10 and Alternate 13 intersect.
(Photo by Jeff Blackwell)

exciting new discoveries as the automobile, airplane and mass production rooted its way into the fabric of our lives. But it was not a time of reform on the social front although President Theodore Roosevelt made waves with his trust-busting, environmental initiatives, the Panama Canal and other legislative proposals that enchanted and excited his countrymen. The reform movement, which dominated the national agenda, was woman suffrage, the struggles of the feminine half of the population to obtain the right to vote, as well as more recognition in the workplace. It was an ongoing struggle and very little was heard about equal rights or any kind of equality of treatment or opportunity for the nation's black citizen and that was especially true in downstate Delaware.

In this milieu Charles Terry grew to manhood and when he went away to college it was to Virginia and then Washington and Lee, where the traditions, values and way of life of his youth were even more rigidly maintained.

Derby's Pond, Camden, Delaware.
(Courtesy of the Delaware Public Archives)

TERRY AND I

From the very early days of his life, once he had branched out from his rural and agricultural beginnings in Camden, Charlie Terry's persona was legendary in Kent County.

He was a prominent lawyer while in his twenties, Delaware's Secretary of State when he was 37, a Superior Court Judge at 39 and then President Judge for many years. He was Associate Justice and Chief Justice of the State Supreme Court, and he was the last Delawarean from Kent or Sussex County to serve as Governor in the 20th Century. Ironically, it was in Sussex County he lost his bid for re-election in 1968 after having served a four-year term.

Men enjoyed his companionship whether at fishing, hunting, golfing or sporting events. They reveled in his company in the camaraderie of the courthouse and the easy associations of Maple Dale Country Club and the restaurants where they would gather for their noon repast and tell stories from the "old days" while recounting events that were transpiring in their current lives.

Women liked him as well and regarded him as a powerful figure. When he became Governor and started traveling around the country, men and woman from other jurisdictions sought his company and advice. His personality was so impressive that I still recall the very first time I met him some 50 years ago even though it was a chance encounter and for only a brief time. I was hitchhiking back to Gettysburg College from my home in Laurel and had been brought to Dover by the newly appointed Motor Vehicle Commissioner, Harold Keller, my old high school history teacher, who had been elevated by a recently inaugurated Governor Elbert N. Carvel. Since hitching rides was commonplace, I was not surprised when a distinguished looking man in a late-model car pulled over for me.

We had a very stimulating conversation in which he asked me about my boyhood in Laurel and about figures I knew, including Carvel, and particularly about the local baseball team. His range of interests was remarkable and the conversation very enjoyable though it passed quickly. When he let me out he told me that his name was Judge Charles Terry and I was a bit amazed that an actual Judge had deigned to pick up a hitchhiker. Years later when I worked for the *Delaware State News* from 1957-1962, I would occasionally cover a case in Delaware's Superior Court and see President Judge Terry presiding over a trial or participating with other Judges when the State Supreme Court needed an "outsider" on an appellate case because one of their three permanent members had recused himself.

Later, I worked in Dover for *The News Journal* papers from 1962-1965, first as their Bureau Chief and later as their Capital Correspondent, and covered all facets of State Government including the Council for the Administration of Justice, which Terry chaired in his capacity as Chief Justice of Delaware. The Council would convene and discuss ways to improve the court system. They always had a set agenda which the Chief Justice had prepared himself, which had been typed and distributed by his longtime Secretary, Tres Messick, and which, of course, was strictly *pro forma*. The meeting would conclude with a sumptuous lunch usually catered by The Dinner Bell Inn and Locke Emmert, the proprietor. During those lunches I would sit close to Terry so that he could highlight aspects of the meeting that he wanted reported and, while I could be a bit blasé around Legislators and Governors and even cynical in some instances, I was so charmed by the Chief Justice that I dutifully reported events virtually verbatim as he set them forth. Perhaps it was natural that he would turn to me for assistance after he was elected Governor in November of 1964. Actually his reliance on me had started before that when he knew, in August, he was going to be "drafted" for the Democratic nomination at the Democratic State Convention in Dover's Capitol Theater.

The night before the convention he called me to his house at 448

N. State St. to discuss something with me and when I arrived I found him on the side porch sitting in the dark and listening to a Phillies baseball game. We both smoked cigarettes. "Ned," he said, "I want you to do something for me." I asked him what it could be. He replied that he was going to be drafted to run for Governor by the Democratic State Convention the following day. I was not astonished because, while he had maintained a coy attitude throughout, it was a fairly foregone conclusion that Vernon Derrickson, the Kent County Chairman, and Sam Fox, his very loyal assistant, were lining up the Kent County delegates to support Terry's candidacy. In those days the three counties — Sussex, Kent and New Castle — each had 60 delegates and the City of Wilmington had 30. It was the *modus operandi* for the gubernatorial nomination to move in "turns" among the various jurisdictions and, under the unwritten Democratic rules, 1964 was Kent County's "turn" to provide the candidate. With Terry consistently refusing to commit himself to run as the party's candidate, there were many who believed that he should not just be handed the nomination with no effort or no active role in seeking it. Indeed it probably never occurred before and is most unlikely to happen again under today's open primary system, but there can be no question that once it became apparent that other potential candidates such as Ernest Killen, a Harrington grain dealer, and Robert Reed, a Dover trucking executive, could not muster the necessary delegate support, Terry would indeed be drafted by receiving a majority of the Kent County votes and the affirmation of the state delegation. It is also important to note that, throughout the 1964 maneuvering, the Chief Justice had the unflagging support of Governor Carvel who himself would be the Democratic candidate for U.S. Senate. What he wanted me to do was to write an acceptance speech. Today it would probably cause quaking and anguish in the editorial rooms, but I really didn't think much about it as I was extremely fond of the Chief Justice and knew that I would be in his corner even though I was an admirer of the Attorney General, David Buckson, who was likely to be his Republican opponent. I went home and drafted the speech and got it to the new candidate the next morning. Indeed, it was the message he delivered when he was duly acclaimed by the delegation

as the nominee with the attendant parading among banners and other demonstrations at the downtown Dover theater.

During the following campaign I tried to stick to the principles of neutrality, and certainly covered Buckson's campaign just as thoroughly and, with just as favorable a commentary, as I did that of candidate Terry. Both of their campaigns would bring position papers into the office which I would dutifully type into newspaper format and send on to Wilmington.

In the early summer of 1964 Allan Rusten had resigned as Public Relations Director of the Republican State Committee and accepted a position as principal platform drafter for the Republican Convention, scheduled to meet later in the year in San Francisco, which I was appointed to cover for the Wilmington papers.

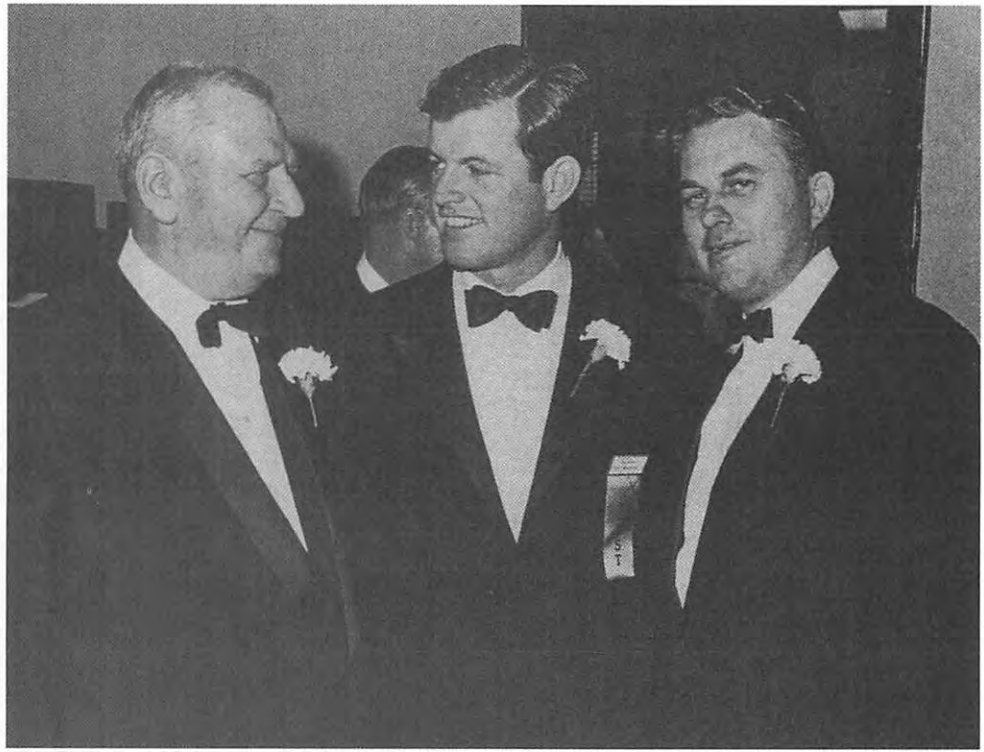
Shortly before convention time, I was invited to the Office of John Rollins, a Wilmington entrepreneur and business executive, in the Devon Apartments in Wilmington to meet with him; Clayton Harrison, the newly elected Republican State Chairman; Norman Bayliss, the Sussex County Republican Chairman; Elwood Leach; a close friend of Rollins; Senator J. Caleb Boggs, and a couple of other leading figures of the party. After lunch, the gentlemen got down to business and offered me the job that Allan Rusten had vacated. At the time I was earning $11,000 a year as the Capital Correspondent of the Wilmington papers and the offer I received was for double that amount, plus a car, plus an insurance policy paid up for $50,000. It was a very large offer and my fiancée, Ivy, said, "You're going to take it, aren't you?" and, indeed I thought about it for a long time and even discussed it with Harry Haskell, the GOP National Committeeman, and State Senator Reynolds duPont, one of its leading contributors, and both told me that they could work with me. However, I ultimately turned it down. As I told Ivy, the Republican Party was about to nominate Barry Goldwater in San Francisco, who would be resoundingly defeated, and I also thought their candidate for governor, while attractive, would not defeat the Democratic

candidate. I did not like the thought of undertaking such a position of responsibility knowing that major losses were inevitable. It's hard to take a job with the knowledge that your first time out will be a failure, no matter what the compensation.

Terry, of course, had retired as Chief Justice upon receiving the Democratic nomination and was campaigning as just plain old Charles L. Terry Jr., though usually the aura and trappings of his former position went with him wherever he went. In the Democratic advertising campaign he was portrayed as a man with imposing stature, and indeed the public perceived him in that way.

In the aftermath of his election he called me to come see him again and asked me if I would like to work in his administration. Without hesitation I replied that I would and he asked me how much I would need in the way of remuneration. I replied that I would need at least $15,000 annually and he said, "Let me get back to you."

Shortly thereafter he met with the Democratic Senators for a dinner at Dover Air Force Base at which they discussed a number of forthcoming issues, including the promises that the Governor had made in the campaign and the personnel that he wanted to bring with him. He told them that he wanted me and a young lawyer named William T. Quillen and would like to pay us $15,000 each. With reluctance on the part of a few Senators the group finally agreed that they would compensate us in that amount, which was a fairly good salary for the time, and the Governor called me to come back. When I did he said to just pick whatever title I wanted and I replied that Press Secretary would do. He subsequently got Bill Quillen to come aboard as his Administrative Assistant. Bill left after one year and, in 1966, following the mid-term elections, the Governor raised my salary to $17,500, and made me the highest paid person in his office. He told me not to let anything go out of the office without my personal okay although he had a lot of faith in Ted Sandstrom, a Newark lawyer, who had replaced Quillen as Administrative Assistant.



On the Campaign Trail: Charles Terry, Ted Kennedy and Sherman Tribbitt.
(Courtesy of the Delaware Public Archives)

THE DEMOCRATIC CANDIDATE

The world of Delaware gubernatorial politics between 1964 and the year 2000 is much more than a generation apart.

In today's political world, Charles L. Terry Jr. would never be governor of Delaware. A candidate with his credentials, who waited in the wings to be drafted rather than actively seek nomination of his party, would wait in vain. In today's milieu, anyone not actively seeking to be nominated would stand no chance in a process that requires the candidate to be nominated through the primary election if his party has more than one contender.

In 1964 things were done essentially the same as they had been for Delaware's 200-year history, with the political parties nominating their candidates in state conventions held biennially in Dover.

And while reapportionment had been ordered in the Congress and the state legislatures by the United States Supreme Court, it was still an experiment in the stages of being worked out and it had not begun to "trickle down" to the state conventions or influence the way delegates were selected.

The Democratic Party had a total delegate slate of 210 individuals, mostly men, with 30 coming from the City of Wilmington and 60 coming from each of the three counties —New Castle (exclusive of Wilmington), Kent and Sussex. They in no way reflected the Delaware population where nearly two-thirds of the people lived north of the Chesapeake and Delaware Canal and over half were women.

Popular Governor Elbert N. Carvel from Sussex County was completing his second, though non-consecutive, term in office. The Democratic Party in 1956 had nominated a banker and entrepreneur from New Castle County, J.H. Tyler McConnell, to run against the

Republican incumbent J. Caleb Boggs. Carvel was nominated in 1960 and so under the unwritten rules of governors from different counties taking "turns", as was the case when the delegate apportionment was so evenly divided, it fell to Kent County to nominate a candidate in 1964 and none of the other subdivision jurisdictions even challenged that conventional wisdom.

Early on, Governor Carvel, who had made Charles Terry both an Associate Justice and Chief Justice of the Delaware Supreme Court, let it be known that he favored the veteran jurist, who had been on the bench since his appointment by Governor Richard McMullen in 1937, to be the Democratic party's candidate for Governor. From that moment on the die was cast, although Terry himself kept very mum about his ambitions and interests in an office he considered at best parallel to the Chief Justice position he already held. Still there was evidence that he coveted the expanded powers of the governorship and he never flatly said that he would decline a draft if his party's convention offered him the nomination.

But as the days of the August convention approached there were many in Kent County – notably J. Gordon Smith, former Chairman of the powerful State Highway Commission; Ernest F. Killen, a Harrington businessman who had been State Auditor for several terms, and Robert Reed, a trucking executive in Dover – who felt that the Party should not convey its nomination to an individual who did not actively seek it and a spirited behind-the-scenes fight developed between Killen and Reed for an alternative candidacy. Terry adherents, Carvel, the County Chairman Vernon B. Derrickson, and his powerful ally from Leipsic, Samuel B. Fox were vigorously, though silently, pushing his candidacy. Together Derrickson and Fox, virtually controlled Kent County politics at the local level and nearly all the Democrats serving in the County offices and the General Assembly were hand-picked and promoted by them.

Their support was unswerving and, on August 19, the morning of the convention, the Kent County delegates met in a private caucus, and, on a secret ballot, voted thirty-seven and one-quarter to twenty-

three and three-quarters to endorse Terry. Earlier in the week, the Chief Justice had said publicly that it would be his "duty" to accept the Democratic gubernatorial nomination if it were offered. In a statement Terry said he was of course aware of the conversations throughout Delaware and added that, in the event "the delegates to the Democratic convention should bestow the high honor of the gubernatorial nomination upon me, I will consider it my duty to accept this opportunity to further serve our State," but he insisted that, in the meantime, he would be governed by the canon of judicial ethics and make no overt moves to obtain the nomination for himself. Meanwhile Reed and Killen joined forces and accused the people backing Terry of "bossism." Maurice A. Hartnett III, who retired in June 2000 from the Delaware Supreme Court, called the claim "a smoke screen to hide the indisputable fact that Judge Terry is believed by all thinking Democrats to be the one person in the State who is so well known, qualified, admired and respected, that he can lead our Democratic ticket to victory." Hartnett added, "The only issue in the battle that should concern convention delegates is: 'Who is the strongest candidate?'" Around the state from Wilmington to Sussex County endorsements for Terry came pouring into the convention center in Dover and, so it was, on the afternoon of August 19 that Terry was nominated and unanimously selected to lead the Democratic Party into the November elections. He promised the people of the State an administration "rooted in integrity." If selected to run as Chief Executive he would immediately formalize and deliver to Governor Carvel, who was nominated to run for the U.S. Senate at the same convention, his retirement as Chief Justice, effective at 3 p.m.

The convention also nominated U.S. Representative Harris B. McDowell by acclamation to seek a fifth term in Congress and chose Mrs. Belle Everett of Kenton, the Democratic National Committeewoman, to run for a fourth term as State Treasurer. The nominee for Lt. Governor was Sherman W. Tribbitt, an Odessa businessman who was Speaker of the House of Representatives. Unlike the Terry nomination, his selection was not finalized without a great deal of internal wrangling and a floor fight.

Governor Terry leads former Governor Elbert Carvel from Terry's home in Dover to Inauguration Day festivities. January 19, 1965.
(Courtesy of the Delaware Public Archives)

Recounting the situation years later in an interview with retired Supreme Court Justice Henry Horsey of Dover, James Latchum, who had been a City of Wilmington lawyer active in Democratic politics, laughed about the situation. He recalled that his father, a former State Senator, had died early in 1964 and that he himself had never run for city, county or state elective office. He was kind of surprised when the City of Wilmington Democratic Committee threw his hat into that fight and backed him for lieutenant governor.

Latchum recalls, "I went in and told Bill Potter, the Democratic National Committeeman at the time and my senior law partner, that the City had backed me and I was thinking about announcing for the job. Bill answered, 'Oh, no, Jim, don't do that. No, don't do it.' And so I asked why and he said 'Well I sort of halfway promised to support Sherman Tribbitt.' Latchum went on 'That's all right, you go ahead and support Sherman but I know a lot of the city politicians and Mayor Babiarz will support me and I think I will give it a fling.'" Latchum recalls that he also told a lot of people on the city streets that he didn't think Terry would run for governor and said in no uncertain words, "If he were going to do that he would do what Judge James M. Tunnell (a lawyer who had resigned from the Supreme Court to seek the United States Senate in 1954) did and resign from his judicial office so that he could actively seek the nomination with a clear conscience." Latchum said Terry got wind of what he said and called me up and ripped me one way and another and asked me, "What business is it of yours to tell people whether I should run for governor or not?" Latchum, who never minced words, told the Chief Justice, "Well, sir, I thought if you were going to run you would get off the bench and that it may be unethical not to and I certainly don't think of you as an unethical person." Latchum added, "When Terry saw me next in Wilmington he accused me of running for lieutenant governor because Bill Potter had put me up to it. But I told him that it just wasn't true. In any event, Terry told me he was not going to have a stranglehold over his policy decisions as governor, since the lieutenant governor had to preside over the Senate." In any event Latchum went on in his interview with Justice Horsey, "Terry made

it very clear that he had no intention of supporting me in my race for lieutenant governor and once he was nominated he would actively lobby the delegates to vote for someone else." When the roll call of the delegates was held, Latchum got very few votes and none outside the City of Wilmington. At the time the Wilmington delegation led by Potter, Mayor Babiarz and the City Chairman, Leo Marshall, walked out of the convention en masse but it was more a symbolic exodus than a meaningful one. The party in Wilmington promptly got itself back together and wholeheartedly supported the Terry and Tribbitt ticket, which won by the almost unbelievable margin of more than 12,000 votes in the General Election in November. Of course that was the year that Lyndon Johnson carried Delaware and almost every other State of the Union in his landslide of massive proportions. Later Latchum recalled, he was attorney for the Delaware River and Bay Authority and accompanied the Governor and Mrs. Terry along with his wife and many others to an international conference in Rome where they walked out together on a balcony and Latchum asked the Governor if he still thought that Bill Potter had encouraged him to run. Before he could continue Terry replied, "Yes, I do think it." In any event Terry did not carry a grudge and, in July of 1968, when Latchum was proposed by Bill Potter to be a Federal District Judge for Delaware, the White House called Terry to see if he would approve the appointment since there were no Democratic members of Congress from Delaware. Terry held it up briefly while he explored another Wilmington lawyer, who had been a strong campaigner and supporter of his, to see if he was interested in the post. Upon learning that he was not, the Governor promptly let President Johnson know that Latchum was his choice and would make an excellent judge.

Delaware Blues march in Inaugural Parade.
(Courtesy of the Delaware Public Archives)

Chief Justice Daniel Wolcott administers the Oath of Office to Governor Terry.
(Courtesy of the Delaware Public Archives)

CAMPAIGN TRAIL –1964

The gubernatorial campaign of 1964 was, for the most part, genteel and uneventful. The candidates –Terry for the Democrats and Attorney General David Penrose Buckson for the Republicans –were both Kent County lawyers who had known each other for many years. Although Terry was the considerably older man, he was not necessarily the best known.

Buckson, in fact, had been elected Lieutenant Governor in 1956 on a ticket with the enormously popular incumbent J. Caleb Boggs as Governor and had been extremely successful in the 1962 election for Attorney General where he easily bested John Biggs III, scion of a famous family whose grandfather had been governor and chief author of the Delaware Constitution of 1897 and whose father was a Federal Judge appointed by President Roosevelt.

In the fall of 1964 it became clear that nationally, the incumbent President Lyndon B. Johnson, who had succeeded the martyred John F. Kennedy, would be elected in his own right by a virtual landslide.

But, in Delaware, the outcome was nowhere near so clear-cut. The outgoing Governor Carvel, completing his second of two non-consecutive terms, took on three-term incumbent Senator John J. Williams, a Republican who was styled by many of his colleagues and the press as the "conscience of the Senate." Carvel was very popular, but defeating Williams was an enormous challenge. Likewise, it was not at all certain that the bright and affable but politically unskilled Terry (at least in terms of dealing with the electorate) could compete with the adroit and articulate Buckson in one-on-one debates or in the broader arena of speaking at public forums.

For all of his poise and self-confidence, accumulated from years of authority and judicial respect, Terry was not readily at ease among crowds and it quickly showed as he endeavored to get his viewpoint

across to Delawareans who knew of him but certainly did not know him well as a public figure. Chief Justices simply do not flourish in the political arena or in the general public although many of them – and Terry foremost of all – have been enormously effective in dealing with the General Assembly and other agencies of Government. Still Terry had to literally "feel" his way as he went from town to town and group to group to convey his vision and outlook for Delaware as it moved into the last third of the Twentieth Century. He hardly ever spoke without a prepared text and his infrequent news conferences were pretty much limited to the prepared material and single point of view that he wanted to get across. Perhaps because he was held in some kind of reverential awe and universally respected, he got away with it without criticism.

Buckson was both a formidable and indefatigable campaigner and he made it a point to traverse Delaware in whirlwind fashion so that his hectic schedule would find him in Wilmington one morning for breakfast, back in Dover for an hour or two of work in his capacity as Attorney General, and on to an evening speech in Sussex County. After that, he would fly back to Wilmington for a late-night appearance before some civic or political group and also be on hand for early morning radio, shopping center and factory appearances the next day. Everyone knew him, and his flamboyant style of campaigning was very appealing. Perhaps no Delawarean, including Caleb Boggs, was better at "working the house" than Dave Buckson, which meant that when he appeared before a group he never left until he had shaken hands and cordially gone eyeball to eyeball with every individual who attended.

By comparison, Justice Terry was a courtly, old-fashioned and fairly reserved individual whose idea of campaigning was to let the substance of what he had to say be the key to his personality and character.

Terry was anything but aloof to his close friends who knew him to be amiable, generous and possessed of a good sense of humor,

but these qualities were not easily transmitted to crowds of people where the candidate was seemingly often shy and withdrawn. Terry would much rather have done the kind of front-porch campaigning that had been popular in the earlier days of American politics when the knowledge of candidates got to the electorate largely through position papers and speeches delivered in their own hometowns.

But Terry threw himself into the enterprise with a great deal of energy, elan and enthusiasm, and he worked hard to overcome his natural distaste for mingling in the give-and-take, pat on the back familiarity with the hoi polloi. His candidate for Lieutenant Governor, Sherman Tribbitt, recalled that he knew Terry would stay the course and be a far better candidate than a lot of people guessed he would be. This was proved when they were together in Seaford one morning to shake hands with the early-bird workers at the DuPont Company nylon plant. As they got out of the car, Tribbitt inadvertently slammed the door before Terry had emerged and it banged on his right hand causing it to ache and swell in an agonizing fashion. Others in the car wanted Terry to go immediately to Nanticoke Hospital for treatment but the candidate brushed it off after overcoming the initial shock and walked into the receiving line where he began shaking hands as though nothing had happened. "I knew right then," Tribbitt said, "that he would be a hell of a campaigner no matter what, and that he might not take to it gracefully and naturally but he would persevere over any impediment to do what had to be done."

Probably the turning point in the whole 1964 campaign occurred one night in Laurel where both Terry and Buckson were scheduled to address and "debate" at a forum sponsored by one of the town's service clubs to allow the candidates to air their points of view.

As was his wont, Terry had his staff prepare an address in which he would outline certain proposals that he would initiate and undertake to have passed if he were elected governor. Somehow or other Buckson got hold of a copy of what Terry proposed to say.

For all of his likability and warmth, Buckson had a touch of arrogance and swagger in the way he presented himself and often it only endeared him more to people because there was nothing mean spirited or deprecating in his mannerism. However, in this instance, his hubris went too far because he stood before the Laurel audience and announced that he had another commitment in Wilmington and needed to catch a plane that was standing by to fly him there. With that he told the assembled group that he happened to have a copy of what Justice Terry was about to say and that to save everybody time he would read the commentary and then everybody could go home and thus avoid being bored. He proceeded to do just that and, when Terry came to the podium after Buckson excused himself to catch his plane, he was extremely flustered and nervous. Finally, Terry looked at the group and said, "Well, you have already been told what I was prepared to outline, so all I can do is go over it again and try to flesh out some of the things that Mr. Buckson didn't read." He looked and sounded like an amateurish babe in the woods who was simply lost in the swirl of events, but the contrast between the two men struck a sympathetic note with the audience and Buckson got rather bad press for his "stepping out of line." Nevertheless, it remained a seesaw nip-and-tuck struggle to the very end, with a lot of well-known, hardhitting national campaigners coming in on behalf of both candidates. Former Vice President Richard Nixon, Senator Barry Goldwater, the Republican candidate for President, and Governor Scranton of Pennsylvania all appeared in Delaware on Buckson's behalf while Terry and Governor Carvel, who was running against John Williams for the United States Senate, attracted no less a personage than President Johnson himself. In fact, the President called the two and invited them to come to Washington to fly back to Dover with him aboard Air Force One so that he could talk to them about the campaign on the flight over. The two set out with their state police driver in Carvel's limousine for the trip to Washington and, when they got to the Chesapeake Bay Bridge, which was a single span of two lanes at the time, they were asked if they wanted to go over in the regular manner or needed a police escort to expedite their trip. Carvel opted for the escort and the two of them went over the

bridge at a 50 mile-per-hour clip while motorcycle police in front of them waved the north-south traffic over to its respective side, allowing the Governor's car to hurtle right down the middle. Terry had cause to be white-knuckled and said afterward that he would never do anything like that again, that he had never been so frightened in his life.

President Johnson's trip to Dover and subsequent appearance at the New Castle County Airport were triumphant by every standard as the President, who had succeeded John F. Kennedy, was well on his way to an overwhelming election with fabulous, adoring crowds wherever he went. Delaware was no exception.

According to Buckson, he and Terry met on the night of November 2, 1964, and Terry congratulated the Attorney General on "a clean and forthright campaign." Buckson, in turn, pledged his lifelong friendship to the former Chief Justice. Buckson remembered that Terry went on to say, "Dave, I think you might well win this election and I certainly will have no hard feelings if you do and I'm sure the State will be well represented and led." With that they parted to await the next day's results.

It turned out to be the closest gubernatorial election in the State's history until that time. The only gubernatorial election that would subsequently be closer was that which took place four years later when Terry ran for re-election against Russell Peterson.

The two 1964 candidates were both Kent Countians although Buckson was a native of New Castle. However, he had resided in Kent for many years and had run for office from his residence in that area and the popularity of both was probably reflected by the fact that, of more than 20,000 who voted in Kent County, Terry got a majority of only 245 while his running mate, Sherman Tribbitt, was winning by 2,329. And Lyndon Johnson was sweeping by 3,975.

It was in the City of Wilmington that Terry scored his greatest totals and it was that subdivision that more than supplied his margin

of victory. In Delaware's largest city the black population, pleased with the Washington leadership of Kennedy and Johnson, who both fought vigorously for civil rights, (long overdue in the hundred-year hiatus from the end of the War between the States which preserved the Union, but left its commitment to former slaves factionalized) poured out in unprecedented numbers to support the party which they believed was doing the right thing by them. Terry amassed a total vote of 26,000 versus Buckson's 12,000 which made all the difference in the election since the statewide difference was slightly over 5,000. Four years later, after a 1968 marked by strife, assassinations and the placement of the National Guard on the streets of the city for many months, it was to be quite a different story. Terry would again carry the city but by nowhere near so wide a margin.

EARLY INITIATIVES

His inauguration on January 1965 dawned sunny and clear, but bitterly cold with ice and snow from an earlier storm over the plaza in front of Legislative Hall. Terry's brother, Max, was general chairman for the event. It was a splendid affair with appropriate prayer by the Episcopal Bishop of the Delaware Diocese, Arthur McKinstry, and local high school bands providing the music. Following the oath of office, administered by Chief Justice Daniel Wolcott who was the brother of Max Terry's wife, the new governor gave a brief inaugural address. The address was, fundamentally, a statement of the lofty ideals that he wanted to exemplify with an administration "rooted in integrity" (an echo from his earlier acceptance speech) and to reach out to help all Delawareans with a better and more responsive government. He did not set forth his specific goals as he had already done so in a series of position papers when he was running for office and would do so again in an address later that month to the General Assembly.

Meanwhile Inauguration Day was one of celebration as well as ceremony. The Governor and his party, which included all of us who were to serve in his administration, as well as those who had been his key advisors and a number of others who were good friends either through association or politics or judicial service, attended a cocktail party at the Max and Becky Terry home on the Dover Green. The home had once been the residence of John M. Clayton, the four-term Delaware Senator, who was also Secretary of State in the nineteenth century under President Tyler.

Following cocktails the group went over to Legislative Hall where a catered dinner was served on each of the floors with the new governor holding forth on the top floor outside his office. After that the men in black ties and the women in elegant gowns went to the gaily decorated Armory for dancing and more refreshments. It was a gala affair and Terry was euphoric about how it went, dancing quite a bit himself late into the evening.

Very few governors embarked on their terms of office with a stronger alliance than Charles L. Terry. The House elected with him in 1964 that took the oath in January, consisted of 30 members of his Democratic Party and only 5 Republicans. The 18-member Senate was Democratic 13 to 5 and the presiding officer of the Senate, Lt. Governor Sherman W. Tribbitt, inaugurated with Terry on the 19th of January, was a strong Democratic leader who had been a three-term Speaker of the House. He knew his way around Legislative Hall as well as anyone who ever served there.

Before settling down to business Terry and his closest associates went to Washington on the 20th of January to spend a couple of days attending the inaugural and related festivities for President Lyndon B. Johnson and Vice President Hubert H. Humphrey, both of whom were to become very close friends to the Delaware Governor.

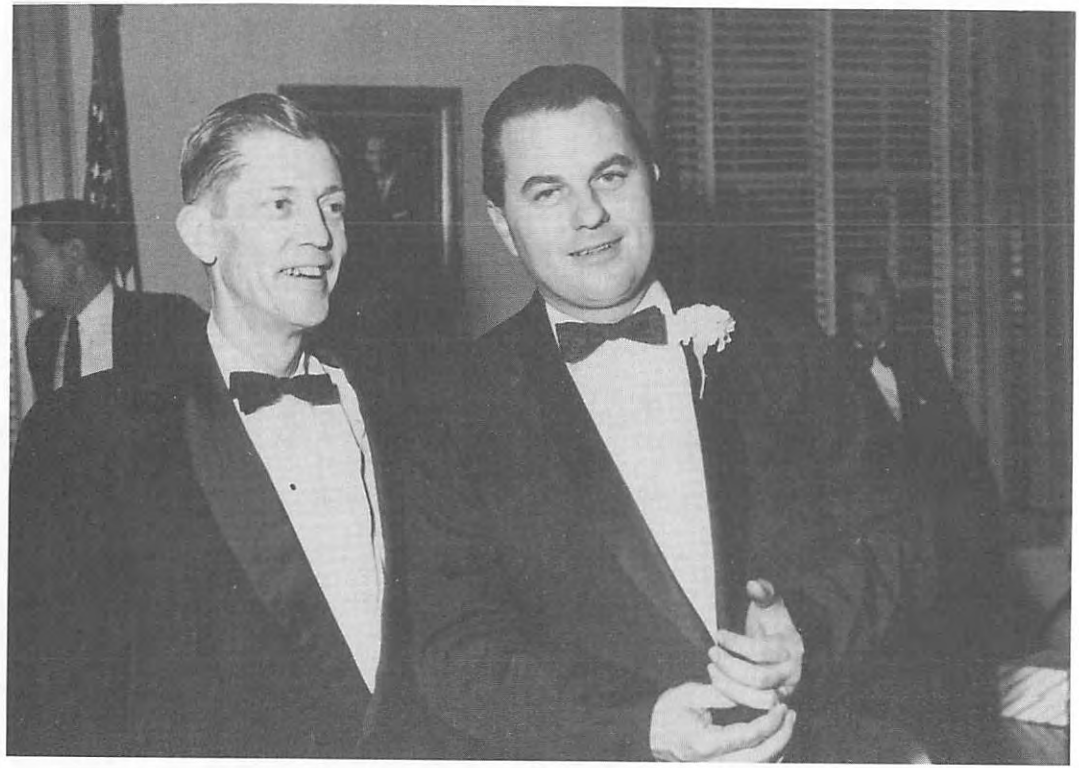
The Presidential Inaugural Committee saw to it they put in a couple of happy days in the Nation's Capital before returning to Delaware to get down to business.

Back in Dover, Terry wasted no time in moving to redeem his campaign promises.

One of the issues that he had campaigned on was reform of the Delaware magistrate system. It had been the pattern for Justices of the Peace to hold court in the kitchen or living room of their homes or other makeshift offices at any time of day or night and to hear cases and impose penalties where they themselves were able to keep the fees that accompanied the fines they meted out. Technically they got the fee even if they found the defendant not guilty. But, in the event the decision was "not guilty," they had to file forms with the appropriate county offices to get their money. Whereas, if they imposed the fine and fee right then and there, they had it in their hands immediately. This was not exactly a system that inspired confidence in motorists and others who had fallen into the hands of the law. Terry submitted legislation that would allow him to appoint salaried Justices of the Peace who would work a regular schedule in

state authorized courtrooms. These courtrooms were to be set up and equipped for that very purpose. The salaried system guaranteed that the Justices would receive a regular monthly paycheck like all other State employees and the salary the same regardless of how many cases they heard or how many civil actions were filed in their jurisdiction. The proposed statute was written by Bill Quillen, then the Governor's administrative assistant, with the help of Joe Walsh, now a Justice of the Supreme Court, and the General Assembly quickly gave it their approval and the Governor signed it into law. It was here that Terry established his clear authority by brooking no nonsense. Senator Curtis W. Steen of Dagsboro was the President Pro Tem of the Senate and was regarded as a powerful member in that chamber. For a day or two he held up the magistrate reform bills, and when the Governor learned about this he summoned Steen to his office. "I'm not holding up your bills, governor," Steen protested. "If you think that I'll go home right now." "You're not going home, Curt," Terry replied, "you're going downstairs right now and voting yes." Steen did just that, but from that moment on the two men were distant from one another.

This was followed by other reforms. Even though the Federal Government had adopted a civil service system in the 1870s under President Rutherford B. Hayes, the State of Delaware had never followed suit. Terry quickly proposed the establishment of a merit system for state employees which would give them job security and certain negotiating rights. The Governor's own Democratic chairmen, especially in Kent and Sussex Counties, Vernon Derrickson and Raymond West, respectively, opposed the change since the pattern in Delaware had been for a patronage system. In the patronage system, the party in power named nearly all state workers down to the laboring level in the State Highway System and for other menial positions. Indeed, after Terry was inaugurated he sent word that he was not going to fire any Republican who was doing his job but would, on any new appointments, give priority to qualified



At the Inaugural Ball. From left: Secretary of State Elisha Dukes and Lieutenant Governor Sherman Tribbitt.
(Courtesy of the Delaware Public Archives)

Democrats since they were the ones who were responsible for his election to office. Governor Terry supported the merit system legislation vigorously and it passed with ease under the guidance of Speaker Harold Bachman in the House and Sherman Tribbitt, working with the Delaware's Senate Majority Leader, Allen J. Cook. Another reform came in the revamping of the Delaware commission for dealing with soil and water conservation. He gave it new powers in accordance with the growing federal trend and, for the initial leadership, named John Bryson in charge. Bryson was ably assisted by N.C. Vasuki, who is now the Director of the Delaware Solid Waste Authority. They saw to it that Delaware's water delivery system was greatly improved and free of impurities, and then developed plans for better treatment for various municipal waste water systems.

Early on in his administration of the new program Bryson came across a violation of a particularly powerful individual who was a close friend of the Governor. When he tried to enforce the stringent regulations, the proprietor of the business naturally called his friend in the chief executive position. Terry promptly asked Bryson to come to his office. He looked at him severely, seeking to find out "just what was going on." Bryson, thinking he was about to be reprimanded and told to pull back from his position, explained to the governor the situation and gave his view that it was important at the outset to powerfully enforce the new law.

After discussing the case in its entirety, to Bryson's astonishment, the Governor looked at him and said, "John, you do what you have to do and what is right and I'll back you all the way."

Terry was troubled by the State Highway Commission's vast powers and authority over huge portions of the State's land and government operations. He decided that the beach lands, which were constantly being threatened with private development but were still in the hands of the state, should be administered by the Park Commission rather than the highway agency, and he transferred them

by executive order. Told that he couldn't do it by a highway department attorney he calmly answered, "I just did." The transfer stuck although Terry subsequently had a statute passed to back up his executive order, paving the way for Governor Russell W. Peterson, who succeeded Terry, to go even further in protecting the Delaware coastline a few years later.

Another Terry initiative was a comprehensive program to eradicate mosquitoes, which had plagued much of Delaware, and especially Kent County, ever since the end of World War II.

During the days of the Roosevelt administration, the Civilian Conservation Corps (CCC) had carried out a comprehensive network of ditch-digging on the great tidal marshes along the Delaware River Estuary designed to curb and curtail the breeding of the fierce mosquitoes that came scurrying into the communities on the winds of late spring and early summer after hatching in abundant quantities.

The ditches did their job in preventing the marsh mosquitoes from hatching and for awhile the mosquitoes were in abeyance, but by the late 1950s they had come back with a vengeance and in such numbers and assertiveness that women complained they could not hang up their wash without coming back into the house covered with welts and other stinging bites.

It got so bad in the mid-1950s that people were demanding a separate appropriation to spray the insects in an effort to abate the pestilence. On one particular night during the governorship of J. Caleb Boggs, a group of several hundred Doverites gathered outside Legislative Hall to demand that the General Assembly provide funds for mosquito eradication. The Speaker of the House at the time, James Quigley, saw no need to spend the money and refused to gavel his members into session. Later that evening, an irate Doverite, Mrs. Harry Mayer, widow of a former Mayor of Dover, stormed into his office and told the Speaker he was keeping hundreds waiting and should go into session. Quigley looked at her with his squint eye and said, "Madam, where are you from?" and she replied it was Dover

Signing mosquito legislation, 1966. Legislators and others who helped the Governor get the monetary authorization. From left: Reverend Ruffin Noisette, Henry Price, Jack Smyth, Jack Kelly, Ernest Davidson, Allen J. Cook, James McGinnes, Jacob Zimmerman, Jack Cato, Anthony Higgins, and Arthur Bud McKinny.
(Courtesy of Ned Davis)

and he said, "Well you don't vote in my district so get out of here." Eventually the House did meet and they did authorize and fund a mosquito control spraying program, but it was largely ineffective against the proliferation of the vicious insects until Terry came along. He got the General Assembly to appropriate $2 million from what was known as the state divestiture fund to re-open the ditches that had been originally channeled by the CCC.

The divestiture fund was an interesting story of its own. Shortly after he had taken the oath of office, Terry was asked to address the directors of the DuPont Company which then, as perhaps now, was Delaware's major business. So he, Secretary of State Elisha Dukes, and I went up to have lunch with the board, which was chaired by Lammot duPont Copeland, known familiarly as "Motsy." The Governor began to outline to them some of the programs which he had in mind such as the merit system and magistrate reform and went on to say, "Now I want to talk to you briefly about the divestiture fund."

The divestiture fund was a special cache of money which the state had set aside as a result of taxes it received when the courts ordered the DuPont Company and family to divest itself of General Motors stock. Forced to sell the stock to avoid anti-trust action, the company and its owners were faced with burdensome tax consequences if they had to treat the full amount as ordinary income. Their lobbyists in Washington and Dover saw to it that the money got taxed as capital gains instead of ordinary income which allowed them to complete the divestiture without paying the full rate. It nonetheless resulted in a substantial windfall for both the federal and the state governments. The General Assembly decreed that the state money would not go into the general fund but would instead be placed in a special fund to be used for capital improvements and one-time expenditures. In his remarks to the DuPont board, which he was invited to address about his plans as governor, Terry said, "Now, I want to talk to you about the divestiture fund. I know it is very dear to your heart" to which Copeland promptly responded, "Not half as

dear as it used to be."

Many questioned the Governor's use of the divestiture fund for mosquito control purposes but he pushed it through with the forceful help of Cook and Senator James D. McGinnis, in spite of the protests, and, to his credit, it has worked remarkably effectively ever since. The mosquito nuisance has not recurred in anywhere near the proportions that Dover knew it in the early 1950s.

Terry's style as governor was very forceful. Bill Quillen recalled that "whenever he was about to launch a significant initiative, he would usually go before the General Assembly with a speech outlining what he had in mind and how he hoped to achieve it, including a cost estimation and what he envisioned the long-term effects might be. It was a warm and friendly approach and the General Assembly usually responded favorably. Terry treated them with generosity and respect and perhaps had as good a working relationship with them, at least in his first two years, as any governor has ever enjoyed. He entertained them often both in his office and at Woodburn. He was so comfortable in the job that he undertook things that others might not have. For instance he once directed that the State and Federal flags be flown at half-staff over government buildings when someone prominent had died, I think it was Adlai Stevenson, in 1965. Told that he had no authority over the United States flags he promptly responded, "Well, I've ordered them to be at half staff and if anybody doesn't want to do it they can call me."

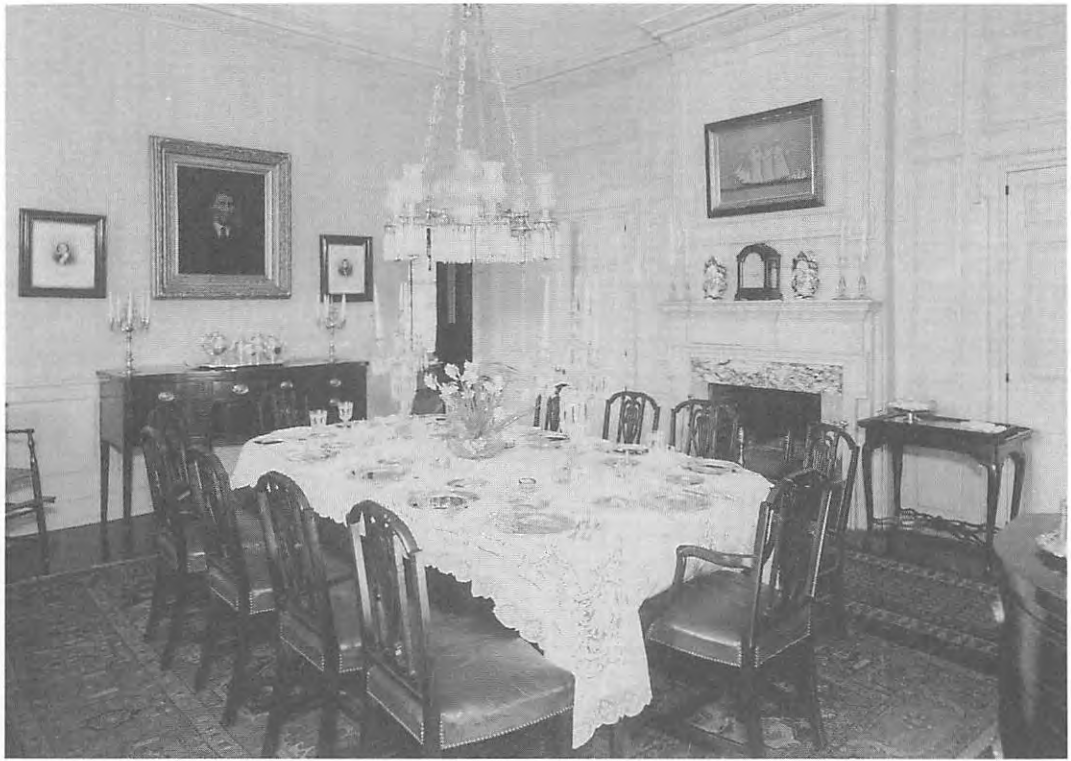
Governor Terry also signed a bill authorizing Delaware's first state-funded kindergarten, but it was voluntary for both the school districts and parents. He also initiated and signed legislation eliminating the New Castle County Levy Court and creating a County Council and Executive.

Another initiative was to purchase a house on Kings Highway in Dover that had once been a country manor to serve as the designated house for the Delaware governor. This occurred after former Governor C. Douglass Buck died and left his magnificent estate at

Woodburn Hall, before August, 1965.
(Courtesy of the Delaware Public Archives)

Buena Vista to Delaware. Buena Vista is a beautiful home located in the very heart of New Castle County along Route 13. It was built in the 1840s by John M.Clayton who had moved north from his home on the Dover Green. Governor Buck had a son and daughter, but they agreed in his decision to leave it to the state and it was a splendid home and surrounding countryside. Concerned that there might be an effort to designate it as the governor's house, and thus take the seat of government partially out of Dover, Terry moved with dispatch to prepare legislation for the state to purchase Woodburn, a modest but substantial home which his wife had long admired. There was some antipathy in the General Assembly and a Wilmington House member, Paul Shockley, said that the home should be called "Shouldburn" instead of "Woodburn" but the measure went through with relative ease and Terry immediately moved there to make it the official governor's residence.

Woodburn was purchased from the Murray family for $65,000. The state paid $70,000 for repairs and renovations. Terry designated the state archivist, Leon deValinger Jr. to furnish it appropriately in period pieces of the late 18th and early 19th Centuries when the house was built. The furnishings were promptly enhanced by a gracious and substantial gift of a collection valued at more than a $100,000 at the time by A. N. Spanel, the chairman and founder of the International Latex Corporation, now Playtex, which had made Dover its headquarters.



Woodburn Hall, Dining Room before August, 1965.
(Courtesy of the Delaware Public Archives)

BUDGET PROGRAMS

Early in his term the Governor realized that he would need some additional revenues to implement the new programs he had in mind and to strengthen the existing ones that were in place. He proposed a series of modest tax increases designed to bring into the state about $10 million dollars annually. This was roughly one tenth of the budget which at that time was flirting with the $100 million mark. It was the first nine-figure budget in the State's history. One of the taxes which Terry sent to the General Assembly changed the motor vehicle registration fee from the staggered rate of $16 annually for cars over 4,000 pounds and $10 for cars under 4,000 pounds to a flat $20 fee for all passenger vehicles. Hindsight would indicate it was the biggest mistake he made during his four-year term.

The Governor's tax program was designed to raise sufficient revenues to last the state for the four-year period of his governorship. But even the overwhelming Democratic General Assembly was frightened at the prospect of this Governor doing away with the staggered automobile registration fees. His budget director, Earl McGinnes, begged him to raise the fees for both classes of vehicles by a proportionate amount rather than go to the one-fee system. But Terry pointed out that, logically, a car under 4,000 pounds could be of immensely greater value than one of over 4,000 pounds and that it would be administratively cleaner and neater to have the one rate for all cars. So he pushed the bill through in spite of some misgivings on the part of his advisors which, however, did not include Bill Quillen and me. We both thought it was a good idea. It wasn't, as subsequent developments proved.

The later election of 1966 would see a stunning reversal in the Democratic Party's fortune in the House, which was 30 to 5 in favor of Terry's party. It was 23 Democrats to 12 Republicans when they reconvened in January 1967. The Senate, which had been 13 Republicans to five Democrats was now 9 to 9 with Lt. Governor

Tribbitt possessing the tie-breaking vote for organizational purposes and in all matters where the parties were evenly divided. It would prove a shaky way to run a government. One of the first things the newly muscled Republicans did was to pass a bill rolling back the motor vehicle registration fees to their pre-Terry levels of $16 and $10 dollars respectively for cars that were either over or under the 4,000-pound magic number. Three times in the following two years they approved the legislation knowing the Governor opposed it and would veto their effort.

Each time Terry vetoed the bill even though McGinnes pointed out that the cost was a mere $750,000 which could be picked up from a number of other sources without seriously jeopardizing the balanced budget that Terry insisted had to be part of his administration.

WESLEY ATKINS

In 1924 Terry married a beautiful, slender Texas lady, Jessica Irby, whom he met at a collegiate ball and they settled into a home at 448 N. State Street which was to be their residence for the remainder of his life and most of hers. Jess Terry became a Dover beacon in her own right and was much admired by everyone. Ivy and I loved her so much we asked her to be godmother for our youngest daughter whom we named Jessica Terry as well in honor of the Governor's wife. Another memorable part of Jessica Terry's household was Wesley Atkins.

Wesley deserves a chapter of his own. He came to Mrs. Terry's attention as a 13 year-old school boy who needed an odd job or two in order to have clothes and to help keep his family going. Jessica Terry took an immense liking to him from the very beginning and had him come to her house every day after school where she employed him in helping her with various chores, instructing him in the fine arts of cooking and serving food. She was from a fine old Texas family, the Irbys, where gracious living and entertainment were a way of life and she brought many family traditions to Dover when she moved here with her new husband in 1924 after he installed himself in a law practice. Under Mrs. Terry's careful tutelage Wesley Atkins learned to not only prepare elegant dinners but also elaborate hors d'oeuvres, desserts and other culinary specialties, which were often served when the Terrys entertained. He bet me once that I couldn't bring a duck that he couldn't prepare and serve so that it was not only edible but enjoyable. In those days good ducks such as canvasback and redhead in addition to wood ducks and teal were plentiful and it was not our custom to shoot or keep too much of other species, especially black ducks which were known to eat mussels, snails and other fishy substances from the ponds they frequented. At any rate I brought Wesley a merganser, which is considered one of the fishiest ducks that swim. He proceeded to marinate it for several days and cook it and serve it to me one day and I must say that while I would not

Jessica Irby Terry at the Inaugural Ball, 1965.
(Courtesy of the Delaware Public Archives)

want it on any annual menu it was indeed quite acceptable. He won the wager.

Mrs. Terry saw to it that Wesley Atkins attended and graduated from what is now Delaware State University, although at the time it was an incipient college just making its way to accreditation and respectability. Nevertheless he got the fundamentals of a good education to go along with the household skills that Mrs. Terry and her sister, Ms. Mildred Irby, a well-known Dover interior decorator, had patiently taught him on the weekends and after school. He continued to serve the Terrys the whole time he was in college and became their full-time employee after college except for a four-year stint during World War II when he served as the chief cook, aide and orderly for a major general in Europe. It is doubtful any American general had a better "man" to look after his needs because Atkins was the epitome of proficiency. When Terry was elected Governor he immediately began to entertain more and Atkins was at the center of the activities preparing and serving the meals that were known all over Delaware for their tastefulness and delight. When Woodburn was acquired as the house for Delaware Governors, the Terrys moved in and Wesley Atkins became the major domo assisting the staff in entertaining numerous well-known luminaries of the time in business, politics and the arts.

Among those whom the Terrys entertained at The Governor's House were Maryland Governors Spiro Agnew and Millard Tawes; Governor Nelson Rockefeller of New York and his wife Happy; Governor Richard Hughes of New Jersey and Betty; Governor Robert McNair of South Carolina and Josephine; Governor Mark Hatfield of Oregon; painter Andrew Wyeth and his son Jamie, also a renowned painter; Jack Dempsey and Jersey Joe Wolcott. The American Academy of Interior Designers at a reception given by Miss Irby and the members of the National Trust were entertained at a party hosted by the Terrys. A dinner for the Delaware judiciary was an annual

event and of course Terry entertained the General Assembly.

The visitor lists included ambassadors from Mexico, Brazil and Israel; and the patriarch and scions of all of Delaware's most illustrious families, such as the duPonts, Carpenters, Lairds, Cravens, Rollins and others. Vice President Hubert Humphrey paid his respects on one brief occasion.

Through all of the entertainment and visitation Atkins was in the forefront making sure that every possible nuance of warmth and delicious fare was available to the distinguished guests.

On one occasion when the Governor was entertaining members of the Delaware River Basin Commission at a Woodburn lunch, I teased Wesley about everything's not being perfection and told him that one of the dignitaries had to wait several minutes to have his drink refilled. "I'm sure Governor Terry noticed, and I bet you're going to be in big trouble," I told him adding, "Maybe you'll be fired."

"Huh," he snorted, "Governor Terry can't say anything to me. He can't fire me. Mrs. Terry is my boss." He smiled sweetly to let me know he felt exactly that way even though, officially, he was on the Governor's payroll.

When the Terrys lost the 1968 election and had to vacate Woodburn the Governor secured Wesley Atkins a position as clerk of the Delaware Supreme Court and he would open all sessions of that body with the familiar cry of "Oyez, Oyez, the Supreme Court of Delaware is now in session. God save the State and the honorable Court." He then informed people, after having them rise at the entrance of the Justices, that they could be seated. While he had some official duties, his main responsibility was to fix lunch for the sitting Justices when they met, usually once a week, in Delaware's capital city to hear appeals and render decisions. The Justices would each contribute so much to pay for the food and Atkins would dutifully

shop to obtain it and then prepare it for their enjoyment and they all readily admitted that no restaurant could have provided for them any better. He turned down an opportunity to work at Woodburn for Governor Peterson but assisted Governor and Mrs. Tribbitt during their term four years later.

Wesley also entertained in his own right and once gave a dinner party in the garden of his lovely home on Washington Street to which the very cream of Dover society was invited. All attended, prompting one of the guests, Becky Terry, wife of the Governor's brother and a prominent lawyer, and the sister of Chief Justice Daniel Wolcott to comment, "Isn't Wesley the biggest snob you ever knew?" I repeated the question to him at a later date and he laughed with great joy at the idea of being termed a snob and responded, "You bet I am."

After Governor Terry died Wesley Atkims was very faithful in looking after his widow and took care of her needs and their State Street home until failing health and incipient Alzheimer's disease forced her into a nursing home. Thinking that she would need his attention more than ever he retired from state service but, every day, in all kinds of weather he went to the home on Artis Drive to visit his beloved mentor and surrogate mother for more than 60 years.

One day he went into the nursing home and saw Mrs. Terry still in bed at 11 a.m. with her nightgown on. He immediately summoned the owner of the facility and said, "Look, Mrs. Terry is not to lounge around in her nightgown. I want her dressed every day when she wakes up and then have her bath just like any other person would be expecting to be treated." And from then on, whenever he visited, Mrs. Terry always had on a nice clean dress and, while she often did not recollect who you were, she would smile brightly and be glad to see you and of course she did know Wesley. He not only saw to it that she was dressed properly but fed well and equipped with the amenities of life including fresh flowers on most days. Following her death he lived a quiet life of serene gentility at his Washington Street home next to Silver Lake venturing out on only rare occasions but

always expressing delight when anybody would stop to visit him especially when they would bring some of the food he had come to love during his years with the Terrys such as wild duck, shad roe, soft shell crabs, freshly caught hardheads and freshly picked corn on the cob, to name a few. In return he would usually bring whoever remembered him a pie or a fruit compote or some other fancy preparation at Christmas or one of the other holidays.

In 1985 Ivy and Wesley and I all decided that we would attend Governor Castle's inaugural ball at Delaware Technical and Community College. We had all worked hard for his opponent, Bill Quillen, but not from any dislike or disaffection for Castle, so we thought attending the ball would help with the unifying process that most men and women of goodwill want to ensue in the wake of a general election.

Going through my wardrobe I decided I needed a new tux so I went out and purchased one and mentioned it to Wesley, which sent him to musing that he needed one too. He went to Brooks Brothers in Philadelphia and bought himself a mohair tux of exquisite cut and taste and paid about three times as much for it as I had paid for mine, prompting me to tell him I didn't think I could go with him after all because I would look inferior next to him. I did go and we had a great time but he was not one to be outdone by anyone. He was the first resident of Dover to sail in the new and refurbished Queen Elizabeth II to Europe and he also was the first member of the Dover community to attend the redecorated Metropolitan Opera House in New York when it had three grand nights of reopening in the 1980s. Wesley Atkins was also one of the first to fly on the SST and for years, after Mrs. Terry's death, he vacationed in the Caribbean.

It might be said of him that he lived a full and active life but as he often told me he owed it all to the tenderness and love and discipline of Jessica Terry who made him study more, learn more and achieve more than would otherwise have been possible for him.

PASTIMES

Throughout his life Charles Terry was active in both sports and politics and, although he spent some 26 years as Chief Justice of the Supreme Court, and Judge of the Superior Court, it did not deter him from having a huge and definite presence in the sporting activity of his day.

But his prowess extended into many other endeavors. As a young man he played golf with the grace and accuracy of an accomplished professional. He had a very low handicap which increased but gradually as he grew older. In the campaign of 1964 when he was running for Governor the (Wilmington) *Evening Journal* cited his remarkable physical strength and commented that he "shot golf in the 70s." A neighbor of Terry's and lifelong friend, but a dedicated Republican worker, Isabelle Jackson, took issue with that assertion and brought a scorecard of ten rounds of Terry's golf game showing that he had shot only two rounds in the 70s and the other eight were in the low 80s in the year before his candidacy.

He loved to play gin rummy in the card room at Maple Dale Country Club particularly with his long time friend, Walter L. "Reds" Wheatley, a self-made millionaire whom Terry admired greatly and honored by putting on the boards of the University of Delaware, the Farmers Bank and the Delaware State Highway Commission. At the time, the State Highway Commission was considered the most prestigious of all gubernatorial appointments since it had power as well as stature.

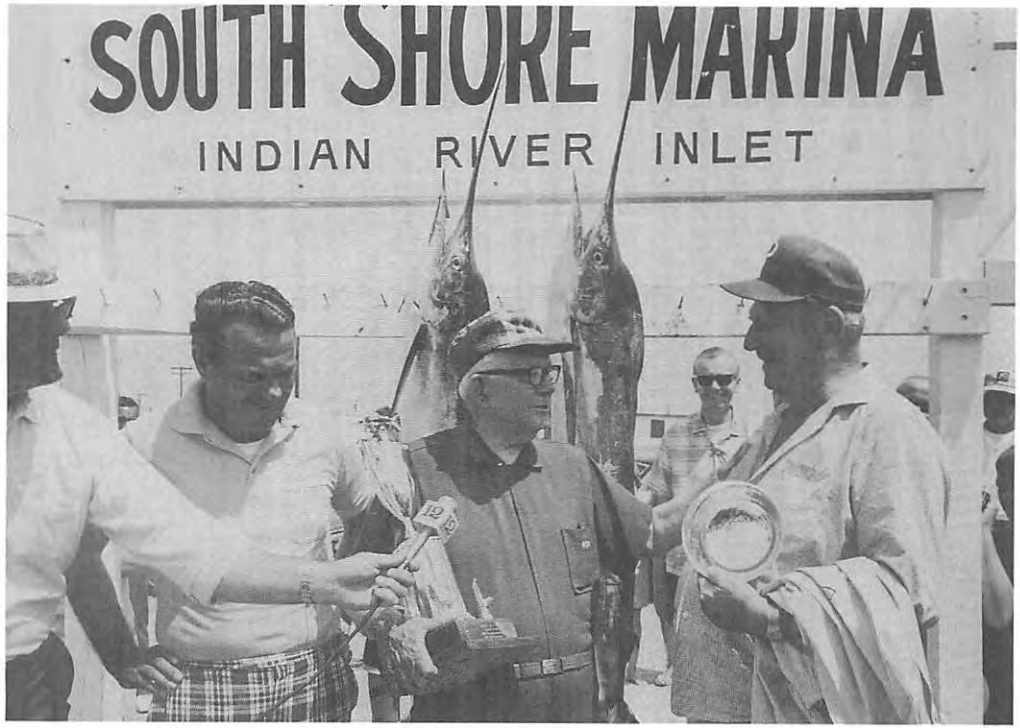
Unlike his golf, Terry's gin playing was considered exceedingly inferior and at the Maple Dale card room he was noted for refusing to break up good combinations no matter what the score, which meant that he frequently exposed himself to another player's going out on him by keeping his hand higher than the number of points he could afford to lose. A crony at the time, the late Ralph Wine,

commented that Terry was notorious for his stubbornness and remarked that it was impossible to "bait" him (a process where you throw a card like an eight of one suit in order to lure from your opponent an eight of another suit which you need) because he couldn't remember two or three cards later exactly what had been thrown. That statement was hyperbolic because Terry had a very good memory, but it was true of him that he could manifest unbelievable stubbornness in adhering to a course of action even though it was not necessarily in his own best interest.

All his life he was a fisherman and hunter and as Governor he conceived the idea of a Governor's fishing tournament every year at which private individuals of means would be encouraged to volunteer their boats for deep sea trips in return for having a governor or some other luminary aboard and of course an evening of fun at an ocean resort that would include cocktails, dinner and a night's lodging.

Terry hosted the first tournament and got Governor Millard Tawes of Maryland and Governor Richard Hughes of New Jersey to come over and join him at dinner in Rehoboth although Hughes declined to fish the next day because he tended to seasickness. Terry's grandfather had been a sea captain and the Governor loved being on the water and made it a point to get out as often as possible. The fishing tournament was a great success and Governor Tawes hosted it in Ocean City, Maryland, the following summer, then Governor Hughes in Cape May, New Jersey, in the third year.

The state Division of Shell Fisheries had a small boat called "The Delaware" which monitored the oyster harvest in the Delaware and Rehoboth Bays and the Indian River and, when it was not being used for the purposes of the agency, it was made available to the Governor. He would often have its captain, Harry "Hack" Haggerty of Little Creek meet him at Port Mahon where he would assemble a group of friends and legislators on a Sunday afternoon and take them over to the Lobster House in Cape May, New Jersey, for a sumptuous dinner. On such occasions his guests almost always included the Majority



The Governor's Invitational White Marlin Tournament. Lt. Governor Tribbitt and Governor Terry surround the trophy winner, Governor Millard Tawes of Maryland.
(Courtesy of the Delaware Public Archives)

Leader, Allen J. Cook; his good friend, Senator James McGinnis, and Representative Jake Zimmerman, who was later a senator; the Speaker of the House, Harold Bachman, Sam Fox and Vernon Derrickson from the private sector, and on some occasions members of his staff including myself. He loved to be on the water in good weather.

He loved hunting equally well and the stories about him there border on the legendary.

The first time I went hunting with him was at Bill Holden's great ducking establishment, "The Texan Ranch," on the banks of Muddy Branch. In one of our talks the Chief Justice had told me how Wesley Atkins, who did not live with the Terrys at their State Street home but rather had his own dwelling nearby, would nevertheless come to his place early in the morning and fix a fabulous breakfast for him to lavish upon his hunting partners. It all sounded exquisite to a Sussex County boy who had certainly known some great breakfasts but never in the elegant style being described, so I was very pleased and delighted when I got invited to go on a hunting trip in 1964 to enjoy one of Wesley's famous repasts. It included sausages, fried apples, hot biscuits as well as eggs and potatoes. Governor Terry had an enormous appetite and attacked everything with gusto and obvious relish and, of course, took pleasure in seeing that his guests did the same. With a big breakfast beneath our belts we set out for the duck blind before dawn. We soon had our limit and returned to the Holden Lodge where we were again feasted with alcohol and more food. I look back upon it and groan at the very idea of its plentitude. This was after the Governor had been elected in November but before he assumed office in 1965.

In 1966 the Governor was able to lure Paul Weatherly, an exceptionally able educator, away from his position in South Carolina to come to Delaware and be president of the incipient technical colleges that were being built. Later Terry invited his good friend, Bob McNair, the South Carolina Governor, to pay a visit and do some

goose shooting. He set it up for all of the participants to go to the Logan Farm, a property he had once partially owned on the St. Jones near Kitts Hummock but which, at the time, was in the possession of his good friend, "Reds" Lofland of Smyrna. He told me that he would have Governor McNair's troopers, who were flying him up in a state aircraft, go with his own state police aide, Norman Lawrence, and me in one blind while he, Governor McNair and Lt. Governor Tribbitt, would go to another one.

Naturally he had the game keeper at the Logan Farm, Richard Shorts of Little Creek, arrange for the governors to be in the better blind according to wind and weather conditions, although all hunting was good at the site and in those days geese were plentiful and each person was allowed a daily limit of four. In any event, someone miscalculated and it was the troopers and I who enjoyed a tremendous morning of banging away so that within an hour we all had our limit and were out of the blind. Meanwhile, the governors waited and waited but the geese did not decoy in their direction until, finally, one lone honker came flying into their gun range getting closer and closer. Finally Tribbitt, who would be Delaware's Governor in his own right one day, could hold back no longer and he stood up and shot the single goose with a very beautiful exhibition of marksmanship. It fell dead right in front of the blind and turned out to be the only goose the Governors saw all morning long. Hence McNair, who had to go back that afternoon, did not get his Delaware kill although obviously he took a number of geese home with him. I rode in the Governor's limousine with him and McNair back to the South Carolina plane at Dover Air Force Base and after we were again alone and headed back to Dover, an annoyed Terry shook his head and commented, "You would have thought that Sherman would let a governor shoot that goose."

Maurice Jarrell served in the General Assembly right before Terry became governor. Though a Republican, Jarrell often hunted with Terry while he was on the bench. Jarrell had his own blinds on the Holden property and would often take Terry with him to shoot

ducks. Jarrell had a wonderful Labrador retriever that he dearly loved and the dog liked to ride in the right front seat right next to his master who was driving, with the result that Jarrell's guest would have to ride in the back. Shunted to the back one day Terry complained and said, "What is it with you, Maurice, that you put your guests in the back and allow your dog to ride in the front seat?" at which Jarrell looked back and said tersely, "Well, Charlie, he's a better hunter than you."

Perhaps one of the better hunting stories during his years in office occurred in 1965 when Governor Terry, Judge William G. Bush of the Superior Court, Representative Jake Zimmerman and I were shooting together in a blind behind the farm house where I lived on the North Little Creek Road leading from Dover.

It was a spectacular December morning and geese were flying over us in huge "V" shaped flights of immense numbers but, as is their pattern, a gaggle would occasionally break off and begin looking around for someplace to alight and partake of food and refreshment. The pond near where we had concealed ourselves in well-hidden blinds was an immense attraction and, before long, we began shooting the birds with regularity. Before 8:30 a.m. we had our limit and were standing around talking outside the blind preparing to go to breakfast when all of a sudden out of nowhere came two federal wardens accompanied by a state official. The state official, recognizing the Governor, looked a bit embarrassed but the federal agents immediately started inspecting our guns to make sure they were plugged and unloaded, checking the number of dead geese to make sure we were not over our limit and otherwise examining the situation to ascertain that no laws had been violated. After that they asked to see our licenses and one by one started checking them. When they got to the Governor, who had turned 65 in September, he told them he didn't have one and, as his Press Secretary, I immediately cringed fearing we would have local headlines and stories in the media about the Governor's being arrested for lack of license.

Three Governors. From left: John Chaffee of Rhode Island, Charles Terry, and John Connelly of Texas.
(Courtesy of the Delaware Public Archives)

Maple Dale Country Club, Dover.
(Photo by Jeff Blackwell)

But my uneasiness was allayed when the Governor added, "I don't need one. I signed a bill into law in September stating that any Delawarean 65 or older was exempt from having the requirement to possess a state license. Would you like to see my driver's license?"

The Feds laughed but I don't know what they might have done had the Governor actually needed a license and not had one.

It is also noteworthy that Terry, in the aftermath of World War II, was the very popular President of the Dover entry in the Class D Professional Baseball League.

The league was very successful for quite a few years and Terry was a splendid ambassador of goodwill going to all the Eastern Shore communities that had teams such as Salisbury, Easton, Cambridge, Federalsburg, Milford and others, and he was always well received because of his enthusiasm for the sport. The league began to fade with the advent of television in the mid 1950s as more and more people switched their loyalty, as Terry put it, "to the couch potato practice of watching television," but in its hey-day professional baseball was hugely successful and Terry a foremost fan.

Later his allegiance would go to the Philadelphia Phillies and he would often accept the invitation of the owner, his friend Bob Carpenter, to attend games at Connie Mack Stadium and also to go to Clearwater, Florida, for spring training.

Viewing the Official Portrait. Governor Terry, Jamie Wyeth, Andrew Wyeth.
(Courtesy of the Delaware Public Archives)

JAMIE WYETH

In early 1966 Governor Terry got a call from the artist, Andrew Wyeth, who lived in Chadds Ford, Pennsylvania and was endeavoring to put together a breathtaking project designed to preserve the natural habitat of scenic beauty in the Brandywine Valley near his home and all along its route to Wilmington. Wyeth was trying to get the Brandywine Conservancy "off the ground floor" and he already had an enthusiastic sponsor and endorser in the Delaware Governor but he had not been able to get the Governor of Pennsylvania, Bill Scranton, to focus on the project. He asked Terry if he could help to enlist Scranton to climb aboard.

Terry duly called Bill Scranton and the Pennsylvania Governor met with Wyeth, and from there the Conservancy took off resulting in the preservation of much rolling, green and lush land in Pennsylvania and Delaware. Thus began the formation and eventual development of the Brandywine River Museum, where the Wyeths have often displayed their work along with other major artists especially those of the Delaware Valley.

Grateful for his participation in the aftermath of the project's launching, the artist called Governor Terry to thank him and say that, under ordinary circumstances, he would very much like to do the Governor's portrait but unfortunately had vast commitments. Then he added, "However, my son, Jamie, who is as good or better than I am, is available and he's in the Delaware National Guard. I am sure you could work out arrangements for him to do your portrait." Jamie had finished his basic training and had been assigned for duty to the Delaware National Guard which consisted primarily of an Air Force squadron and related personnel.

The Department of Defense learned about Jamie's presence in the Delaware unit and was trying to arrange his transfer to the Pentagon where they planned to assign him to paint the official

portrait of the Defense Secretary, Robert McNamara. General Joseph Scannell, the Adjutant General of the Delaware guard, protested and said that if Jamie were going to do a portrait it ought to be of the Delaware Governor who was the Commander in Chief of the National Guard unit located here. The Pentagon reluctantly agreed and Terry was informed of Jamie's availability.

The next several days he mulled the matter over. "I just don't have time to sit still for long posing," he would say. "I just don't have time." I listened to his demurral over and over and finally I told him, "Governor, even though you have done many wonderful things in your administration, you can be one hundred percent certain that one hundred years from now no one will remember who you were or what it was all about; but if you have a Wyeth portrait in Legislative Hall or some other major public building in Dover, you can be certain that people into the foreseeable future will know that Charles L. Terry Jr. was Governor of Delaware in the 1960s." Others were conveying the same message to him and, finally, he called and had Jamie come to see him.

He was immediately impressed with the outgoing nature of the young man. Jamie began the sketches in the Governor's suite in Legislative Hall, but they found themselves interrupted so frequently that the Governor suggested they work out of another office.

About that time Terry was stricken with a serious ulcer attack, which required hospitalization at Kent General Hospital and a period of inactivity following his release. During that time his sittings for Jamie increased in frequency. They were still not as often as Jamie would have liked and so the young Wyeth started coming down on Saturdays and Sundays, as well as several days of the week. On those weekend days I would go down to the Court House with a great deal of paperwork requiring the Governor's signature or decision, along with my young children, Debbie and Robb, and while they played in the corridors of the building, we would go over the day's work and carry on a conversation about practically every subject under the sun.

Jamie was very well informed and our discussions would be spirited. He still remembers particularly the Governor's anger at 4:30 p.m. on state work days when, according to the artist, people would pour out of their various offices where Terry could look out the window and see them and nearly all were scurrying away at one minute after the closing hour.

The Governor reacted angrily at what he considered their indifference to State employment. "You would think," Terry was said to have commented, "that they would be very appreciative of the opportunity to have a good job and make a contribution and work for as long as it might take to get done whatever it is that's occupying their attention. I find it very frustrating that they always rush for home at the closing bell."

Finally, in the summer of 1966, after six weeks of effort, Jamie was satisfied that the portrait was complete.

Governor and Mrs. Terry arranged for an unveiling party at Woodburn and mailed out many invitations to individuals they knew to be interested in the arts both through Mrs. Terry and her sister, Mildred Irby. Funds had been allocated through the State Council of the Arts, which Terry had initiated after Lyndon Johnson and the Federal Congress had made funds available to all of the States of the Union as part of the Great Society Program that the President inaugurated. The party was a great success and was attended by Andrew and Betsy Wyeth as well as Jamie and by press from many Eastern Seaboard newspapers. The stately portrait was on display and Jamie commented that, from the very beginning, he had perceived Terry "as a sort of colonial Governor, with vast power and forcefulness of personality and persuasion and that if you had put a wig on him, he might well have come from that long ago period when Governors were direct representatives of the crown and had all of the powers of the state at their disposal to exercise as they might deem fit and proper."

Terry certainly did just that in many instances but always with the understanding that he couldn't go anywhere without the support of the General Assembly and the people at large. He was not inclined to be arbitrary or dictatorial in his decision-making although he certainly did everything in his power to make decisions stick once he had made up his mind.

Mrs. Terry commented at the time, "How in the world could a young man, just barely 20, manage to catch with such understanding, the mood, and you might say, the whole life of a man like Charles." Exceptionally pleased with the portrait, according to columnist Bill Frank's account and my own recollection, she added; "That's how I have often seen the Governor—in that pose—on a Sunday afternoon, sitting in a chair, relaxed, a bit moody perhaps, thinking and reflective. I think it's remarkable how a young man like Jamie, whom we have both come to love, has been able to capture the mood of a man much older."

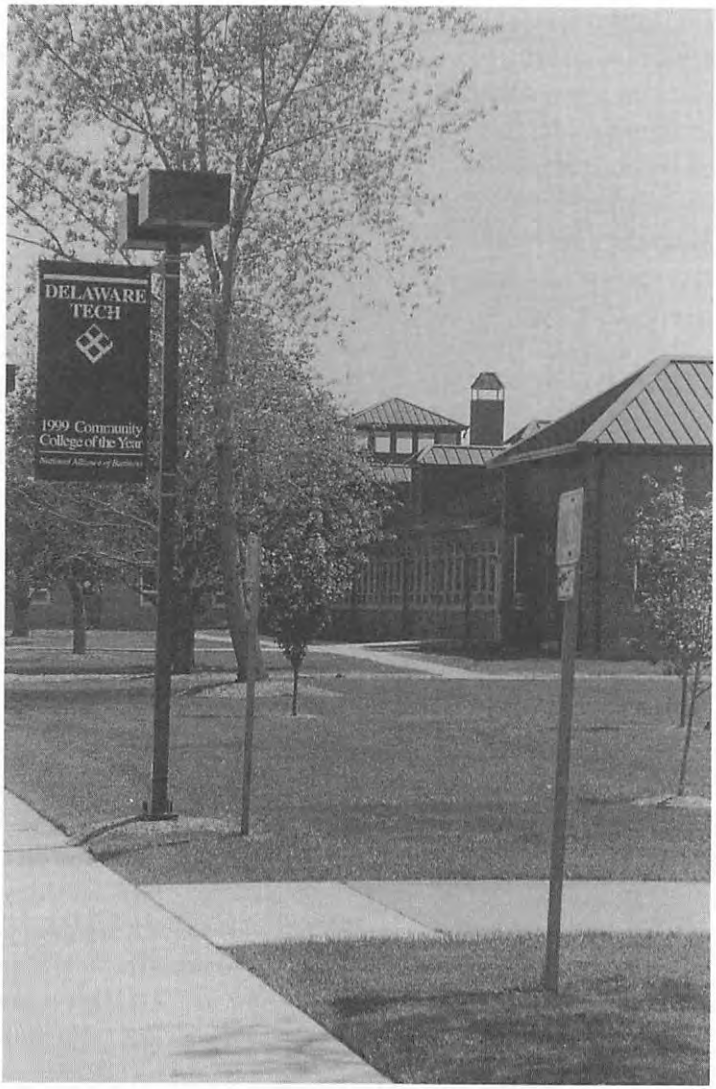
Terry himself did not particularly like the portrait although he immediately recognized it as a superlative work-of-art. He felt that Jamie Wyeth had made his nose a bit more prominent than it really was and had accentuated his heft by putting a shiny gold button at the very apex of his stomach bulge upon the coat that he was wearing. Those features the Governor did not like, but he was a minority of one as virtually everyone praised the painting as a wonderful depiction of a stern and forceful man who could make up his mind and stick to it no matter what exigencies or opposition. Jamie's portrait was almost prophetic as later events in 1968 were to amply demonstrate. Now in his fifties Jamie rarely does portraits but certainly proved with Governor Terry that he had all the ability in the world to do it if he were so inclined. He currently is doing the official portrait of the White House for its two hundredth anniversary of existence and that is scheduled to be unveiled at a ceremony later this year in Washington.

The portrait of Terry hangs today in Legislative Hall among

portraits and photographs of other Delaware Governors.

Late in 1966, Jamie, who was 20 in July of that year, had his first showing at the Knoedler Gallery in New York City and Governor Terry and I attended. We checked into the St. Regis Hotel where I had reserved a room with twin beds for us and a single room for the State Police driver, Jim Mood. But we were ensconced in a suite as the hotel management felt a single room inappropriate for a governor. At any rate, the Wyeth show was a smashing success with more than 2000 attending and nearly all admired his Terry portrait. In his own gracious remarks of response, the governor said, "I know little about painting but I believe I know a great deal about men. In James Wyeth, this country possesses a citizen who will bring to it dedication of purpose, devotion to his calling, and to all of us friendship of a most rare kind with willingness to serve in whatever capacity is demanded of him throughout what all who know him unanimously hope will be a long and happy life."

When Pete duPont was Governor of Delaware I was approached by his wife Elise, about raising funds to have a portrait of Mrs. Terry commissioned to hang in Woodburn. We needed $6,000 and Elise and I wrote letters to 60 Delawareans asking them to send $100 each to the project. To our delight they all did. The portrait by noted artist, Bjorn Egeli, was subsequently commissioned and Mrs. Terry sat for several posings. When it was completed Elise duPont hosted a party for those who contributed and she and the Governor praised Jess Terry for her attributes of charm, graciousness and taste in making Woodburn a home for the state to be proud of. Mrs. Terry, on hand for the occasion, was delighted although in modesty she had first turned down the opportunity for her portrait to hang there. She was later convinced it would be fitting and proper. Her portrait has, in later years, been joined by the likenesses of Ann Carvel and Lillian Peterson. A portrait of Jean Tribbitt will debut in the near future.



Delaware Technical and Community College, Georgetown.
(Photo by Jeff Blackwell)

DELAWARE TECHNICAL AND COMMUNITY COLLEGE and PRESS RELATIONS

The Governor's conference that was probably most productive for Governor Terry and for Delaware was the Southern Governor's Conference in September 1965 held at the fabled Cloisters resort in Sea Isle, Georgia. Terry went accompanied by Bill Quillen and me and his usual retinue of colonels and staffers and, in particular, Bob Kelly, who had been his campaign manager and who was a lobbyist for the DuPont Company. While there he paid close attention to the events of the conference and learned from some of his colleagues, especially Carl Sanders of Georgia, Robert McNair of South Carolina and George Wallace of Alabama, that they were undertaking dynamic educational reforms through the development of technological institutions.

The theory was that many high school students who graduated were ill-equipped to pursue academic degrees yet still had tremendous tools and personal resources for further educational training and a broader contribution than they could make with a high school education alone.

The flip side of the theory was that not only would it provide much-needed technological training in the unfolding fields of television, computers, aerospace, engineering and communication, but it would also allow the state to provide an existing or incoming company with a skilled workforce in the field in which they had a required specific need.

South Carolina, Georgia and Alabama already had such institutions well on their way and the Governor was determined that Delaware would have one also. Thus he conceived the idea for Delaware Technical and Community College and determined that its first campus would be at Georgetown in Sussex County because he felt that was the ideal location for a pilot program.

The legislation was duly written by Bill Quillen with the help of people in the educational community so that it would be broad enough to qualify for federal matching money as well as other sources of revenue, yet remain a self-sustaining institution with its own board of directors and paid staff of instructors and other personnel. The University of Delaware did not like the concept and felt that, if there were to be a community college in Delaware, it should be under its auspices, jurisdiction and control. A meeting was set up with Governor Terry by the President of the University, Dr. John Perkins, and its lobbyist, the venerable Dean of Agriculture and later Vice President, Dr. George Worrilow, and members of the Board of Trustees who included many duPonts, Carpenters and other members of Delaware's illustrious families. They all came down to the Governor's office in Dover one afternoon with charts and cash flow data to illustrate why a college such as that conceived by Governor Terry would be far better positioned to succeed if operated as a part of the University. The day didn't go well as the Governor kept raising the specter of the type of school he envisioned being subjugated to a minor role in the University's drive to achieve academic excellence.

Finally, he told the assembled University of Delaware leaders and patriarchs that his technical school was going to be independent of the University and have its own president and board of trustees. The General Assembly, controlled by the Democrats, by a 30-5 margin in the House and 13-5 in the Senate, responded to the Governor's legislation with the affirmation he expected in spite of the moderate University protest. The new technical institution was fairly launched.

Terry gave a great deal of thought to the make-up of the Board and finally told me that the Chairman was going to be E. Hall Downes, a Kent County lecturer and educator who had been superintendent of schools in the Caesar Rodney District and had made a living by traveling overseas to train mid-level corporate executives for a number of United States firms just branching out into

foreign territory.

Hall was a loquacious, scholarly man who, in his sixties, still had great drive and energy but could literally pester you to death with his constant insistence upon a course of action once he had staked it out in his mind as the right thing to do.

When the Governor told me his choice would be Hall I said, "But, Governor, you know how worrisome and insidious Mr. Downes can be. He will be in our office night and day bugging us about things that need to be done and we will have no rest from him."

The Governor thought a moment and answered, "Ned, that's the kind of individual we need. If we are going to start a school from scratch and get it off the ground and running in good shape, we have to have someone steering the boat who has the drive and moxie and downright stubborn persistence to see to it that what needs to get done gets done and Hall is that kind of person."

At the time the Governor considered the creation of Del Tech his most significant achievement not only because it would provide educational opportunity for students who might not otherwise qualify, but also because he believed it an important step in furthering civil rights and opportunity for all Delawareans.

A strong conviction was that many of the unemployed Black youth in and around Wilmington did not lack ambition but simply did not have the background and training to make themselves employable. He believed the college would help rectify that wrong. Its success as we stand at the threshold of a new millennium would justify his sanguine conviction of a project entirely of his own launching.

We had flown to Sea Island for that important and memorable conference in a plane belonging to the Delaware National Guard, which the Governor was told, he could personally use.

While he took that advice literally and used the Guard plane whenever he chose, he was generally discreet and rarely went for any other reason but the business of Delaware. However, he nourished a long-standing dream of attending the Masters Tournament in Augusta, Georgia. It was the golden age of television and a dynamic four-time winner named Arnold Palmer.

He asked me to call the chief assistant of Governor Sanders of Georgia to see if it might be possible to get tickets to the 1967 Masters Tournament. I called and was asked if the Governor himself were going to be in the party. When told that he would be, the Governor's chief of staff asked me how many tickets we would need and Terry instructed me to ask for 12. The assistant called me back to tell me that 12 was fine and that three state police cars would be waiting for the Governor and his party to transport them from the airport to this stately old clubhouse on the Augusta National Golf Club.

From all accounts—including the words of the Governor himself—it turned out to be one of his biggest nightmares. I'm not going to use names since many of those who were in the party are now dead but at least three of the Delaware guests got drunk beyond their abilities to exercise good manners or good judgment and became a source of great embarrassment to all of their hosts including the Governors of both states. One of them even picked a quarrel with the fabulous Philadelphia news reporter John Facenda and verbally thrashed him. What the Governor had looked forward to with great fervor because of his lifelong love of golf had become a horrendous sojourn. If he could have had his way he would have simply faded right out of the picture and back to the comfort of Delaware's capital alone and without the trip behind him. Finally the day ended for him and the group made its way back. But that was not the end of the story. The Masters had been held in April and for the rest of that year, nothing was said in public or in print and all of us had nearly forgotten the experience and certainly thought we were out of the woods as far as its being a source of any potential embarrassment to

the Governor.

But one day in early 1968 at the request of Gary Grubb, then a student at Pfeiffer College in North Carolina, the Governor agreed to fly down in the National Guard plane to address an honors convocation. Gary had worked for us the summer before and the Governor had wanted the young man to look good to his fellow students so I prepared an appropriate speech and down we flew.

As was our custom when going out of town on the National Guard plane on official business, we invited members of the press to accompany us. Bill Frank from Wilmington and Jim Miller from Dover went along with a couple of photographers.

The trip down was uneventful, but, on the flight back, I was sitting with the Governor and the two print newspaper men when suddenly Bill started asking questions about the use of the National Guard plane and whether it was true that it was used for a trip to the Masters Tournament in Augusta the previous year. Immediately alarms went off in my head and I tried to change the subject, saying to the Governor, "I don't think you want to talk about that right now. It would be better if you gave Bill a briefing on what's going on with the education proposal which is much more important." But Bill repeated his question and the Governor said, "Well, let me just tell you off the record."

Again I broke in and said, "Governor, you're talking to newspaper men. Nothing can or will be off the record." For all of his years of experience in the courtrooms and the politics of this state, Charles Terry had a streak of naivete and he quickly interjected, "Oh, Ned, you know you can trust these people. They're not going to break their word and they will keep this off the record as we requested and they agreed," with which he proceeded to spill out the whole yarn of the trip to the Masters. Two days later the story was a headline in the Wilmington paper with, not only the fact that the plane had made the

trip but, a list of those who had been the Governor's guests and of course it appeared in the Dover paper as well.

It was not only embarrassing but it gave the Governor's opponents in that election year an opportunity to savage him for his misuse of the plane and led to a friendly Washington inquiry, where the administration of Lyndon B. Johnson was obviously not going to pillory a colleague with the credentials of the Governor but yet had to do something.

The resolve of the Pentagon finding was that, while the Governor himself had every right to use the plane for any purpose that he so wished, he did not have the right to take along the passengers included as his guests. Therefore, he would have to pay round-trip airfare for first-class travel between Dover and Augusta according to the prevailing rates of that time. It amounted to several hundred dollars and Governor Terry paid it out of his own pocket, refusing reimbursement from those who accompanied him although, to a man, they offered to pay their share.

As Chief Justice the Governor had a pretty civil and easy-going relationship with the press of the state and it was not at all unusual for them to honor his request for some bit of information or release to be off the record or not for attribution, but he was not about to get away in such a benign fashion as Delaware's Chief Executive.

In fact he used to get furious when the press would call for a comment on some event or happening that really was not something under his jurisdiction or control. "Why do I have to even make a comment or say 'no comment' to something like that?" he would ask me, and I would respond that if he didn't come back, the press would just simply write that he was unavailable for comment or chose to ignore the request. Generally he would put together an answer, but it did not please him at all.

Latter-day Governors have found that a much less strident and

1966 Governor's Conference on Business and Industry. From bottom: Robert Cook, Lammot duPont Copeland, Governor Terry and Wilmington Mayor John Babiarz.
(Courtesy of the Delaware Public Archives)

able press is willing to accept commentary from the surrogates. They make it a habit of ducking the press altogether in most instances.

In the winter of 1967 the Governor, Bob Kelly and I attended the mid-term National Governors Conference at the Greenbriar Hotel in White Sulphur Springs, West Virginia.

We boarded a train in the late afternoon in Wilmington and made the all-night journey to West Virginia in leisurely style enjoying a splendid dinner in the dining car, a few drinks in our Pullman sitting room and then a few hours' rest in the sleeping room before detraining at White Sulphur Springs about 5 a.m. on a bitter cold morning. Michigan Governor George Romney, who was an avid jogger and exercise man before such activity became the universal fashion, was at the depot to meet us in his sweat suit, having run from the hotel for just that purpose. He warmly embraced Governor Terry and we then climbed into the waiting limousine for the ride to our accommodations.

The conference wasn't particularly noteworthy except for one lunch, which we enjoyed when Nelson Rockefellar and his wife Happy met with us in one of the small conference rooms at the hotel. There were about a dozen of us in the room listening to Governor Rockefeller talk about his multitude of problems in New York State. He was really laying it on thick in describing the burdens and headaches he encountered virtually everyday when Terry quietly interrupted him with the following comment: "Nelson, I hate to tell you this but the truth is that you are not alone in facing these monumental problems. In simple truth, I and my colleagues in similar small states have the same ones you have all of the time and they proliferate and create demands in much the same way. The only difference is in the magnitude of accounting." Rockefeller looked at the Delaware Governor with his mouth agape and a stupefied expression on his face and said, "By golly, Charlie, I think you're right."

During that same luncheon meeting I mentioned to Governor Rockefeller we had taken a pasting in the 1966 elections and that many blamed it on the fact that we had increased the registration fee on automobiles across the board.

Rockefeller looked at me and said, "Ned, I want to tell you something. I have raised more taxes than any other individual in the history of United States. During my three terms as Governor I have increased nearly every tax in New York State that it was feasible and possible to increase and one time, early in my career, I increased the motor vehicle registration fee and I will tell you right now I will never do it again. People will put up with almost any tax increase on their income, on their purchases, on their property, on their production and on nearly everything else, but they really take it to heart when you increase the fee on their motor vehicle registration and I will not do it again."

Three times in 1967 the Republican-controlled Delaware Legislature "rolled back" the automobile registration taxes to their pre-1965 levels and three times Terry vetoed their bill. By that time the battle was largely moot because the Republicans got what they wanted —namely, a huge victory in the 1966 mid-term election.

An interesting footnote as I write this in 2000, nearly 35 years after Governor Terry had the audacity to raise the rates, they remain at the level to which he raised them and they have never been increased. There is very little serious discussion among legislators about doing it anytime in the near future.

Sharing a moment: Ned Davis and Jessica Terry.
(Courtesy of Ned Davis)

LEGISLATIVE HALL MELEE

Delaware's Legislative Hall opened for business with the 104th General Assembly in 1933, but probably its most remarkable and memorable day occurred on March 27, 1968.

The booming and certain success of Delaware Technical and Community College, Terry's initiation of magistrate reform and a merit system, plus his flirtation with a cabinet form of Government in certain departments as a pilot program (preparatory to full-fledged shift in the way Delaware would be governed) and his other innovations —all tended to make him look very good indeed.

The one major disappointment and failure, which he was never going to be allowed to forget, was that he could not convince the Delaware State Senate, divided 9 to 9 between the two political parties, to pass a Fair Housing bill to assure the right of all Delawareans to live in a house and on an affordable site of their choosing. From the Democratic Majority in the House of Representatives in 1966 he had secured passage of such a bill and the Republican controlled House had passed it again in 1968 but, on both occasions, the Senate adamantly refused to give it a majority and civil rights leaders all over Delaware were blaming the Governor.

Even so it was not at the time the kind of issue upon which electoral majorities are built. Although the dapper and sometimes feisty Littleton Mitchell, head of the State's NAACP, confronted him about it whenever possible.

What Terry didn't know was that events were transpiring which would transform the issue of civil rights and race relations from one simmering on the back burner to one boiling over into violence, disruption, turmoil, uncertainty and unrest before the end of the year. It is impossible, in retrospect, to pick a point where, in the most colorful vernacular terms, "all hell broke loose," but March 27, 1968

might well be a good starting point. It was on that day that four busloads of men and women from Wilmington, most of them black, describing themselves as welfare recipients, descended upon Legislative Hall just as the Legislature was about to convene to consider a $250,000 supplemental appropriation bill that would prevent proposed cuts in welfare payments. The Wilmington citizens vowed not to leave until the General Assembly had enacted the legislation and a contentious confrontation was fated from that very moment.

Many of the demonstrators had their children with them and they proceeded to make themselves as comfortable as possible on the ground floor of Legislative Hall while Governor Terry conferred upstairs with leaders of the General Assembly and the civilian and state police authorities.

National Guard Adjutant General Joseph Scannell, State Police Superintendent Jerry Lamb, Attorney General David P. Buckson, Secretary of State Elisha Dukes and leaders of both political parties in the Assembly were all summoned at some point or other during the day to Terry's office to confer about the situation. The General Assembly kicked up its heels and was adamant that the supplemental appropriation legislation would not be passed as long as the demonstrators were in the building. In fact both Houses approved a resolution proclaiming that the building would be evacuated and closed to the general public at 5 p.m. When that action was taken, of course, it was sort of like rubbing salt in sore wounds because the people involved were unwilling to listen to pleas for restraint even from their own.

According to an account written by Kathie Dibell of the *News Journal:* "Representative Raymond T. Evans, Wilmington Republican, a Negro, pleaded in vain with the demonstrators to go peacefully and return the next day (March 28, 1968) when the Legislature would re-convene. Evans had introduced his bill to cover the supplemental appropriation on March 27 and Governor Terry had

promised to sign if both legislative chambers passed the measure the following day."

When the welfare demonstrators passed the word that they would not vacate the building, State Police Captain Edward Horney, announced over a loud speaker that the Hall was officially closed and warned the demonstrators that they would be evicted forcefully if they did not choose to leave.

According to Dibell's account, "No one moved."

A number of the demonstrators had remained outside during the course of the fairly warm day but it was estimated that at about 5 p.m. nearly 50 people remained inside. During the course of the afternoon, which seemed interminable to those of us who lived through it, we made a lot of effort to hold ongoing communication. The Governor dispatched me to talk with rank-and-file demonstrators to assure them that the supplemental appropriation would be enacted and signed, and he himself had two or three of the leaders brought in to discuss the situation with him. He warned them in no uncertain terms that he was not going to put up with leaving the building in their hands if and when he and other public officials went home and he also advised them that he had 60 state troopers on hand if they made it necessary for him to give the order which he emphasized he did not want to issue, preferring instead that they would leave voluntarily.

There were also some 50 National Guard personnel on duty at the State Armory not over a hundred yards away from Legislative Hall who could be called in if needed. It turned out they would not be, but the Governor's resolve, already set, became even more determined when he received a report that someone had defecated on a bathroom floor and smeared it on the wall. Shortly after 5 p.m. the Governor gave the word "Let's move them out, men."

According to the newspaper some fifty shouting, struggling

Another Governor's Conference on Business and Industry. From left: Ned Davis, Lt. Governor and Mrs. Sherman Tribbitt.
(Courtesy of the Delaware Public Archives)

welfare recipients were then thrown out of Legislative Hall during a brief, but violent melee with Delaware State Police.

The police officers grabbed the apparent ringleaders first and one of the early men removed was DeNorval (Johnny) Bratten, an outspoken leader, who was literally carried out the door. Other troopers on the top floor swarmed down to ground level, grabbing men and women and pushing them out the door. Women tore billy clubs out of officer's hands and tried to fight back. Some stumbled. Placards and bodies fell. Children cried and men swore.

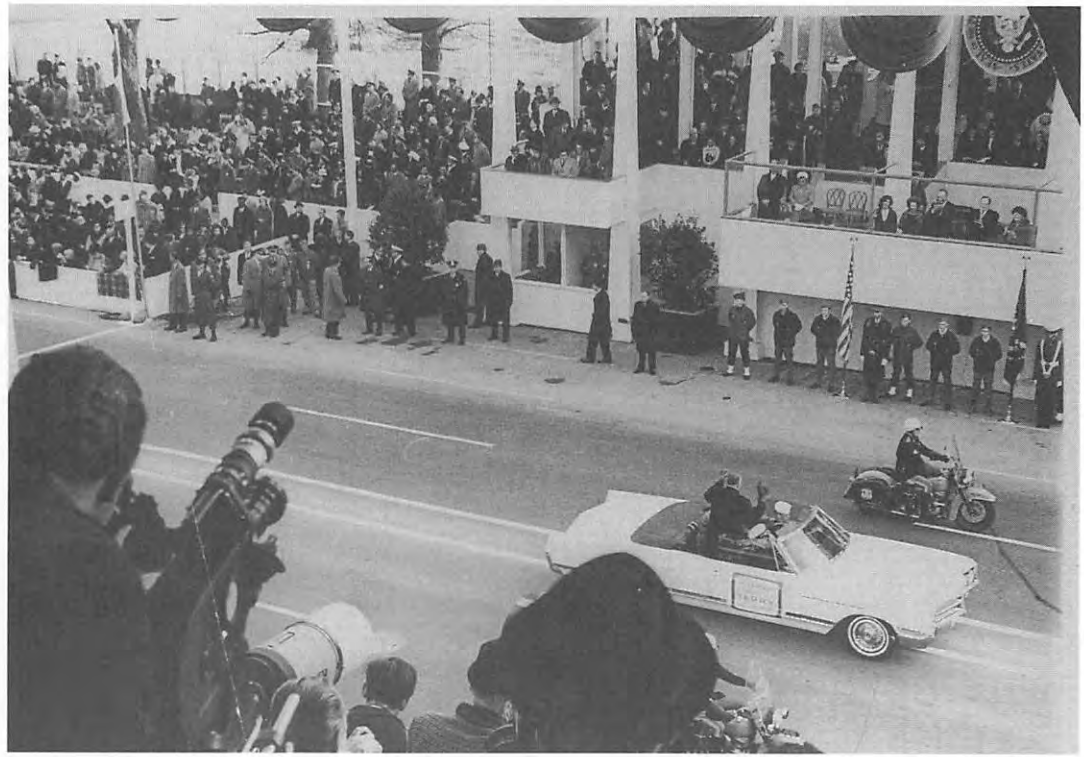
"You dirty, filthy animals," one of them yelled at police. By this time one of the demonstrators, whom Terry had recently named to the State Welfare Board, called the angry group out of the buses for a rally. She read a telegram of support from the great civil rights leader, Martin Luther King Jr. and asked the demonstrators not to go back to Wilmington.

"You made up your minds you were going to stay and now it would be unseemly for you to run back," she said, and went on, "Anyone who is going back to Wilmington, you are the ones who are going to suffer."

About 100 left on two buses despite her plea. The others returned to Legislative Hall for the planned "all night" sit-in which was involuntarily aborted.

In the aftermath of the eviction, the remaining people walked and drove to Mt. Zion A.M.E. Church in Dover where they were housed for the night.

The next day the Welfare Supplemental Appropriation Bill passed and the civil rights demonstrators went home in buses arranged by the Reverend John E. Clement, who had been one of the organizers of the escapade. The entire events of that day may constitute the most violent in the long history of Legislative Hall.



Governor Terry in Washington D.C. saluting President Lyndon Johnson.
(Courtesy of the Delaware Public Archives)

TRANSIT BILL TUSSLE

Less than a week later on April 2 another confrontation took place in Legislative Hall involving two of Delaware's most illustrious figures of the twentieth century.

What is perhaps noteworthy about the incident of April 2 is that, in retrospect, serious as it was, it seems like a bit of levity in contrast to the circumstances of the welfare melee. It was a balmy day in early April that Terry had picked to address a joint session of the General Assembly designed to deal with problems underlying the enactment of a transit bill, which Terry had introduced to establish a Wilmington Authority, which would take over the operations of Delaware Coach Company, then the main private business for moving Wilmingtonians about their city.

While fielding questions in the chamber from "an old antagonist," as journalist Ralph S. Moyed described Senate Republican leader Reynolds "Reyn" duPont of Greenville, Terry accused duPont and Senate Republicans of doing nothing to advance a solution to the transit crisis.

This provoked the usually mild-mannered, Representative Michael N. Castle, Republican of Wilmington, to slap his paper on his desk and say coolly and directly to the Governor, "That's a lie. You're ignoring the two bills introduced in this General Assembly, mine in the House and Senator Steele's in the Senate."

According to the contemporary accounts, Terry's face grew red while Castle went on to call the Governor's original Transit Bill "a political boondoggle" and to say, "You are not making true statements." The 67-year-old Governor, visibly reddening still further, responded, "You can't call the Governor a liar outside this chamber. You ought to be ashamed of yourself."

Those words from the Governor brought loud applause from the Senate gallery, which was filled with elderly women who had come to Dover to plead for prompt legislative action on a public transit takeover in the Wilmington area.

Realizing that he had perhaps sounded harsher than he intended, the 27-year-old Castle, who was later to be Delaware's Lieutenant Governor, Governor and Representative in Congress, apologized to Terry for interrupting the hearing. But the late Senator Anthony C. Moore, a Democrat from Woodland Heights, had already gaveled the hearing to a close while Wilmington Planning Director, Peter A. Larson, still waited to testify.

After the hearing adjourned Castle followed Terry to his office and apologized again face-to-face with no reporters present. Terry later told the press that he told the young legislator, "All right Castle, you're a young man, but if you intend to go places you better change your course."

Even so, Castle explained that he had apologized for the manner but not the content of the remarks. Moyed said the whole thing might have been caused by a simple misunderstanding, that Terry was actually complaining to Reyn duPont about his personal inaction and not necessarily about that of his party. DuPont had been needling Terry about the delay but had helped cause it by refusing to move a bill designed to give Delaware the authority to receive and use some $800,000 in federal funds to help defray the cost of taking over Delaware Coach Company. Terry's legislation even had the support of New Castle County Executive William J. Conner, a Republican, as well as Wilmington's Democratic Mayor John E. Babiarz. Conner worried at the time that the exchange between Terry and the young representative might further delay or even cause defeat of the Transit Authority takeover of the private company.

He need not have worried. When the flared tempers cooled, the bill passed easily the next day after Representative Russell D. F.

Dineen, Wilmington Democrat, attached an amendment that met the objections of James Abbott, president of Local 842 of the Amalgamated Transit Union.

The union and its leader were just coming back to work after being on strike for 5½ months and that too brought out an irate comment from Governor Terry who, in his testimony, said that the union could have gotten what it finally settled for "two weeks after they went on strike," without putting the people of Wilmington through the ordeal of deprivation of service for such a long period of time.

Writing about the scenario between Terry and Castle in his column a day or two later, columnist Bill Frank of *The Morning News* said Castle probably didn't realize how close he came "to the brink of being a cause celebre" when he accused Governor Terry of being a liar.

"Had this happened years ago, Castle might have heard the crack of a horse whip," Frank quipped and added, "Certainly in another country and another time he wouldn't have ever returned home, but would have found himself languishing in a deep dark dungeon or under arrest at the very least."

Frank went on to point out that not only was Terry governor but he had been on the bench for more than 25 years and not to his knowledge had it ever been heard of in the annals of Delaware for anyone to call a judge a liar. Frank then added, "Let us fast forward to the year 2025 when Mike Castle will be 86 "and his grandchildren will climb over his knees demanding, 'Grandpop, tell us about the time you told off the Governor of Delaware.'"

According to Frank the script would have Grandpop Castle smiling and saying, "Well, children, I kind of lost my temper that day. I was what was known as a whipper-snapper," and the kids would have mythically responded, "Gee, Grandpop, you must have

been a brave man to have said that." Bill concluded that column with the observation, "And if Mike Castle ever becomes Governor of Delaware, perhaps on his day of inauguration he'll appear in sack cloth covered in ashes; a repentance for what happened on April 2, 1968."

Bill Frank was still living when Mike Castle did become governor of Delaware in January of 1985 but he was no longer writing his daily column. This observer was present however and there was no sign of sack cloth and ashes and every indication that Mike Castle, like most governors, could flare with a quick temper. He meant exactly what he said when he apologized for the manner but, not necessarily, the contents of his abrupt and acerbic accusation in the spring of 1968.

THE 1968 WILMINGTON RIOTS

Governor Terry and I were in Wilmington that April evening at a dinner that Sam Shipley, Director of the State Development Department, had arranged with business leader Alan Boyd, Lyndon Johnson's Secretary of Transportation. Boyd was to be the featured speaker. Shortly after news of the shooting of Dr. Martin Luther King Jr. in Memphis, Tennessee broke over the airwaves, someone called me out to inform me that the shooting had taken place. But, while the charismatic black preacher had been wounded, he was at that moment believed to be surviving. A few minutes later the messengers whispered to me that he had died. I went over to the podium to tell the Governor, who announced it to a stunned and disbelieving group of diners who went home without any further discourse. The Governor was in a subdued and somewhat fearful mood on the drive home.

Throughout the 1960s, black Americans were inspired and led by the buoyant spirit and unflappable confidence of Dr. King. His mission, and the possibility of its attainment through non-violence, held high hopes for their future. Nevertheless, they revealed isolated patterns of militancy that frightened the nation's largely white political leadership.

In the early 1960s, a black lawyer and politico from Philadelphia, Cecil Moore, had delivered a fiery lecture on the campus of Delaware State College and predicted violence and bloodshed in the streets of America. Others had echoed his views in the succeeding months, but it was not hard to sense an underlying mood of despair among isolated black individuals.

Though Lyndon Johnson had secured passage of the Voting Rights Act and other measures advocated by Dr. King and his followers to equalize and stabilize conditions in the relationship of blacks to the overall community, there was still a great deal of dissatisfaction about their treatment in terms of housing, public

accommodations, public access to transportation and many other arenas. In some parts of the nation (and not always the South), blacks were still held down as inferior and less entitled to liberty than the white population, which took its rights for granted.

Recalling that night nearly 30 years later in an interview with Eliza Diller, Deborah Haskell and Skipper Purnell of the Heritage Commission, I recalled the Governor's being "full of foreboding about the situation."

Terry. somberly remembered there had been a minor riot in the city of Wilmington in the summer of 1967 that had required substantial police intervention and resulted in some looting, burning and other property damage. He was full of thoughts about *deja vu.*

He expressed out loud his opinion that the assassination was an awful circumstance that would horrify and be repudiated by all right-thinking Americans and expressed the hope that the government would move expeditiously to find out the perpetrators and a motivation.

Whatever the repercussion, Terry was sure that the killing would have some kind of definite reaction. He wasn't sure if it would be violent or whether it would increase the civil rights activities of the King adherents or just what form it would take. But his portent was there would be a major upheaval impacting the whole country, and Delaware would enjoy no exclusion. The Wilmington setting was probably an ideal festering ground for the mayhem that was to break out. In the black community were those who believed that the fervent and visionary spiritual leader of America's blacks, Dr. King, was not only steadfast in his commitment to non-violent behavior, but, in his heart, did not believe violence was necessary for the achievement of his goals.

On the other side was James Baker, in 2000 president of the Wilmington City Council, who observed long after the fact, "There were a number of young black people who didn't believe in the

ability of the civil rights movement to achieve results." Baker told a group a few years ago at a gathering to mark the 30th anniversary of Dr. King's assassination that young blacks had long since rejected King's non-violent approach as a means of reaching economic and social justice because it was too slow and accommodating and, for their own part, they wanted to make a strong and lasting statement. Baker had worked in the inner city in the 1960s.

Nevertheless, city officials and public-spirited men and women spent the weekend that followed the shooting in a frantic effort to keep things calm. They knew it would be difficult especially after black power leader Stokely Carmichael (later Kwame Ture) in Washington D.C. on Friday, April 5, declared that white America killed King and called on blacks to "take up arms and kill the real enemy." That night serious riots erupted in a number of cities around the country and, in Wilmington, roving bands of teenagers sporadically demolished store front windows and car windshields. They hurled Molotov cocktails and set off fire bombs. By night fall, Mayor Babiarz had boosted police patrols and personally "rode" around in a squad car until the early morning. The city remained calm and maintained a feeling of muted serenity in subduing the potentially explosive tinderbox throughout the long weekend as respected figures such as Senator Herman Holloway Sr. and Municipal Court Judge Leonard Williams urged their fellow citizens to remain calm and peaceful and help prepare for the eloquent and moving tribute to Dr. King in a memorial service planned in Rodney Square on Monday. Their efforts were powerfully stated and, for a while, appeared to be crowned with the sweet glow of success. But on Monday, April 8, after the tension-filled week ended, the rioting got underway and numerous reports started filtering in to the Governor, some of them from Wilmington officials, but a great deal from eye witnesses among the community at large. Some were no doubt exacerbated as hyperbole tends to proliferate in that kind of circumstance and yet, as I told the Heritage Commission panel, "There is no question that there were fires, there was burning and looting and a great deal of evidence of mobs run amok. And, of

course, the relatively skimpy police force in the city of Wilmington did not have the depth or capacity to deal with it."

Faced with the reality of a measure of lawlessness in Delaware's biggest city, the Governor, after conferring with a number of people including Adjutant General Joseph Scannell, Attorney General David P. Buckson, Wilmington Mayor John Babiarz and police Superintendent Jerry Lamb, called out the National Guard. The Governor did so in a decisive manner, and he made sure there were sufficient numbers. I think a total of 600 National Guard officers and men were mobilized on a temporary basis. Without any second guessing, Terry felt it had to be done and was his responsibility, so he did it with an executive order in his capacity as commander-in-chief of the Guard.

Lyndon Johnson called Governor Terry from Washington and offered to send Federal help if it were needed, but the Governor told the President that he thought the Delaware National Guard could handle the matter.

As the rioting quickly subsided, it left in its wake perhaps a half million dollars in property damage, about 25 burned-out buildings and a few scars and other wounds but nothing serious in the way of personal injuries. The Guard was slowly taken out of Wilmington in its main bulk, but Terry insisted on retaining its presence as a peace-keeping measure and he authorized patrols on the streets during the evening hours and until 2 a.m.

And that's where the bitter disagreements began. While many thought that Terry had acted precipitously in mobilizing the Guard in the first place, they understood that circumstances probably necessitated his erring on the side of safety and protection for the vast majority of Wilmingtonians.

O. Francis Biondi, the prominent Wilmington lawyer who was City Solicitor at the time, said the Wilmington police had the situation under control within a few days and a veteran police officer

at the time, Matthew Shipp, tended to agree with him.

Biondi didn't think the guard presence in Wilmington after the riots abated was all that meaningful. He pooh-poohed the notion that Wilmington was a "city under siege," adding, "What it came down to was three silly jeeps with two or three guys in them running around the city during evening hours." He was commenting at a public forum 30 years later at Hagley Museum and Library.

Nevertheless, in all of Delaware, it provoked pro and con arguments with many in the Wilmington community believing the presence of the jeeps was regarded by young blacks as an agent of oppression. Many others were saddened and angered because they believed it cast Wilmington in a negative focus on a national basis. As the summer of 1968 wore on, the national press, television and radio stations across the country were constantly besieging the Governor's office for his views. He firmly declined all interview requests. He finally did agree to allow *The New York Times Magazine* to do an article, but the reporter didn't start his interviews until September. The Governor's heart attack on October 8 and subsequent defeat in the November Election of 1968, terminated this work before it really got under way. Terry that summer was buttressed in his determination to keep the Guard in Wilmington by people coming down from the City of Wilmington bringing petitions with thousands of signatures urging him to keep the Guard on the streets. Of course, there were also hundreds of letters. Many of the petitions and letters are still in the boxes of records that the Governor turned over to the state Public Archives at the conclusion of his term. The number of boxes totaled 142, perhaps more than any other Governor. Governor duPont, for instance, left seven at the end of his two terms in office.

Governor Terry simultaneously was seeing protesters of his policy and he never declined to meet with what he considered the minority voices being raised against the Guard. He particularly went out of his way to meet with clergymen, black or white. One of the

most persistent in visiting him was the Reverend Henry N. Herndon, an Episcopal prelate, who chaired the state Human Relations Commission. The Reverend Mr. Herndon would come to Dover at least once monthly, always with a wonderful attitude of friendliness but persistent commitment to his goals of getting the guards off the streets of Wilmington and a Public Accommodations Law enacted by the General Assembly into the Delaware code. He succeeded in neither course. Those who wanted the guard off the street mostly used the argument that it was impacting the morale of the people, especially in those sections which were predominantly black and where the Guard usually originated its nightly patrols. However, the Guard was not confined to such an area and went by the Hotel duPont in the heart of Wilmington and right down Market Street, so it was not that they were being shunted into low visibility areas. They were right out front for everyone to see.

It should also be remembered that among those advising the Governor was the much respected and articulate Senator from Wilmington, the late Herman M. Holloway Sr. Holloway and his family had to move out of their house and into a hotel for a brief period during the time of the riots because of the threat of violence from those disagreeing with him. He perpetually sought and played the role of peace keeper in the very eye of the storm of unrest.

It was Holloway whom Governor Terry selected to represent him at Dr. King's funeral in Atlanta and Terry believed it very important that the state be represented. He felt it was not so much existing conditions as it was the hope that had been snuffed out from the dream of black aspirations with the destruction of King's life that had triggered the chain of events, and they would not have happened had the great pacifist pastor lived on.

Many, perhaps most, individuals are able to find solace and privacy from a majority of their burdens. But someone in authority has to deal with reality and the facts as presented to them which are not necessarily right or wrong, but reach their ears after being filtered

through a prism of countless interchanging ideas and personalities. In any event, the Governor was getting a lot of information that a group in Wilmington, WYEAC (Wilmington Youth Economic Action Council) were the real agitators behind the unrest and that they had, right or wrong, instigated the continuation of the confrontational situation that had evolved in the aftermath of the spontaneous eruptions.

Terry's primary source of information about the group came from the now-deceased Caleb Van (Tex) Warrington, then the Chief Operating Officer for the Ferris School for Boys. Warrington claimed to have infiltrated, through his connections with some of the inmates of his reform school, the very heart of the WYEAC organization, and he was feeding the Governor information about the conspiratorial activity going on among the restless youth determined to keep the unrest at fever pitch. It should also be clear that all of us close to him knew that the Governor was receiving some anonymous death threats, which I could not find in the archives because I think he did not want them there, but there is no question that he got threats. (Actually they were turned over to investigators). The consequence, after consulting with Colonel Lamb, was that his own protection was beefed up and he went from one lone driver, Jimmy Mood, to a full time bodyguard, Norman Lawrence, and a constant round-the-clock trooper presence at the Governor's House. Authorities felt this was needed in light of the threats. There is no doubt that the threats were crude and unsigned, but Corporal Lawrence took them very seriously and even worried about the Governor's sitting at the desk in the window of his office where it would be very easy during the day for an expert sniper to wipe him out. Colonel Lamb was the Governor's hand-picked candidate for state police superintendent. Terry had promoted him from lieutenant over many other officers who outranked him. Now living in retirement in Smyrna, he recalled the guard patrols as "the only disagreement" he ever had with the Governor. "I thought it was overdone," he said, "and it would have been better in the summer just to keep them on the alert in the Armory." Lamb also believed the

threats against the Governor had to be taken seriously and it was he who ordered Terry's protection stepped up, insisting that he have a body guard, even when he played golf. Lamb believed the State Police handled the demonstrations at Legislative Hall and at Delaware State College with dispatch and had sufficient trained personnel to need the National Guard only for back-up purposes.

It should be noted that the life-threatening calls he was getting did not come from members of WYEAC and that Jim Baker's denial that they were instigators was absolutely correct. However, it is clear in my mind, that the Governor was being told that WYEAC was responsible. Such an allegation would be difficult to believe in light of the fact that WYEAC, an amalgamation of Wilmington street gangs which had been forged by outreach workers from the YMCA and Catholic Social Services, had played a major role in helping to quell the violence that erupted in July 1967 following the gang death of B.J. Keller at the Sixteenth Street Bridge.

During the summer months the Governor conferred constantly, not only with Tex Warrington, but also with Colonel Lamb, Attorney General Buckson, General Scannell and members of the General Assembly of his own party for their advice and support.

In September, Mayor Babiarz asked the Governor not necessarily to remove the Guard but to pull them back and stop the patrolling. Babiarz also asked Terry to place the troopers in the Armory as a ready alert group that could be summoned to deal with out-of-control situations on short notice. The Mayor further said that he would assume full responsibility for the security and safety of the City. As a result of that request the Governor did hold a meeting with Babiarz and Frank Biondi. After they left I remember joining with the Secretary of State, Elisha Dukes, urging the Governor to take that course of action, because it seemed sensible since he would not be sacrificing any vigilance. However, the Governor was a very adamant and strong-willed man and, from the information he was receiving, he felt that he could not change courses at that time. "You just don't

Mayor of Wilmington and Mrs. John Babiarz.
(Courtesy of the Delaware Public Archives)

know what I know," he told Dukes and me.

The Governor received a few protests from members of the General Assembly but they were minor. No serious effort was made to reduce the flow of appropriated money to the National Guard, which might lead to a forced curtailment of its presence in the City. General Scannell himself told the Governor at the time that the continuation of the patrols was having a negative morale effect and that some of the guardsmen, especially those from downstate, were complaining about the long hours.

THE AFTERMATH

A little more than a month after the King assassination, Governor Terry was scheduled to speak at the dedication of the Delaware State College (now Delaware State University) student center to be named in honor of Dr. King.

As Terry mounted the podium to deliver the dedicatory address a group of about 75 students started a drum roll followed by chants of "student power" and a choir singing "I'm here on your word." Earlier Terry had been granted a round of applause as he went up to the platform but that was quickly drowned out by the demonstration and, when it became evident that he would not be permitted to speak, the Governor backed away from the podium and left the campus in his limousine.

Meanwhile Dr. Luna I. Mishoe, the college president, endeavored to quiet the students but was himself greeted with chants and boos.

The students, of course, were angry at Terry for a number of reasons, but the central focus of their disenchantment was with the board of trustees of the college who had refused to name a new dormitory in honor of another fallen black leader, Medgar Evers of Mississippi.

Following the incident, Mishoe told a press conference, "We don't plan to concede. At least I don't. We won't dedicate the building until the trustees decide what the name should be," he declared. After chanting Governor Terry and Dr. Mishoe off the stage, the students listened to their student leader, Leroy Tate, who blamed the college administration for causing the demonstration by ignoring the student request to name the dormitory in memory of Evers.

The student unrest continued and two days later the Governor

and I were again in Wilmington when I got the call that they had seized the college administration building and had ousted President Mishoe and other school executives from their offices. We left immediately for Dover and en route Terry alerted Col. Lamb of the Delaware State Police and told him to have a force of great strength ready to act upon his orders.

It should be noted here that in the aftermath of the riots of 1967, the General Assembly voted the Governor extraordinary powers of enforcement to deal with critical situations on an emergency basis. It included authority to mobilize the National Guard as well as to directly command State Police in the event he declared such a state of emergency and deemed the use of force necessary for the public safety and protection. He had the order for the emergency prepared regarding the Delaware State College's administration building seizure from his car while we sped back toward the campus and our rendezvous with police.

The Governor wasted little time having the students notified that they must evacuate the building and return to their dormitories or they would be removed forcefully. He gave them two hours to make up their minds.

When the two hours came and went, the Governor asked Col. Lamb if he wanted the National Guardsmen to come to the scene to assist in removing the students, but the police commander thought that his force of more than 50 officers and men could handle the situation and they showed that they could. A unit of the Guard backed them up. The confrontation was not really violent and most of the students, realizing that the Governor and law enforcement officers meant business, filed out peacefully. They were naturally sullen and unhappy. The turmoil rocked the college and Tate was suspended indefinitely while the commencement ceremonies were put off and the term underway was declared over for the year.

It was not until June 17 that the college reopened for its summer courses. The graduation that had been scheduled in May was set for

a June date following the reopening and, instead of holding it on campus, was moved to William Henry High School in downtown Dover. The fall term, however, went without incident and Delaware State University has been a model of decorum ever since with a large number of white students using its ever-improving facilities and curriculum.

While there is no question that Charles Terry was a no-nonsense governor, his true nature was often probably misread by friend and foe alike. A man who disagreed with him was Roosevelt Franklin, a black man much honored in his later years for his leadership in promoting understanding between the black and white communities. But, at the time of the campus unrest at Delaware State, Franklin was the leader of the Opportunities Industrialization Center, which Governor Terry helped to fund. Franklin issued a stinging rebuke to the Governor accusing him of "playing to get white backlash." Speaking to the supper club of Hanover Presbyterian Church, Franklin went on, "I am concerned that the board of trustees of Delaware State College cannot make the decision that the college should be closed and why word had to come from the top. I wonder why there is a board of trustees," suggesting Terry usurped their authority.

Franklin said Terry would never use the police or National Guard to close down a white school such as the University of Delaware but did not hesitate to take advantage of the wall between the administration of Delaware and Dover in the black community and said the gap was a creation of the governor himself.

On the other hand the U.S. Attorney for Delaware, Alexander Greenfeld, much admired among liberal leaders, praised the Governor for his handling of civil unrest saying, "He cannot permit lawlessness. He cannot take a chance with the lives of the people of Wilmington and the rest of Delaware. Those who indulge in violence must learn that force will be met with force – indeed with the greatest force necessary under any given circumstances."

Simultaneously the Governor was steering through the General Assembly a criminal code revision of major proportions, the first undertaken in Delaware in many years and one that is still in effect. It was put together by some of the state's most able lawyers under the chairmanship of Bruce Stargatt.

The revisions were savagely attacked by Captain Anthony J. Celano, secretary of the Wilmington Fraternal Order of Police, who called it "nothing more than a defense attorney's manual." Other FOP leaders joined in attacking the code to which Terry responded, "I think their criticism is unrealistic and unfounded." He told members of the liberal Democratic Forum in a question and answer session, that the proposal which was then before the legislature "was an excellent code." Terry also recalled, in moving tones, the one man he had to sentence to the gallows (though he was able later to remove the sentence) by saying that when he was a trial judge he had presided over a case where an individual was found guilty of a first degree crime but where he had doubts as to whether the accused had intended to commit the crime for which he was convicted.

However, the verdict came in with no recommendation for mercy and under the law at that time he was compelled to sentence the man to be hanged even though it went very much against his grain. "Don't think a judge doesn't suffer," Terry told the forum later, and his personal discontent lasted until the death sentence was reversed on appeal.

NATIONAL DEMOCRATIC CONVENTION – CHICAGO

One of Governor Terry's best political friends was Vice President Hubert H. Humphrey. The two men talked together over the telephone on numerous occasions and enjoyed each other's company on those occasions when they did get together.

It therefore was inevitable that when Humphrey announced in early 1968 that he would seek the Democratic nomination for President – in the aftermath of Lyndon Johnson's March speech saying he would not accept his party's nomination for reelection – Terry leaped onto the Vice President's bandwagon with all of his forceful personality and political strength.

A couple of weeks later U.S. Senator Robert Kennedy of New York, sensing Humphrey's discomfort over Vietnam and his awkward position as LBJ's loyal subordinate, jumped into the presidential race in full earnest. President Kennedy had carried Delaware in the 1960 election and he had a strong and loyal following particularly among the Roman Catholic voters in urban Delaware.

In those days Delaware's Democratic party had two state conventions, the first known as the "little" convention in which delegates to the Democratic National Convention were selected. The second one, held a bit later, was to select candidates for offices of the State government and, in that process, Governor Terry was a shoo-in for renomination.

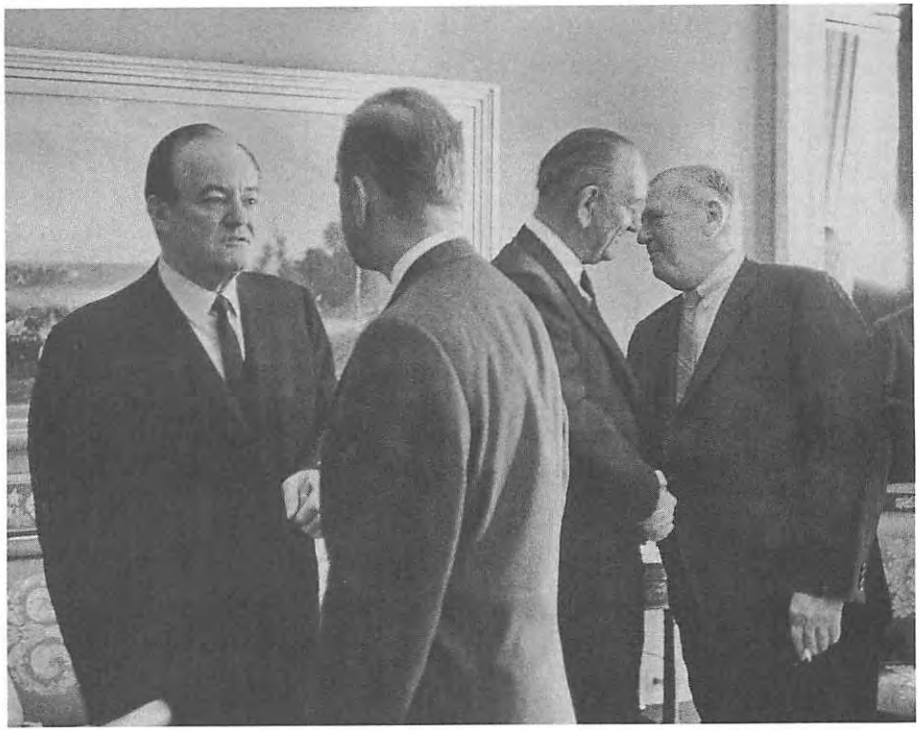
What was uncertain was how the "little" convention would come down on the issue of selecting its slate of delegates to go to Chicago where the presidential candidate was chosen.

The state was allotted 12 full delegates but would actually send 22 people to Chicago to participate since some would have half votes.

Governor Terry put together, with the help of his assistants and political allies, a slate of delegates solely committed to Vice President Humphrey. The Kennedy forces, realizing that they could not entirely shut down the Governor, countered with a slate that included mostly Kennedy delegates but a smattering of individuals loyal to Humphrey including Terry. The real contest developed over whether Delaware would send its delegates under a proviso known as the unit rule which meant that the total slate would be bound to a first-ballot vote for the endorsed nominee.

"Little" convention day was spent in a good deal of political maneuvering but, in the end, a vote was taken on the two rival slates of delegates and Terry's position prevailed by the narrow margin of 62-58 from the 120 statewide delegates assembled. The forces opposing Terry were led by former Congressman Harris B. McDowell Jr. and his daughter, Kendall Wilson, with her husband Ernest. They put up a formidable battle for the Delaware contingent.

In spite of the closeness, it was a victory for Governor Terry and Hubert Humphrey. The elated Vice President, in recognition that Delaware was the first state to give its entire block of delegates to his candidacy, flew the Governor, the delegates and the Governor's guests to Washington for an evening of elegant food and beverage at one of the better hotels. Nancy Sinatra was among the notables on hand who entertained. Humphrey himself willingly posed for his picture to be taken in color with every delegate on hand and a number of other individuals. There is one of my wife standing between the Vice President and Delaware's Governor. Humphrey was beaming and felt he was fairly launched for his party's nomination although there is no question that Bobby Kennedy, buoyed by his somewhat astonishing victory in California was very definitely on the rise when he was wiped out by an assassin's bullet on the very night that he had achieved his most significant win in the 1968 contest.



Shaking hands at the Democratic National Convention in Chicago, 1968. From left: Hubert Humphery, person unknown, Lyndon Johnson and Charles Terry.
(Courtesy of Ned Davis)

The death of Kennedy eliminated all meaningful opposition to Hubert Humphrey's path to the Democratic nomination and it was apparent as the delegates gathered near Chicago's stockyards in July that Humphrey would be the standard bearer.

To many Americans he was an ardent champion of civil liberties and the hero of the Philadelphia Convention of 1948 when, as Mayor of Minneapolis, he had forthrightly stood up for black Americans and their participation in the process. But to others he was the symbol of our heated involvement in the Vietnam War that had produced many casualties and few results toward a victorious conclusion. Even as the convention met, the Vietnam war was dragging on in its interminable fashion with men dying and being maimed every day, others fleeing from a divided United States to avoid service and all beginning to lament the entangled engagement that showed no sign of abatement.

To top it off, many were confused as to why we were involved in Vietnam in the first place since the government we were backing, while not communist, was corrupt to the core and despised by the people it was endeavoring to serve.

Humphrey had to bear the onus of the American people's disenchantment with the bogged-down forces in Vietnam. The people still loved their servicemen and women but they felt that it was a travesty for them to be mired in a war we had no commitment to win or end.

The circumstances produced many Chicago demonstrators antipathetic to the Democratic Administration in Washington of which Hubert Humphrey was an inherent part. There were thousands of chanting demonstrators in Chicago all that week. The police were sometimes ruthless and certainly always in evidence in keeping them both in check and out of Convention Hall where the delegates were meeting to nominate Humphrey.

It was inevitable that there would be some opposition to Humphrey developed within the convention itself and a spirited but futile effort was mounted to give former Minnesota Senator Eugene McCarthy support against his fellow Minnesotan.

It was in this setting that some of the Delaware delegation, led principally by Sonia Sloan, a long-standing Democratic party stalwart, went to Terry and urged him to allow the Delaware group to have "a couple of delegates" support McCarthy to show that while our state was fundamentally for Humphrey, it also would show that Delaware grieved over the death of Bobby Kennedy in compassion for his humanitarian idealism.

Mrs. Sloan made a moving plea for this token show of support and the Governor patiently heard her out, but he shook his head negatively and responded that he just couldn't do it because he had fought long and hard for a solid Delaware delegation in support of his good friend, the Vice President, and he was not going to waver now that the vote was about to be taken. Delaware accordingly gave all of its votes to the Vice President and Terry was among the dozen or so Humphrey confidants who were invited immediately after his acceptance address to share in the exuberant celebration. I went with him over to the Humphrey suite in the Blackstone Hotel and was dismayed by the chanting, screaming protesters outside whose hostility and anger cast uncertainty and dissension even in the midst of what was an otherwise jubilant occasion.

It took all of Humphrey's considerable oratorical skills and energy to bring himself and his party back in the race from the Chicago debacle. There were some who thought Chicago adversely affected Terry's re-election.

Charles Terry, Hubert Humphrey, and Ivy Davis.
(Courtesy of Ned Davis)

RE-ELECTION CAMPAIGN

Sherman Tribbitt, who was Lieutenant Governor under Terry and was to be Governor in his own right four years after Terry left office, recalls the Governor's disillusionment in 1967 in a conversation in which Terry strongly indicated he might not seek a second term.

After the triumphant experiences of two years in office with an overwhelmingly Democratic 123rd General Assembly eagerly willing to do his bidding, Terry had a rude awakening from the Republicans who took over the House in spades following the 1966 election.

He also experienced a painful ulcer, which he had first worried might be a recurrence of the heart attack that felled him for several weeks in 1957 when he was President Judge of the Superior Court. He had an underlying feeling of malaise, and a feeling that he wasn't getting anything done.

By the end of 1967 he was feeling more chipper about things and told Tribbitt that he would be running for re-election and hoped that Sherman would once again join him on the ticket.

Early in the year he started putting together a re-election campaign committee and it was once again led by Robert F. Kelly, the Wilmington lobbyist for the DuPont Company who had served as the Chief Aide of United States Senator, J. Allen Frear Jr. Working with Kelly were many of the holdovers from 1964 including Wilmington lawyers Andrew G.T. Moore, Bruce Stargatt, Ted Sandstrom and former Speaker of the House Harold Bachman, who was the Governor's Chief Advisor on labor matters, although he conferred often with Clem Lemmon, the President of the AFL/CIO.

Working with his advisors from within the administration and providing back-up material and expertise were Maurice (Mo) Hartnett, Director of the Legislative Reference Bureau; F. Earl

McGinnes, the budget director; Sam Shipley, head of the Development Department, and of course me.

The advisory group was very informal and started on the campaign slowly, meeting every other month on a Sunday for an afternoon dinner and detailed discussions in a suite at the Hotel du Pont in Wilmington.

As the summer approached, the meetings escalated to once a month and they began to develop their own agenda for the Governor to use as a blueprint.

Terry knew that he would not carry Wilmington by the 14,000 votes the City had given him in 1964. But he was determined to do everything possible to strengthen his base there while developing a strategy designed to carry Kent and Sussex Counties by much more substantial margins then he had been able to do against David Buckson in 1964. In 1968 he had the opportunity to name a Superior Court Judge and selected a young and popular member of Wilmington's Italian community, Vincent A. Bifferato, who became at 31 the youngest judge at that time in Delaware's history. Earlier in 1966 the Governor named two young men as judges who also helped him politically. Bill Quillen had been his Administrative Assistant and was the scion of a very respected New Castle family (and by the way was also the youngest Judge named to the bench at the time of his appointment), and Bob O'Hora (later O'Hara), who had been a Republican County Chairman and was a very praiseworthy choice among people of that political persuasion.

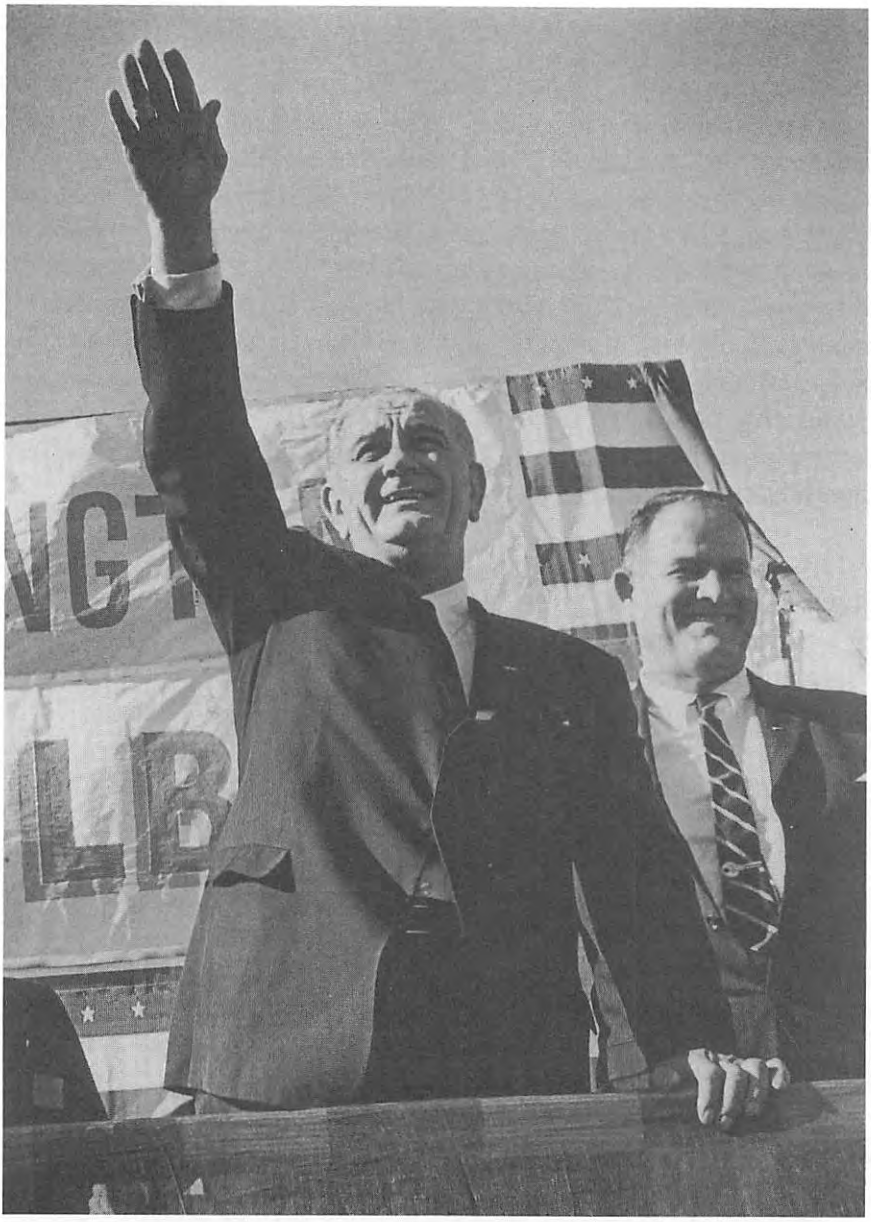
The judicial appointments produced something of an anomaly for the Governor since the Delaware State Bar Association, through former Supreme Court Justice James M. Tunnell Jr., had sent him a letter requesting that he submit his prospective judicial appointees to them for approval on the merits of their qualifications to be judges.

Terry respected Tunnell greatly but his response was to snort with the greatest of indignity. "Why would I submit my judicial appointees to the Bar?" he asked rhetorically and continued, "Certainly there is no one in Delaware better able to determine whether an individual is qualified to be a judge than I am." After 28 years on the bench including a stint as chief justice, he was not about to surrender his prerogative to create judges. He was, however, very solicitous of the members of the State Senate who had the constitutional responsibility of confirming his appointments. He would always call the members of both parties separately into his second-floor office to inform them of all appointments that required their advice and consent.

In any event, Bifferato was confirmed very easily and was a very popular choice in Little Italy and certainly strengthened the Governor's political standing among the Italian-American community. Nor did it hurt that Vince was married to an Irish woman, the former Marie Connor.

Meanwhile, the Governor's advisors authorized a poll in the late summer after the Guard situation kept dominating the news and Terry underwent a round of denunciations for his stubbornness in keeping the patrols on the streets when it no longer seemed necessary in the minds of many. The poll results were reported in September and showed the Governor with a very strong eight-point lead that was about evenly balanced throughout the state although slightly stronger in Kent and Sussex Counties and a little weaker in Brandywine Hundred. Nevertheless it presaged a potentially very good election result if the Governor didn't commit any major error to alienate voters.

There had been a little disturbing news out of Sussex County in the early summer when the Levy Court (now the County Council) imposed a modest tax on mobile homes (house trailers) which were beginning to proliferate along the edges of the beach resort areas. Literally hundreds of Delawareans started looking to that method



Always campaigning. President Johnson and former Governor Carvel stump for Charles Terry in New Castle.
(Courtesy of the Historical Society of Delaware)

as a means of getting away from their daily routines for a few weeks in the summer.

All that sanguine and positive outlook bolstered by the polling changed to uncertainty on October 8 when late in the day the Governor experienced a heart seizure.

I was in my office down the hall conferring with someone when all of a sudden Tres Messick started buzzing me and kept it up in one continuous refrain and I knew that she frantically wanted me to come to the Governor's office so I apologized and headed in that direction.

When I walked in the Governor was huddled in a corner chair with his shirt off and trembling like a leaf. His flesh color was purple and his voice barely audible but he said, "Ned, get Dr. Mercer over here." And I replied, "You know he won't come. I mean, he'll send an ambulance for you." He reiterated, "Get him over here. Tell him that I demand that he come right now."

Dr. Mercer was the Terry family physician and the Governor had been his patient for many years. Nevertheless, when I called, the receptionist wasn't going to put me through until I said, "Please put me through, it's for Governor Terry and he wants me to deliver the message personally." Dr. Mercer got on the line and I said, "The Governor wants you to get here right away to his office in Legislative Hall." He replied, "I have patients. What's wrong?" I answered, "I think he's having a heart attack," and he said, "Well, I'll send an ambulance and meet him at the hospital in ten minutes."

"No," I told him, "The Governor will not go by ambulance. You've got to come." He responded, "Damn it, I'm the doctor." And I said, "Look, he's the Governor. He wants you so get over here," and with that I hung up. Mercer did come to the office where he called an ambulance to come and take Delaware's Governor to the hospital although Terry protested to the very end that he didn't want to make the trip in that manner. That was understandable because

word quickly spread across Dover that he was ill and of course all of Delaware knew about it before the next day dawned.

Naturally, Dr. Mercer did the right thing but he certainly didn't like the idea that he had to go to the Governor's office. Dr. Mercer was from Pennsylvania Dutch country and, like the Governor, was hard-headed and stubborn, wanting his own way on things.

After arriving at Dover's Kent General Hospital, the Governor's subsequent treatment was in the hands of internal medicine doctors Norman Jones and Charles Allen. It was hospital procedure to put them in charge rather than the family physician who had been taking care of the patient. Dr. Mercer was moved out of the picture and all of the subsequent publicity about the medical care mentioned Drs. Jones and Allen. While in the hospital, the Governor held a news conference thanking Jones and Allen but did not mention Mercer. Terry insisted he would be back on the campaign trail before Election Day. A *News Journal* reporter was laughed at when he produced a mechanical heart replica to try to get the Governor to pinpoint and identify the extent of his trauma.

Some say Dr. Mercer was both unhappy and disappointed about being shuffled out of the picture. A few days before the election he gave an interview to Larry Martin of the Wilmington *News Journal* about how sick the Governor really was and about how it would be several weeks, perhaps even months, before he could return to a normal working schedule. That interview certainly did not help the Governor's re-election efforts. Actually Terry was in the hospital for only a few days and then went home to recuperate at Woodburn. Every morning, I would stop and have coffee with him during the beautiful October weather, which is invariably warm and exceedingly comfortable in Delaware, and nearly every day I would mention just briefly the possibility of pulling the National Guard back off the streets and into the Armory. But he just shook his head and said "No way, no way." Nearly every day I brought it up because I thought it would help him tremendously in the election. But I did not argue

with him beyond that because I knew it would do no good. We would spend the rest of my time going over details of matters that needed his attention.

On Election-Day morning I went with the Governor and Jimmy Mood, State Police driver throughout his term, to the Kent County Court House where he cast his ballot. I then made a tour of various polling places but was invited back to his house for dinner and to watch the election returns.

It was a very close election, in fact the closest in Delaware's history during the 20th Century. It is interesting and noteworthy that Terry went to the Sussex County line with the lead and that's where he lost the election and not in Wilmington as people would have you believe.

In truth, as I told the Heritage Commission during that interview, Terry carried Wilmington, certainly by nowhere near as big a margin as he had four years earlier but still quite decisively. And in the "Valley," where the patrols were most evident, he carried the area 3 to-1, so I don't think the Guard was that much a factor in the election. If it had been, Sussex County would have voted for him and not have turned against him.

In the interview I told the Commission, "I was born and reared in Sussex County and I know the proclivities and the ways of thinking of the people there. I don't think they would ever, for a moment, have voted against Terry because he kept the Guard on the streets of Wilmington." It was my belief that the people of Sussex defeated him for quite another reason —the mobile home tax.

It was a sad night at Woodburn. Terry was at first thrilled to learn that he had carried Kent County by a substantially bigger margin than he had achieved in his earlier race against Buckson. But, throughout the early evening of sporadic and piece-meal returns, he was watching the local television channel (WHYY) whose announcer

Russell Peterson takes the Oath of Office as Charles Terry looks on. January, 1969.
(Courtesy of the Delaware Public Archives)

had things all wrong, reporting that Terry held a large lead.

I was listening to WDEL Radio and its slant on the returns was entirely different showing the Governor and Russ Peterson in a nip-and-tuck, see-saw battle with the lead jockeying back and forth as various precincts added their tally to the overall count. Finally, it became apparent that Governor Terry had lost Sussex County and with it his effort to serve another term as chief executive.

About 11 p.m. with a heavy heart he went to the phone and placed the obligatory congratulatory call to Russell Peterson, which is standard operating procedure in Delaware politics but which no loser relishes.

When I finally got home I was in a sort of daze but still restless and had a very difficult time getting to sleep. I thought about the events of the four years we had just lived through and, when I did get to sleep, it took quite some time and I was late in arising. "The Governor has already called for you," Ivy said, "and you better get back to him." I told her I didn't really feel like going to Woodburn and I needed to spend the day to myself, but she said, "He needs you, and I think you better go over." So I did and we talked about holding a press conference the next day. He did not attend Return Day in Georgetown, which is always the Thursday after Election Day. He felt he would be risking his health and taxing his stamina.

To his credit the Governor did not indulge in any recriminations or extensive postmortem. He did blame Dr. Mercer for voluntarily issuing a statement to the press about his condition, which the Governor considered an ethical violation, and the two men, who had been friends and golfing companions, never spoke to each other again.

Terry determined to finish out his term in style and, once his doctors gave him a clean bill of health in late November, he undertook a series of dinner parties as his way of saying farewell to

some of his closest and dearest friends. He determined to get the papers he would be sending to the archives together in as well organized a manner as he possibly could and had us working toward that end. His staff, and especially Edna Vaughn, sorted things out in a loose system of order with no chronological consistency. Naturally he met with Russ and Lillian Peterson, and Mrs. Terry entertained them at Woodburn for lunch and showed them around the house and grounds. Terry got Chief Justice Wolcott to put Wesley Atkins on the permanent staff of the Supreme Court and he found positions for some of the others in his administration who would certainly not have been retained in the Republican takeover.

He kept the patrols on the streets of Wilmington and very little was said about them either in the newspapers or among the leaders of the Wilmington community, all of whom assumed they would mercifully be removed as soon as the transfer of power took place on the third Monday of January. Governor-elect Peterson had made it clear that was precisely what he would do. I never mentioned the Guard to Terry again because I understood his point of view in putting them there in the first place and keeping them there for nine long months, although I by no means agreed that he was right, especially after Mayor Babiarz asked for the removal in September. It really made no difference because I had written the Governor before I ever took the position he offered me to tell him that, while the job I was assuming held no constitutional or oath-taking requirements, I would serve him loyally, certainly disagreeing in private where I felt it necessary but avoiding public airing of our differences. I also said that if I felt so strongly that it had to be voiced publicly, I would resign. Obviously it never quite reached that point but the Governor lived for more than a year after leaving office and we would see each other from time to time. But his decisions of 1968 just weren't discussed. Instead we talked about Delaware Technical and Community College and what a sparkling and incipient success he had created for Delaware's future.

Terry was forever an optimist but he took his election defeat very hard because the future did not look all that bright. He was 68 years old and had worked essentially for salary all of his life although he did have income from his judicial pension and Social Security and his home on State Street was long since paid for. Still, the loss of the gubernatorial salary was a blow and, as he planned to go into private practice, it was by no means certain how much income a man his age could generate.

His friends, noting that he had no car, hastily threw a party together at Dover Air Force Base and sold tickets for $25 which was responded to in immediate fashion by hundreds of people and the income produced was used to buy him a brand-new Lincoln.

In June 1968 John Rollins had seen me at Brandywine Raceway where I had gone in the Governor's company for harness racing and supper. Calling me aside Rollins asked if I were going to spend my life in politics or, as he put it, "Did I want to go to work for a living?" I told him that I had already told Governor Terry that I would stay through his current term and see him safely re-elected, but that I would not be any part of another term and that four years in the very demanding job as a gubernatorial assistant was about all I could take. I would be looking for other opportunities. Rollins replied that he had something in mind for me and to come see him "after we beat your butts in the election." He supported Russell Peterson, who had been his campaign manager when Rollins ran for Governor in 1960. A few days after Terry was defeated I went to John Rollins' office and, after he outlined the job he had in mind for me and I'd accepted, he asked how the Governor had come out of the election campaign in terms of his financial obligations. I replied that we owed about $13,000.

"I will be more than happy," Rollins said, "to write a check in that amount for you right now and you can take it back to him." I went back and told the Governor and his response was typical, "Ned, if he wasn't with us before the election, he can't be with us now. We don't want his money." But the two men were fast friends in spite of their political differences and, between the time of his defeat and going out of office, Terry hosted a black-tie dinner party at Woodburn in honor of Rollins.

Nevertheless, the aging Governor was to experience both tribulation and humiliation in the slightly more than a year of life remaining to him.

In late 1968 the University of Delaware Board of Trustees voted to award Terry an honorary doctoral degree, but there was such a stirring of protest on the campus with threats to boycott the ceremony on the part of students and faculty alike that the university found itself in the throes of a terrible dilemma. On the one hand they did not want to take back the offer given to Terry, who had been a very good friend to the University, in spite of his insistence on DelTech's being an independent institution apart from their supervision. On the other hand, they wanted their commencement and other campus activities to go smoothly and there was a powerful threat inherent if they stuck to their course with the honorary doctorate. The whole commotion naturally was agitated and exacerbated by the Governor's 1968 use of the National Guard in the aftermath of the Wilmington riots, and emotions were running raw. Terry himself saved the day by graciously declining the university offer of the degree. This allowed the board to get out of the situation without losing face with the public, much of which was still pro and con regarding the Terry legacy.

Terry had long thought that, when he did leave office, he would go into a legal partnership with a longtime friend in the Wilmington community but the individual had seen better times in his own practice and no longer held the commanding clientele that had once

flocked to his office, so the union was never consummated. Eventually the Governor moved to an office in the practice of his brother, Max, on the Dover Green. Still the Governor attracted very few clients and I mentioned it to Tres Messick one day. She was working for him on a part-time basis after retiring from state service and she told me that the law business wasn't too good.

I reported this to John Rollins who wrote a $3,000 check made out to Terry and asked me to take it to him with the request that he consider it a retainer for some work John wanted him to do in connection with his activities at Dover Downs, which he was in the process of purchasing and converting into a NASCAR track. Rollins would continue to maintain the horse and harness racing for which the track was founded. When I went to see the Governor he at first declined to take the check but, when I insisted that Rollins really did want him to do some work in connection with Dover Downs, he accepted it, but warned that I better bring something for him to do in a short period of time or he would feel inclined to return it.

Simultaneously Sam Shipley had lined up an out-of-state builder who had a huge Wilmington project in mind. He got the Governor involved in its various building permit approvals needed for construction. It was envisioned as an opportunity for him to make some very significant income but the progress went much more slowly than anyone had hoped and ultimately bogged down in a great deal of red tape. It never did produce the personal revenues for which its principals had hoped.

Working in Wilmington, I saw the Governor less and less and, though I still lived in Dover, I was leaving for Delaware's biggest city at 7 a.m. and not returning to the capital until 7 p.m. I had little opportunity to chat personally with my old boss. I stopped to see him and Mrs. Terry at Christmas and stayed in touch with Wesley Atkins by phone, but our contacts were much less than the intimate day-to-day association we had enjoyed during the years of his governorship. I really missed him. In February 1970 I flew with some of the Rollins executives to Worcester, Massachusetts, for a meeting with an

insurance firm when word came in the late afternoon on the flight home aboard the private jet we were using that Charles Terry had died of a massive heart attack. The tears welled up, but quickly dissipated as I realized he had a full and happy life in spite of the travail of his later years. His funeral was held three days later on a dreary, rainy day. Tiny Christ Episcopal Church on State Street in Dover was inundated with such an overflow crowd that it also filled the parish house nearby and dotted the church yard outside where people stood patiently under their umbrellas while the brief and spartan service was piped. There was no eulogy and, in keeping with the Episcopal rite of common prayer, the Governor's name was invoked only once during the ceremony when the priest asked for blessings in the hereafter for "thy servant, Charles." The eight state policemen who carried his casket to its gravesite were big men but they almost staggered under the weight as they carried the massive deceased body of Delaware's 70th Governor to burial. There was sadness and weeping all around for Terry, in spite of all the controversies that had spiraled about him. He remained a much-loved human being for those who knew him. On the gravestone erected by his family a memorable expression was carved, "Thou has that in thy countenance which I would fain call master."

A SON REMEMBERS

Charles L. Terry III, the only child of the Governor and Jessica Irby Terry, recalls his father, whom he still refers to as "Pop," with great fondness but the affection is tinged with some reverence and a trace of awe.

The son who was born to the couple in 1931 did not see his father through rose-tinted glasses by any means – but in an interview he revealed some measure of the depth of strong but somewhat detached emotion he held for the man who had fathered him. The son recalled his father as a reticent man, a bit "lonely" and a loner as well. He attributed that quality to his father's lack of a liberal arts education to fine-tune and broaden his nimble mind. (After spurning the Governor's urging for him to become a lawyer, young Charles took to English literature with tremendous skill and enthusiasm. He would eventually head the English department at Exeter Academy in New Hampshire and still teaches on a part-time basis at the same institution. Charles Terry III is an excellent writer and no doubt developed some of his skills at the hands of his mother and father in those early years in Dover.)

"Pop always called himself CCC," Terry recalled, "by which he meant Connoisseur of College Curriculum. He said he knew the drill well having matriculated first at Swarthmore where they wanted him to be a fullback on the football team, but he demurred because in his own mind he was a center and linebacker and that's what he wanted to play. So he left the Pennsylvania college and went to the University of Virginia where they assured him he could play center. They also wanted to make him a pitcher on the baseball team but he felt he was most suited as a first baseman. So he left Virginia and went to Washington and Lee where he finally found his true niche.

"My father was an ambitious man, but was rational and reasonable and full of excellent common sense, clarity of thinking

The Terry family. From left Jessica Irby Terry, Charles Terry III, Mrs. Charles Terry III (Betty), and Charles Terry Jr. with Senate Candidate Elbert N. Carvel.
(Courtesy of the Delaware Public Archives)

and logic and was able to focus on some particular issue or problem unencumbered by other matters.

The son remembers President Harry Truman calling his father in 1945 and offering the opportunity to be a judge at the Nuremburg War Trial of Nazi officials. The elder Terry declined partially because he was not sure his own judicial experience of eight years gave him enough experience and background for the job. He also had some qualms about the ex-post-facto justice of prosecuting men who were no doubt guilty of war crimes but who were following orders under the vulnerability of personal and family threats if they chose to do otherwise than to obey.

After the war the elder Terry was also contacted about the possibility of interviewing to become Commissioner of Major League Baseball. He declined that opportunity on the spot.

Charles III remembers his father's authoritarian figure in many ways and recalls one particular day when he and his mother went to Wilmington and walked into the courthouse where they saw "Pop sitting alone looking out on the courtroom. It occurred to me that I never saw anyone more the embodiment of authority. His personal presence was awesome and I recall Mother saying to me that day, I think I was 15 or 16, and her remark was uncharacteristic, for she loved me dearly, but what she said was 'You will never be as colorful as your father.' That surprised me even though I grasped in an instant what she was saying and I repeated to myself 'yes, it is true.'

"It occurred to me then we all have different gifts and my mother's was astute enough to know that my own were substantial and that she could offer an observation like that, not as a criticism, but as something factual on its face that would reassure me of the validity of my own way of thinking in life.

"I recall my father was close to his father, much closer than I was to mine. This was not because I wouldn't have liked to have been but because there was a certain detachment and reticence in his manner

which was not loneliness but which was somewhat Puritanical. For instance, I never recall his telling me a joke. His father was buried in the graveyard of Barratt's Church, and whenever he traveled by, he would tip his hat in tribute to him.

"As you know he was an avid sportsman and golf enthusiast and I always wanted to join him in a foursome with some of the other members at Maple Dale, people such as Captain Harry Jackson, Jimmy Jackson, Hayes Wilson, and others, but I was never invited. One day however, when I was about 14, he did take me out to play a round. I played the first hole very well, as I recall, but on the second, after a nice drive, I flubbed the iron approach shot and in anger I threw my club. Pop simply went over to his bag, picked up his clubs, and walked back to the clubhouse without any comment.

"In all activities he embodied sportsmanship. He was intensely competitive, but always fair, and would simply have been appalled by the behavior of today's athletes who place money above loyalty and self above team. I got from him a sense of sportsmanship and also integrity. He was meticulous about not doing anything dishonest or mean-spirited. He was always manly and firm though he conducted himself with great kindness and sweetness. I never saw my father angry." Terry went on, though he conceded internally his father must have been miffed when he threw his golf club. It was a great lesson for him. He learned he should never lose his temper or get out-of-sorts over little things.

His major recollection of his father has to do with his forbearance and modesty. His father was a graceful athlete having won the Grantland Rice trophy as an all-conference center while in college and was offered a contract to play professional baseball.

"Pop was just a stewer and a worrier and was not particularly demonstrative in front of anyone. As a child growing up in my parents' house I always assumed they were happy and well suited and for the most part I think that is true. They both loved to entertain and they were outgoing among their contemporaries who were close to

them, but when we were alone as a family things were more reserved. My mother's mother lived with us for a number of years and I remember Pop would come in and say "good evening, mother" and she would respond "good evening, Charles" and my mother would say "I'm tired tonight" and that would constitute the sum total of our dinner conversation.

"I also recall that we never went on a picnic together. Betty (Charles III's wife) and I and our two children often picnicked during our younger years but Mom and Pop and I never did although they were wonderfully attentive to me. Mother was always deeply caring about people and constantly considering what she could do to be of help to others. Pop was generous to a fault and often, I would say, to the expense of his family. However, he did see to it that I receive a wonderful education although that may be because of my mother's great attention to financial detail. She was the one who saw to it that the bills got paid and responsibilities met. Pop was good in sustaining me in every way that he could and he certainly saw to it that my grounding in educational matters was as sound and thorough as it was possible to achieve. I attended Princeton where I graduated Phi Beta Kappa and magna cum laude. I also served two years in the army as a corporal. Following the army, I went on to Harvard Law School. I ended up disliking law school. My professors there immediately saw that I was in love with the English language and one of them told me that if I wanted to pursue English instead of law he would nominate me for a Woodrow Wilson Scholarship, which he did. I called Pop and told him I was closing up shop at Harvard. He asked me to meet him and mother in Wilmington. In the meantime he contacted Dr. John Perkins at the University of Delaware and had the President there offer me a position as dean of one of the schools, but I told him no thanks, that I was going to the University of Michigan on a Woodrow Wilson Scholarship. Pop just sadly shook his head and asked, 'Don't you have any ambition?'"

Young Terry said, "There were times when I wish we had more communication. I always went to my mother.

"Now that I have a son of my own I always go out of my way to let him know that he can come to me about any matter and he will find an open door. Pop never said anything like that to me.

"Both Pop and I were sustained by my mother and it is a tribute to her greatness that her loyalties were never divided. She was totally committed to us both and had the great quality of revealing not even a trace of disapproval showing her as very loving and non-judgmental. You may recall that when I gave the eulogy at her memorial service I opened with the line; 'It was mother who was the real Democrat in the family.'"

"Of course in our family setting there was Wesley. As wonderful as he was and as important to our comfort and the great range of amenities we enjoyed, he was the fourth family member. He worshiped my mother and in return her love of Wesley and nurturing him might have been difficult for Pop, not that he was jealous, just that mother was so deeply caring and, in pursuing what was best for Wesley, she perhaps devoted more time and energy to his upbringing and growth than she gave to Pop.

"I think Mom and Pop were happy together for the most part and enjoyed active, useful and caring lives and certainly gave a great deal of happiness to others in their milieu. I'm very proud of them and what they stood for and achieved."

A BACKGROUND ON RACE ISSUES

Charles Terry grew up in a very small Kent County community where strict segregation was a way of life. Like all downstate Delaware youngsters of the 19th and the first half of the 20th Century he never went to school with "colored" children as they were known at that time in terminology that later evolved into "Negro," "black" and "Afro-American." The term is still perhaps evanescing as an identifying adjective as more and more people opt for overlooking or ignoring the differentiation altogether.

Black children did not sit in the same section of the movie theaters with the white children nor did their parents mingle in the restaurants or taverns or courthouses or travel on trains or ships, or sit together in any other public accommodation or conveyance.

To be sure blacks labored side by side with the whites in the fields of the farms that dominated the southern Delaware terrain. They packed the box cars and the shipping barges with melons, crates of berries and baskets of peaches as teamsters and loaders and handlers and brokers all intermingled during the day in one great concentration of getting the crops to market as the time came for them to be picked and packed and shipped.

But at night when the day's hub of activity had come to an abrupt end, in those years before illumination could turn darkness into daylight almost at will, the Delawareans went home to their segregated houses and the blacks saw whites only in the setting where they were servants, and there was plenty of that.

My own State Street home in Dover, which I bought in the early 1970s, and which was built in 1920 by a retired Southern judge from Louisiana named Powell, showed vestiges of the era when I moved into it half a century later. There was a toilet in the basement and a back staircase running to the second floor from the kitchen which

paralleled the main staircase in the front hall but with a wall in between so that the owners of the home and the servants would not have to be thrown together on the same passageway.

My own mother and father were married in 1914 and started housekeeping in Laurel, a Sussex County community similar to Camden, only somewhat larger in size and in industrial strength. For the next 20 years my mother had a "colored" woman who came to the house daily to do the heavy work such as washing (with scrub boards), ironing, and continuous sweeping in the days before vacuum cleaners and also to assist in some of the domestic long term projects such as hog killings and canning of produce. Simultaneously my father had a black man named Duke who labored in the shop from which he operated his marble and monument business dealing not just in tombstones but Civil War statues and other memorabilia that dotted the courtyards and business centers of small towns throughout the eastern half of America. Yet another black person, a young man named Danny, lived in the attic of my parents' home for several years and would take care of the cows and the horses that were a part of every dwelling before the automobile became commonplace in the days after World War I.

When my mother had her pregnancies it was a black woman, Gertrude, who would come and stay with her for as much as two weeks while she recuperated from her ordeal, and I can remember her telling me it was "the best rest I ever got during my married life."

I guess that was the case although when I told my late wife, Ivy, how my mother had "made biscuit" every morning during the 20 years of her marriage," Ivy replied, "Well, you provide me with a woman to do the housekeeping, to tend me when I don't feel well and to help me in the preparation of all the other meals, and I'll see to it that you have biscuit every morning also."

Pure and simple, America was a racist nation which maybe did not hate its black citizens but certainly felt they were to be used and

exploited and "kept in their place." For white Americans, with rare pockets of exception in some northern communities, segregation was an established way of life.

All of these thoughts come into my mind when people ask me – as they often do –if Charles Terry was a racist.

In that atmosphere of the South in the first decades of the twentieth century, racism was a not a conscious state of mind or a deliberately chosen way of life. It was like the words Robert Frost used in describing a poem, "It does not mean, but be."

Certainly the status of inferiority which was thrust upon them rumbled in the psyche of black men and women, and certainly sensitive white people of good will recognized the situation in the age old axiom of "there but for the grace of God go I."

Year after year the pattern became more and more entrenched and accepted until it seemed the handful of voices urging an end to the embedded disgrace was a mere echo of long suppressed frustration.

Certainly Governor Terry, as Judge Bill Quillen, Justice Mo Hartnett and even his longtime house retainer, the late Wesley Atkins, put it, was a person of his time. In that sense he accepted patterns of living and behavior that more and more Americans of today loathe and consider unacceptably degrading.

Even so nearly 70 years after the advent of the 20th Century, Martin Luther King in his great speech on the Washington Mall, called the American Negro, "An exile in his own country."

There was no doubt about the truth of that observation when Charles Terry was born in Camden in September 1900.

The Governor's staff; Front row, from left: Ned Davis, Governor Terry, Tres Messick.
Back row, from left: Edna Vaughn, Juanita Simpler, Millie Alderson, Emily Womach, Robert T. Barrett, Thelma Rae Melvin, Ruthann Walker Kemp, and Mary Daley.
(Courtesy of Ned Davis)

PERSONAL ASSESSMENTS

Over the years I've been asked from time to time to make my own assessment of the administration of Governor Charles L. Terry Jr. in which I served and also recount some of the observations of others who were close to him. Much of this book has endeavored to do just that.

In broad terms, my recollection of the Governor is that of an individual who was highly competent in getting things done and for the most part achieving his purposes. In fact, I think it was his singular success to bring about so many changes: magistrate reform, the merit system, the beginnings of several cabinet departments, the water and air resources commission to dovetail with the new environmental concerns throughout the country, mosquito control that worked, beach land protection, Woodburn, and most of all, Delaware Technical and Community College. His critics still decried his inability to have the General Assembly enact a public accommodations law. The thinking was that a leader so successful in so many important issues to Delaware could certainly prevail in one more area when he placed the persuasive force of his personality behind it and that, ergo, it was the Governor's fault he left office without having a much sought-after public accommodations bill in place.

I thought about that often over the years and have reviewed his speeches very carefully. As I read them today, and as a veteran observer of the General Assembly and gubernatorial speeches in that forum, I think they remain masterpieces of their time in that, he never tried to cover too much territory but devoted his talks specifically and cogently to the point of view he was trying to put across.

Most of those early speeches were written by Bill Quillen with some input from me and of course some finishing touches in the

Governor's own hand. Terry was not without considerable literary skills.

For instance, when the Governor decided to make a speech to the General Assembly on March 21, 1967 about establishing cabinet departments for certain endeavors of the state government, he told the assembly of legislators he had never hesitated to "pioneer new ideas and approaches to government if the time were right and in the public interest."

He had in mind, he added, legislation to combine the Board of Health and the Department of Mental Health under a Secretary of Health —and to link the Department of Corrections with the Youth Service Commission under what he would call a Secretary of Rehabilitation and Protection. I think this is probably preferable to any of the names we use today for agencies supplying those services.

While he vigorously urged the establishment of the new cabinet departments he also added, "Through the years we have had the dedicated, able use of trained men and women whose services we could not have bought for many hundreds of thousands of dollars. I have consulted with them, seen them work, struggle and agonize in the interest of all of us and I know how, in all of its secret mystery, they have reconciled power and responsibility to reach decisions that have accrued to the benefit of each of us, to the majesty and greatness and pre-eminence that is Delaware. I thank each and every one of the hundreds who have served and who are serving. We will never outlive their usefulness."

The Governor pointed out that the 123rd General Assembly had passed landmark bills in areas of magistrate reform, water and air resources, the merit system and Delaware Technical and Community College, and went on:

"Today the 124th General Assembly has a chance to prove itself equally committed to both history and advancement. Ladies

and gentlemen, the bills I have herein outlined will be before you shortly. I urge their prompt enactment.

"Further, I want you to know, and I want the people of this state to know in passing this legislation you are giving to the Governor of this state the sole power and responsibility for administration in these areas."

The Governor did get part of his package, including a Department of Transportation. He did not get anywhere near what he asked for and it remained for the full cabinet program as we know it today to be implemented by his successor, Russell Peterson. It was on April 25, 1966, that Terry went before the second regular session of the 123rd General assembly to urge the establishment of the technical and community college on the land that belonged to the defunct Jason School in Georgetown. He urged the establishment of the school at Georgetown and one in New Castle County, "to be determined by the board." Earlier that year the Governor had been elected the first chairman of the Federal Commission on Education at a meeting in Denver, Colorado. He had been nominated by Governor Terry Sanford of North Carolina and so, in the speech in 1966, he urged the Republican General Assembly to join the compact of states for education and was gratified when they put up the money to do so. In the same speech he also encouraged the General Assembly to appropriate money for expanding physical training facilities at the University of Delaware. He pointed out that its rapid growth made it necessary for the state to continue expanding its annual appropriation and said that it's one of the single most important tasks that we face in government, to make sure our young people face the opportunity to blossom and develop through education.

In 1965 the Governor had transferred the beach lands from the Delaware State Highway Commission's jurisdiction to the Park Commission and on the sixth of December he went before the General Assembly to ask that what he had done through executive

order be implemented in legislation. He told the assembled legislators, "The true test of our society does not solely involve a measure of our human achievements in industry, commerce, labor and agriculture. We are also tested by our ability to preserve the natural bounty of our state. The very survival of the human race depends on our ability to maintain clear air, clean water, an adequate water supply. And in perhaps no other area does the common good of all appear so apparent and so prominent. Consequently, it is equally apparent that government must take an active role to protect the public interest."

In urging prompt action to assure a plentiful water supply he said, "The most painful event in nature is a drought because sooner or later it affects every living creature. Trees and plants wither and die prematurely without ever yielding their fruit; birds and wild animals have to push out from their regular habitat to find water and perish because they are not equipped to deal with the dangers of the new environment; domestic animals such as hunting dogs can not pursue their regular training and those raised for consumption such as cattle and hogs must be driven long distances for water.

"For human beings a drought means curtailed enjoyment of simple pleasures such as gardening, flower growing, and seeding lawns. It means that water must be used sparingly for all purposes. It means a horrific drain on the entire economy and ultimately threatens the survival of society itself." It was with that background that he proposed the new Water and Air Resources Department to be created to regulate water use and to regulate and prevent air pollution. The new authority would also be given power to regulate and prevent water pollution and the power to lease submerged lands for mineral exploration and exploitation. It also had the power to convey a deed simple, lease, permit or easement in lieu of the subaqueous land statute, which the Governor said had been proven to be inadequate, and he added, "The citizens of tomorrow will judge our performance today. Let it be said of our generation that we did our part to preserve our common natural bounty and heritage."

In any event it was such speeches that he delivered in his aging yet strangely compelling voice that won the day on many of his proposals and certainly the state is better off for much of them. The *News Journal* columnist, Bill Frank, wrote frequently about Delaware governors and, in one of his assessments, he rated the top five that he had known but did not include Terry among them. Nevertheless on January 7, 1969, before the governor had even left office he wrote a column asking how history would evaluate the four-year administration of the outgoing chief executive and said that it would probably have to wait until it could be compared to his successor, Russ Peterson.

In his analysis he wrote, "Terry: Conservative, Southern-oriented, moody and introspective, often extremely paternal, basically a very kind, compassionate man but extremely stubborn, very trusting of friends and not too quick to forgive anyone who has lied to him or tried to double-cross him. Terry is predominately a loner, despite his love for companionship, hunting, golf and good fellowship. During the spring and summer months at the Governor's mansion it used to be his habit to get up real early, brew his coffee, sit on the portico in the old mansion and reflect on many, many, things."

Frank went on to characterize Peterson as an introvert, an organizer, a healthy liberal, a genius for forming committees and getting those committees to work, a good listener, an absorber of ideas and great for adapting new ideas to present-day living but also stubborn once he has made up his mind to accomplish his mission. He said that Peterson stepped into the Governor's chair as a beneficiary of many important achievements by Terry including magistrate reform, the merit system, Department of Housing, State Department of Transportation, and a strong Water and Air Resources Commission.

Later in the column Frank went on, "The saddest feature of Terry's final two years was the lack of strong support from those who happen to agree with him and the way he tried to handle sociological

upheavals.

"Even though he placed relief recipients on the Board of the Department of Public Welfare, and even though he set out to help working mothers through day care centers, he was still tagged as anti-Negro.

"Even though he said he would sign a 'good open housing bill' and, even though he tried to get the bill passed, he was still branded as the foe of open housing. Even though hundreds of people in Wilmington agreed with him on the use of National Guard patrols, Negro leadership lambasted him. Out-of-town newspapers portrayed Wilmington as an armed city and, in an unprecedented action, prelates and high officials of five Christian churches criticized him." Frank went on to point out that early polls showed the Governor well ahead, but nevertheless there were no wildly enthusiastic pro-Terry organizations and he said it was inconclusive whether the Governor would have won if he had not suffered his heart attack in October.

Frank went on to conclude, "Personally, I like Governor Terry very much even though there are times when I disagree with him. He has his faults and failings but that's what seems to make him very human. Perhaps that's why he can relate to individuals, but not to large groups.

"In many ways Charles Terry is the last of his kind, an old-fashioned Kent Countian who became Governor at the State's most important turning point.

"Were he to write frankly his memoirs of politics in the 1930s, his quarter century on the bench, and four years as Governor, his story would be of immeasurable value to Delaware."

ILLUSTRATIONS

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Mifflin House, Camden