

My father would have discouraged us from having a service such as we are having today. In fact he did. Though he left only brief directions for his funeral matters, he specifically directed that IF there would be a memorial service, there should be “no talking except by the preacher”. This was no false modesty. He was genuinely leery of mawkish, overlong meanderings by emotionally wrought-up family members. But the preachers he had in mind when he wrote those directions, Bob Dunham, recently retired from this church, and our dearly departed Will Terry from Davidson, are no longer able to serve. So we invited these good folks who have just spoken, who knew and loved him and understand that he wanted no self-important occasion, and to whom we are grateful. And perhaps as a final act of adolescent rebellion, I will share a few words, briefly, for myself and my sisters, though I could speak for hours. So this service is our unsought gift to him, to celebrate his life and goodness, and to send him on ahead on the eternal journey.

Most of you knew him, some quite well. Some of you were his students and law clerks who enjoyed his wise counsel and nurture. Some of you were his colleagues or fellow church members. Others knew him mainly at leisure, sharing stories and musings while surveying a seascape, in a gathering of old friends and family. However you knew him, I know you came to appreciate his singular qualities of steady serenity, his wisdom, his unfailing good will and encouragement for those he met, his humor, and his propensity for the long view. One sees the latter in many of his judicial opinions and other writing, but also it was simply his natural cast of mind in all matters. Once standing on the deck of Donald McCoy’s house at Sunset Beach on a glorious day, acutely aware of the privilege he was enjoying, he remarked that he could almost hear the guillotines clicking.

He confessed to me once he thought others found him a bit enigmatic. He did not elaborate, but I understood him. It wasn't only that he could be hard to read, because he could be a man of few words - maddeningly so, even. It was more that despite being a person of real attainment, he detached from those attainments —conscious of the mystery, and of the foolishness and mischance that accompany this life, he hewed to more enduring things. He did see himself as a fellow pilgrim with everyone else in this journey, doing his best, to be true to family, friends and country, but acquiring no special station from merely having fulfilled that duty well. So it could be perplexing when he did not take some advantage, or push for a better deal, clearly within his ability to do so. Indeed, he could seem almost innocent. I remember my aggravation that he would present himself at a car dealership and tell the grateful salesman that he was entirely in his hands and trusted that the salesman would do the best he could for him.

Where did these qualities come from? Certainly in large measure from the remarkable gene pool of Scotland County, NC. What combination of nurture and education accounted for the rest, who knows. You have heard or read of the favorable conditions, as well as of the trials and tragedies, in his personal biography. And the culture in which he grew up, in which humility was actually valued, influenced many in that generation to express a gentility and restraint we seem to see less today. Whatever the complex of sources, he emerged from his formative experiences a stoic to a real extent. I am not the first to remark that he exhibited in remarkable measure the classic stoic virtues, of justice, wisdom, courage and equanimity. But those virtues were joined in him to more specifically Christian values, of a commitment to the equal worth of persons, of resistance to the lure of material wealth, of care and concern for

others. We read today from the Beatitudes, one of his few requests for this service, which expresses great truths to which he held.

He and Jean were a steady and regular presence in this church for almost sixty years. If we were in town, we were here, usually arriving a bit late, just in time to slip into a back pew during the first hymn. On summer days, before air conditioning was installed, he would advise: “sit still and think cool thoughts.” He was loyal to this church, as he was to the other institutions he served, and to his friends and country. But though a regular presence, it was not because his faith was simple or rote. He read and pondered explorations of how to reconcile concepts of God with revelations of the new physics. He intuited the great mystery at the heart of it all and did not presume to answer the big questions beyond our limited inklings, such as expressed in the affirmation of faith we will shortly read, which he clipped and pinned up in his home office in recent years. And he did not deny his doubt. I recall once, again at Sunset Beach I believe, his quoting scripture to our old friend minister Al Wells, “lord I believe, help thou my unbelief”. Even more lightly, commenting on some current foolishness in the public realm, and wryly referencing the cost to the almighty of allowing us free will, he would say “the Good Lord has to put up with a lot.”

His religious orientation was companion to his democraticness. You all know he was a big D democrat. Once in line for early voting in a general election, a lady in line next to him asked, don't you worry something will happen between now and election day that would change your vote? He quickly replied “maam, I made up my mind 40 years ago.” Indeed, he never wavered in that. But nor did he waver in being a little d democrat. We could recall many vignettes. One I didn't witness, gladly, was that not too long ago, when he was still able, he was mowing the lawn and an old fellow walked up and asked for a ride to town so that he could find

something to eat. My father didn't point the man to the free city bus up the street, or offer to call him a taxi, but he put him in the car and drove him to town.

What was he like as a father? It may be mildly sacrilegious to say in this place, but living with him was a bit like living with Yahweh. All powerful, for sure. Seemingly all knowing. Slow to anger, sure in his judgments, a bit enigmatic, as already mentioned. Bound in an enduring covenant of love and commitment in which forgiveness was often required. And most always in remarkable good humor. On cold winter mornings when incumbent on us children to rise before dawn to get to school, he'd sing the old army ditty about reveille: "there's nothing sadder than to hear the bugler play, you gotta get up, you gotta get up, you gotta get up in the morning."

And then there were the other endearing aphorisms, which will forever after come unbidden into our minds. "No fool, no fun" would accompany some modest frivolity. "It's hard work being a sport" was frequently said as we wrestled a boat onto a trailer or lugged a bait bucket down a soggy shore. "Let her rip" as we sped off down the waterway "Lie down with dogs, get up with fleas," accompanying some imprudent association, which he would have had ample opportunity to deploy these days. He cautioned us to be "eternally vigilant". And facetiously lamented his sentence to "unremitting toil". Referring to some abomination in the news, it was, "what a world". Or "good grief." And, words to encourage us to stiffen our resolve, that we've all had to have recourse to in the last few months: "hold fast" and "buck up."

And finally, growing up with him was loud. Not him personally, of course, but the music that was always booming through the house. This was experienced at all times he was at home,

including while others were trying to sleep. I can chart my childhood and adolescence by what composers and pieces he was then in sync with. Lying in bed as a 5 year old, it was Chabrier's Rhapsody Espana. Later it was the classics, Mozart and Beethoven. And the romantics, Brahms, and Berlioz, especially Harold in Italy, seven CDs of which I recently found in his collection. And, old Mahler, and Richard Strauss. When I was back here in law school, he discovered Sibelius - the resounding bells of Sibelius's 5th symphony still ring in my head when I encounter Penoyer v Neff or some other case from first year law school. And increasingly, as the years wore on, it was the mellifluous French and English - Ravel, Faure, Vaughan Williams, and Delius. And it was not only the more serious stuff. He loved the music of his youth, Bennie Goodman, Artie Shaw, Fats Waller, Harry James, Sinatra. The 40s station on satellite radio was a godsend in recent years. His love of music was elemental, not technical or effete. He never played an instrument. It was I think a means of deep and emotional engagement with the transcendent. His sensitive core, that he resisted letting go of in most personal encounters, he let loose in the chair by his speakers, book in hand, or lying on the sofa, ruminating on what it was all about. The chords of those ruminations will resonate in our minds as long as we live.

JDP III