

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Niles Police Department

Personal Experiences

O. H. 534

CHARLES BURGESS

Interviewed

by

Stephen G. Papalas

on

November 10, 1983

## CHARLES W. BURGESS

Charles W. Burgess was born in Warren, Ohio to Harvey and Ethel Burgess, on August 5, 1923. Burgess, an only child, attended Warren City Schools and graduated from Harding High School in 1941. His mother had died when he was only six years old, but he and his father developed a close relationship which consisted of hunting and fishing trips to Canada.

In 1943, Burgess enlisted in the United States Army and saw action as an infantryman in Europe after the Battle of the Bulge. At the close of the war, he was honorably discharged. He enrolled at MIT in 1941 and graduated from that institution in 1948 with a B.S. in electrical engineering.

During the Korean War, Burgess was recalled by the military and again served as an infantryman on the front lines. After he was honorably discharged in 1951, he returned home and was employed by the Taylor Winfield Corporation. In 1953 he received employment by the City of Niles as Superintendent of Utilities, a position he still holds.

Burgess presently resides with his wife, Marcella, at 516 Hogarth Avenue. They have three children: Patricia A. Fisher, age 29, Peter E. Burgess, age 26, and Charles W. Burgess, age 19. Burgess is a member of the Niles Rotary Club, the Cortland Conservation Club and he is Board Chairman of Warren General Hospital. He also enjoys tennis, sailing, skiing, hunting and photography.

His memories of his father, Harvey, as an attorney were quite interesting. Just as fascinating were his recollections of his father's close friend, Clarence Darrow. Burgess' father, incidently, was the Trumbull County Prosecutor at the time of the Niles Ku Klux Klan riot on November 1, 1924. As the elder Burgess prosecuted the participants of that unfortunate event, he demonstrated the brilliant mind that he was noted for. As an attorney, the elder Burgess demonstrated great compassion for the underprivileged, becoming a champion of their rights in the courtroom.

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Niles Police Department

INTERVIEWEE: CHARLES BURGESS  
INTERVIEWER: Stephen G. Papalas  
SUBJECT: Harvey Burgess, Clarence Darrow,  
World War II, MIT, Harding High School  
DATE: November 10, 1983

P: This is an interview with Charles William Burgess at his home at 516 Hogarth Avenue. The date is November 10, 1983. The interview is given by Stephen G. Papalas for the Youngstown State University Oral History Program.

Mr. Burgess, could you tell me where you were born first of all?

B: In Warren, Ohio.

P: You lived there most of your young life?

B: Up until the time that I went to World War II.

P: How many brothers and sisters did you have?

B: I didn't have any.

P: You went to Harding High School?

B: That is right.

P: What do you remember about Harding? Were you involved in sports then? Do you remember anything?

B: Not the organized sports. I used to run long distance as an intramural type thing. That was about all in sports.

P: What did you do after high school?

B: I went on to college at MIT.

P: Then you went into the service?

B: Yes, in 1943.

P: What branch of the service did you go into?

B: I was in the infantry.

P: Where was your basic training at and when did you ship out?

B: Basic training was down in Texas. After that they did intend to put me in the engineers corps. They sent me to the University of Missouri. At the time of the Battle of the Bulge, they got short of infantry. They called us all back to the infantry and gave us a brush-up course and sent us over to Europe.

P: What do you remember about your experience there in Europe? Can you tell me any of it?

B: Do you mean in battle?

P: Yes.

B: We had a rather odd situation. When we crossed the English Channel on Christmas Day, we had three regiments in the division. One regiment was on each boat. A German submarine sunk the one boat. Fortunately, I was on one of the others. We lost a whole regiment of men. Instead of putting us into battle in the area of the bulge, they had trapped about 100,000 Germans in St. Nazaire and Lorient along the Atlantic Coast when they made the original invasion. They took our division and had us surround those Germans and hold them. The division that had been doing that took our place in the bulge area.

P: You said that they lost a regiment at sea?

B: They didn't all die, but being Christmas Day, most of them went down with the boat. The crew had abandoned the boat and left the men standing on deck. When it went down and by the time that they were rescued, most of the men had pneumonia and had to go to the hospital. It was not an effective unit anymore. My regiment was supposed to be on that boat, but at the last second they switched it.

P: Did you have any other experiences in combat that you think are noteworthy?

B: There are all sorts of experiences. The fact that we were keeping the Germans bottled in and they were in that area because of the big submarine pens they had in St. Nazaire

and Lorient, they wanted to keep them operating; they didn't want out and it was too costly to take the troops they had. Most of the fighting was patrol skirmishes and things like that. We got into a lot of shelling and booby traps. Putting out booby traps happened to be one of my jobs and things like that.

The thing that impressed me the most was something that didn't happen. At the end of the war, we had been brought back to be trained to actually take the Germans in that pocket. When Germany surrendered, those troops did not. Therefore, although it seemed extremely foolish to me, they intended to have our division attack those Germans.

I was Second Scout in my outfit. We were the lead elements. Needless to say, the night before we were supposed to attack I couldn't sleep. I was on guard duty on a lonely road. All of a sudden I heard all of the noise back in the camp. The guys were yelling and carrying on. A jeep came out of the camp and a drunken officer was standing up in the jeep. I asked him what had happened. He said that the 100,000 troops in the pocket had given up too.

P: When did you come home?

B: I didn't have enough points to come home right away. First we were sent to Marseille, France, to ship troops out to the Pacific and also to guard a German prisoner of war camp. After that, I was sent to Vienna, Austria as a military policeman. I stayed there until June of 1946. I didn't have to stay quite that long, but I signed up for an extra few months because I didn't want to come home over the Atlantic in the middle of winter. Since I was going back to college, the main thing was to get back home before September when school began.

P: You look like you would have been a military police officer.

B: Actually, because I told them that I had been a radio expert in the infantry, I didn't do too much patrol work. I was in charge of the radio network for Vienna, Austria at their headquarters.

P: That would have been a good job.

B: Yes. It was all indoors and we scheduled our own work.

P: Oh, that must have been great.

When you came home, you went to school?

B: Yes, I went back. I might mention that originally I was an aeronautical engineer. During the war, the aircraft

industry was overbuilt. While I was in the service, I read a lot of military manuals on electronics and things like that. I decided that I would change to an electrical engineer. When I went back to MIT, I changed my major.

P: When did you graduate from there?

B: In June of 1948.

P: And then?

B: I went to work for Electric Controller Manufacturing Company in Cleveland. I worked for them for about a year. I left there and came down to Niles. For a short period, I worked for Republic Steel. Then I got a job at Packard Electric as an engineer. I was there until they called me there back into the service for the Korean War.

P: You went through the same old thing in the Korean War in combat?

B: Most of the time I was training troops at Ft. Knox. They passed a law where you couldn't send anybody overseas if they had less than six months to go. When they passed that law, they grabbed all of us and sent us overseas to make sure we got over there. The total length of service was about seventeen months. I was home again in June of 1951.

P: Mr. Burgess, when you were overseas and in the war, what did your dad think about that?

B: In World War II?

P: Yes.

B: I was an only son. It shook him up extremely. I remember the month before I went he came down and had me write my will and help me write it. He was also extremely patriotic. He was very proud of the fact that I was going to go overseas and serve in the Army. I know it took a terrific toll on him until I got back again.

P: What did your dad do during the war?

B: He was always a lawyer and he was also head of the draft board No. 2 in Warren. There were four draft boards. That was the particular area that he covered.

P: He might have been one of the people who took care of my uncles and my father?

B: He could well be. He felt very strongly that anybody should be willing to serve their country. His draft board was considered quite tough. My father also felt sympathetic towards the ones who went in. He always went down to see them off at the train and all that sort of thing.

P: If a person enlisted in the service, did they go to him? Was this just for drafting?

B: This was just for drafting.

P: My dad and his brothers all enlisted.

B: I enlisted myself. I was not under his draft board. I was under draft board No. 1. When I enlisted, they took me out from under the other draft board.

P: What made you enlist?

B: I was at MIT and I intended to take advanced ROTC which was the third and fourth year. You had to join the Army Reserves and they had a very good-looking girl signed up. That was in the spring of 1943 and by June they called us into the service.

P: That is all right. That is a mean trick. Where was your dad from? What can you tell me about his birthplace and so on?

B: He was born in Willoughby, Ohio. My grandfather worked for the railroad. He had two brothers and a sister. They didn't have a lot of money. He did go to Western Reserve University for a little while. He never finished there. He went out to Kansas and was a cowhand for a number of years. He saved his money out there. He finally went to Kansas University to study law. He worked his way through the university. He washed dishes and things like that. He managed to get his law degree. Then he came back to this area again.

He was in World War I. He contracted something like polio. When he came back from World War I, he went back out to Kansas to the Tom Briggs Ranch. That was where he had been before. He spent a considerable amount of time out there until he got his health back. Then he came back to this area again.

P: He sounds like he was a very determined person?

B: Yes, he was. He had to pull himself up by his boot straps.

P: Was he from a poor family?



- B: They had an adequate living, but they couldn't afford to send him to college or anything like that. He always had jobs when he was growing up. He earned his way through college.
- P: Did he ever relate to you any experiences that he had in World War I?
- B: Various ones. Sometimes he told them to be amusing and others to show how bad the war could be. He was in the Red Cross. His eyes were so bad that they wouldn't take him in the infantry. He did volunteer for the infantry. When they wouldn't take him in the infantry, he joined the Red Cross. He was made a captain. The Red Cross went out on the field with stretchers and brought the wounded in. He used to describe some of that. I remember when he described when Armistice Day came. That was quite interesting because always in the Army there were so many rumors. Nobody was sure that it was true this time. Everybody had quit shooting, but nobody wanted to stick their hand up to find out if the war was really over or not. When it finally became obvious that it was, the enemy troops and allied troops were mixing up together. They were talking to each other and so forth.
- P: What are some of your earliest recollections of your dad? I want to try to develop his personality. What can you tell me that would point that out?
- B: My mother died when I was six years old. That is about as early as I can remember. I can remember my father taking my mother and I down to Florida for my health. It wasn't good when I was young. I can remember him at the railroad station and so forth. When we came back from Florida, my mother contracted pneumonia. She finally died of a heart attack. That is the earliest that I can remember my mother.
- P: How old would your dad be when she died?
- B: About 42 or somewhere around there. I was six years old and he got married in his middle thirties.
- P: Did your dad ever marry again?
- B: Yes, but he didn't marry until I was in World War II. He always worried whether a stepmother would treat me right. He was always reluctant to remarry.
- P: Can I use that in the story?
- B: Yes, I don't care. While I was overseas in World War II, he met a woman during a political campaign. She happened

to have been married to a man who had been the son of a close friend of my father. He had died. They got married while I was in Europe.

P: You mentioned a political campaign. What do you mean? What was he involved with?

B: My father was always involved with politics to a certain extent. He had been prosecutor. Back in those days he was active running as a candidate. He always was interested in politics. He always went to the party meetings and things like that. I can't remember the exact position that was involved. She was working for the sheriff at that time. She was Dorothea Van Gorder. They were celebrating something at this political party. He was there and met her. They got to going together and finally decided to get married. She was formally married to the son of Colonel Van Gorder who was a close friend of my father.

P: I know a Van Gorder family now in Warren, Ohio. DeAlbert is about my age. Do you any of the Van Gorder's right now?

B: No. My father's wife was originally a Corbin. That had the Warren Marble and Granite Company that made all of the tombstones down across from the Warren City Cemetery. She came from that family. I think the guy she was married to worked for Ohio Edison. He was one of their executives.

P: Your father seems to be a person who is very concerned about you and your well-being?

B: Yes. Because there was only he and I, we spent a lot of time together. We went on vacations together. He was very much a home man. Shortly after my mother died, we tried several housekeepers and so forth. Finally, we got a woman who was with us from the time I was about seven years old until I went to college. The three of us lived at the house. She got my father very interested in gardening. In fact, we got so interested in gardening, the Garden Club of Ohio used to come down and tour our gardens. We bought a whole extra lot on Woodbine in Warren that was 60' wide and about 200' deep. It was all in lawn, trees, flowers and so forth. He devoted most of his time to gardening. For sports and so forth, he hunted and fished. He didn't have an extensive social life and he spent most of his time at home or on some vacation fishing. A lot of that time I was with him.

P: How successful was he as an attorney?

B: Quite successful. His specialty was trial. It was jury

type cases. That was what he really enjoyed. He was considered a very good lawyer and people went to him when they were in trouble and needed a good lawyer. He would not put up with clients that lied or did not tell the truth or tried to fool him. He probably wasn't the most easygoing lawyer, but he was very good in the courtroom.

P: Was he a very strict person?

B: Yes, he was strict. He has a very highly developed sense of justice. He wasn't too tolerant of people who broke the law or didn't have a fairly high code of living.

P: Can you give me any examples of your father in his attitude?

B: I think the thing he detested most was lying. If you ever tried to lie to an ex-prosecuting attorney, you would realize how difficult it would be as a child. You were far better off to tell the truth and take your punishment than to lie and get caught. He always impressed on me that once you get established as a liar, when you do tell the truth, nobody will believe you. It was a very strong point with him. He was a strict disciplinarian. He believed in physical punishment. I probably got molded in somewhat the same image because of my upbringing.

P: Did you ever see him in court?

B: Not normally. Once, I think, out of curiosity. I was a teenager. I thought, "I have never seen my father in court. I am going in there and watch him." That was the only one that I ever watched.

P: What was he like? Do you remember?

B: He had a phenomenal memory. As a result of that, he would sit in the courtroom and not take notes. He would be looking out the window or at the ceiling. You would think, "Doesn't he care what is going on?" When they would call on him, he would have all of the facts and know what he was going to ask. He rarely jotted anything down. I presume eventually he did, but he didn't during the trial. As a result, he was a very good bridge player. He used to enter tournaments. He could remember everybody's cards and what had been played. He was a very good cross-examiner. He would get you so confused and mad at him, yourself, and everybody else that you would trip yourself up if you were lying.

P: Did he ever talk about the Niles cases that he had?

B: No, not to me.

- P: Did he ever talk about the Ku Klux Klan trials when he prosecuted?
- B: He talked about the Ku Klux Klan and some of the events that occurred, but not the actual cases. He mentioned how he brought in the National Guard when it became obvious that things were getting out of control. He didn't tell me too much about it.
- P: Can you remember what his attitude was like or what he thought of these people? Did he place the blame on any particular group?
- B: He had no sympathy for the Klan whatsoever. He felt . . . There were a lot of prominent local people in the Klan. It just wasn't all the people that came up from the southern states and so forth although there were a lot of them that came up. There were a lot of local Klan people. He just could not understand how they could hold the beliefs that they held. He just had no sympathy.
- P: Did he have any close associations with any other attorneys or other people that you might remember?
- B: He had partners. Originally, he was closely associated with his sister's husband Clarence Caldwell. The two of them worked together for a number of years. Clarence Caldwell was prosecuting attorney and made my father his assistant. When my father was prosecuting attorney, he made Clarence Caldwell assistant. Later, they practiced law together.
- He eventually acquired some kind of an infirmity that had to do with the nerves in his backbone. In those days, they didn't seem to know too much about it. Clarence got more and more crippled. It finally got to the point where he was bedfast. He couldn't practice law. He used to go down to the YMCA in Warren to swim every noon to try to keep himself mobile. He just couldn't do it.
- My father had to get new partners. I am not sure who all of them were. He was with a man called Patchin. I would imagine that he was his senior partner because they called it Patchin and Burgess. Later he was with a man by the name of Lewis. The firm was known as Burgess and Lewis.
- P: Can you tell me about any other people that were interesting and that your dad knew?
- B: Back in the days shortly after prohibition, my father represented a local racketeer by the name of Jim Munsene. He did discuss that a little with me. He emphasized that fact that he never did represent Munsene when he was guilty. He was guilty of many things. He would

He would defend him when he was accused of things that he didn't do.

He had one particular case. I don't remember what the circumstances were. They decided that they needed the very best defense, so they hired Clarence Darrow. My father was co-council and the two worked together on the case. Through this, they became fast friends. They communicated over the years. When Clarence Darrow was in the area, he often stayed at our house. I was so young. I can barely remember him. However, he was in his 70's. He had begun to fail mentally. His memory was bad. He could be perfectly lucid at times, and other times he couldn't remember things. I think my father was strongly influenced by Clarence Darrow.

P: How?

B: Clarence Darrow just wasn't a lawyer. He wrote all sorts of books, many of them on the law. He opposed capital punishment. He wrote books on that. He was into biology. He was very interested in things like that.

As practically everybody knows, he defended Scopes in the Monkey Trial. A teacher by the name of Scopes was teaching the evolution theory in Tennessee. He was brought to trial because the law in Tennessee said that you couldn't teach evolution. Darrow had philosophies for living. He thought deeply on everything. He was an agnostic. It means he didn't say there was a God or there wasn't. He said that he didn't know. It is kind of different than being an atheist. He thought that anybody who thought they did know was a little conceited.

They had many discussions together. Darrow was very much the champion of the underdogs. All of his career was spent defending them, many union people, people that were charged because of their political beliefs. He would defend them. My father had somewhat the same philosophy. He felt that everybody was entitled to a decent defense whatever their beliefs happened to be or their race.

P: How did he reflect that?

B: In the courts of Warren and so forth, the court normally assigned you a lawyer if you couldn't afford one. Of course, most lawyers would prefer to avoid that type of duty. There is no money in it or anything like that. My father not only didn't try to avoid it, he often represented people who could not pay him or be paid what a lawyer should be paid. As a result, he had considerable influence among those who were more the downtrodden group.

As we mentioned earlier, he was in politics. They would often come to him and ask his advice on who to vote for and things like that. He told them what he thought that they should do. He had considerable influence in this respect.

P: Was it more and more in his influence?

B: Yes, it was all local because he was based in Warren. He didn't have any influence outside of Warren. In those days, he used to represent a lot of the colored population who couldn't afford and discuss things with him and ask who he thought they should vote for and things like that.

P: Did other politicians come to him for help very often?

B: He supported certain ones. He was strong in the Republican Party. He supported them. He would use his influence the best that he could to get the man elected. They tried to get him at various times to run for judge. However, he felt that he could earn more money as a lawyer than being a judge. He didn't want to be somebody who decided to be a judge after he was too old to be a lawyer. He felt that he might not serve the public to the extent that they should be served. He never did run for judge. At the time he was retiring, they tried to get him to run.

He used to substitute a lot for the judges when they were on vacation and things like that.

P: Did your father know a prosecutor by the name of Birrell?

B: Yes. In fact, he was a neighbor of ours. We grew up together, his children and myself. They were only a block away.

P: What kind of man was he? Do you remember?

B: He was very honest. He was also very straight-laced. He was not too forgiving of a man. I think in later years he mellowed a lot. When he was younger, he was quite straight-laced. He brought his boys up the same way. They were very nice boys. I don't mean it in any derogatory manner at all. I don't know how best to say it. I don't think he viewed errant ways with a great sense of humor.

P: What did he look like?

B: Birrell? He looked taller than he really was. He was a slender man that held himself very erect. He was a very dignified-looking man. He was quite impressive later when he was a judge. In the early years, he looked the part.

P: Do you remember him as an axe swinging, bar busting, anti-bootlegging, law enforcement official? Several newspaper accounts depict him as this.

B: This was probably when I was extremely young. If it was back during prohibition, I would have been too young to remember. I don't happen to remember that at all. My father was prosecutor during prohibition. He got involved with a lot of those cases. Again, the only recollection I have is what he told me about it. I don't remember Birrell in those days.

P: When did your dad retire?

B: About 1949. I was out of MIT. He retired before I went to the Korean War which was only about two years later.

P: How old was he when he retired in 1949?

B: In his fifties.

P: Do you remember what year he was born?

B: I could calculate it, but it would take a little while. He was 69 when he died and he died in 1955. He would have been born in 1886.

P: What did he do during his retirement years?

B: He retired to near Hendersonville in North Carolina. It is just below Asheville. He bought a place down there. He got enough land where he could put a large part of it into gardening. Gardening had always been a big pleasure of his. He raised corn and other things down there.

Then he joined the fish and game organizations down there. He became president of the local club there. They stocked lakes with fish and things like that. He just enjoyed the outdoor life. My father would just as soon be outdoors than anyplace. He spent the rest of his life there until he died.

P: How did he die?

B: Cancer. He had cancer of the prostate which spread to the backbone. By the time they diagnosed it at the Cleveland Clinic, they were able to remove the prostate but it already got into the backbone. They said that he had about two years to live. That is about what he lived too. He was working in the garden the day before he died.

P: Still a determined person?

B: Yes.

P: How tall was he?

B: He was bout 5'7 3/4". They used to call him "Sliver".

P: Was that his nickname?

B: When he was very young, living at home, and going to college. He tried to play football, but he was only 5'7". I think he weighed around 130 pounds. His brothers who were real bruisers called him "Sliver" and the "Cuban Sufferer" because at that time Cuba had a lot of people starving to death.

His most proudest moment in football at Western Reserve was when he was the only person between this famous half-back and the goal line and he got ran over.

P: Is there anything else that you would want noted about your dad that we haven't covered?

B: My father was very much an outdoors type man. He was interested in fishing and hunting. All through my childhood every summer we would take two week vacations up in Canada to a fishing place. It was far enough back so it took you an hour just to drive the last ten miles because the road was so bad. He was never satisfied to stay at the base camp which had a farmhouse hotel and different cabins. He used to get a guide, canoes, and portage from lake to lake and rivers and live in deserted trapper's cabins. We carried our own food. The rule up there is if you are going to survive, you use anybody's cabin. They don't lock them. You don't use their supplies if you have your own. You just use the place and leave it like it was in case somebody really gets into trouble. We would be gone for three or four days like that catching fish before we came back to the main camp.

P: How old was he about then?

B: This was when I was growing up from twelve years old on up to when I returned home from World War II. That would have made him in his late 40's and early 50's. We would go up with friends with similar tastes. They would go on these trips with us.

He did a lot of hunting around here with the shotgun and rifle. At one time he was on the State of Ohio Rifle Team. He used to enter competition. He had a quite expensive bolt action .22 that he used in target work. It was designed like the old army Springfield. One of the interesting things about it was that he had a scope mounted



on it. The scope for the rifle was one that he picked up on the battlefield in World War I. A German sniper had it mounted on his rifle. The scope was apparently made by a doctor in Germany. It wasn't German Army Issue. My father brought it home and mounted it on his rifle which he used in competition. He also used it in hunting when he was small game hunting like squirrel.

P: Did your dad do any writing or things like this? Did he ever have anything published?

B: No, I don't think he did other than regular legal briefs or something like that. He never wrote any books.

P: Were there any documents for magazines, anything like that?

B: No.

END OF INTERVIEW